SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIRST LEGISLATIVE DAY
MONDAY, JANUARY 9, 2012

Senate Chamber

At the hour of 12 noon on Monday, January 9, 2012, the time established for the convening of the Second Regular Session of the Sixty-first Idaho Legislature, the members of the Senate convened in the Senate Chamber of the Capitol in the City of Boise, President Brad Little presiding.

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

STATE OF IDAHO
OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF ELECTION

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

DISTRICT	NAME
1	Shawn A. Keough (R)
2	Joyce M. Broadsword (R)
3	Steve Vick (R)
4	John W. Goedde (R)
5	Jim Hammond (R)
6	Dan J. Schmidt (D)
7	Daniel Johnson (R)
8	Sheryl L. Nuxoll (R)
9	Monty J. Pearce (R)
10	John McGee (R)
11	Melinda S. Smyser (R)
12	Curtis D. McKenzie (R)
13	Patti Anne Lodge (R)
14	Chuck Winder (R)
15	John C. Andreason (R)
16	Les Bock (D)
17	Elliot Werk (D)
18	Mitch Toryanski (R)
19	Nicole LeFavour (D)
20	Shirley McKague (R)
21	Russell M. Fulcher (R)
22	Tim Corder (R)
23	Bert Brackett (R)
24	Lee Heider (R)
25	Michelle Stennett (D)
26	Dean L. Cameron (R)
27	Denton Darrington (R)
28	R. Steven Bair (R)
29	Diane Bilyeu (D)
30	Edgar J. Malepeai (D)
31	John Tippets (R)
32	Dean M. Mortimer (R)
33	Bart M. Davis (R)
34	Brent Hill (R)
35	Jeff C. Siddoway (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 Fourth 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 Secretary of the Senate.

Roll call showed all members present except Senators Andreason and Pearce, absent and excused.

Prayer was offered by Chaplain Keith Buhler, The Church of Jesus Christ of Latter-day Saints.

President Pro Tempore Hill provided a brief history of the Idaho State flag flown over the domes of the House and Senate Chambers during each session of the Legislature. He explained that the flags represent the spirit of our citizens and serve as a symbol of Idaho's sovereignty. They further serve notice to the State that the Legislature, the elected representatives of all the citizens of Idaho, is in session. The flags are raised when the Legislature convenes and will be retired when the Legislature adjourns *sine die*. On request by President Pro Tempore Hill, granted by unanimous consent, The Idaho State Police Honor Guard entered the Chamber to present and post the colors.

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

A musical presentation of Our *National Anthem* was sung by Allie Hill.

The *Idaho State Song* was sung by: Carlee Coulson, Brennen Coulson, Cameron Coulson, Heather Duke, Allie Hill, Cameron Hill, James Hill, Emily Perez, Camden Schafer, Egan Schafer, McKenzie Westergard and Sarah Williams. Accompanists: Heath Maus and Max Maus.

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

Messages from the Governor

December 20, 2011

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Daniel Johnson of Lewiston, Idaho, to the office of State Senator for

Legislative District 7. The appointment is effective December 20, 2011.

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

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-904A, *Idaho Code*, the District 7 Legislative Committee of the Republican Party has submitted a list of three names for consideration in filling a vacancy in the Idaho State Senate.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Daniel Johnson of Lewiston, Idaho, to the office of State Senator, District 7, Nez Perce, State of Idaho, for a term commencing on December 20, 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 Twentieth day of December, 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/ BY THE GOVERNOR C.L. "BUTCH" OTTER
/s/ SECRETARY OF STATE BEN T. YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President announced that the Oath of Office had been administered previously to Senator Johnson.

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

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

Motions and Resolutions

Moved by Senator Davis, seconded by Senator Malepeai, that Jennifer Novak be elected Secretary of the Senate for the Second Regular session of the Sixty-first Idaho Legislature.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared that the motion did prevail and Jennifer Novak was elected Secretary of the Senate for the Second Regular session of the Sixty-first Idaho Legislature.

The President administered the Oath of Office to Secretary Novak.

On request by Senator Davis, granted by unanimous consent, President Little appointed a committee consisting of Senator Smyser, Chairman, and Senator Schmidt to escort the committee from the House of Representatives into the Senate Chamber. Representatives Henderson, Thompson, and Cronin informed the Senate that the House is now organized and ready to conduct business.

The Senate committee was discharged.

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

The committee was excused.

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

The committee was excused.

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

The committee was discharged.

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

The committee was discharged.

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

Messages from the House

January 9, 2012

Dear Mr. President:

I transmit herewith **HCR 29**, which has passed the House.

ALEXANDER, Chief Clerk

HCR 29 was filed for first reading.

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

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

HCR 29, by Moyle and Rusche, was introduced and read at length.

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HCR 29** were suspended.

The President declared the rules suspended and announced that **HCR 29** was now before the Senate for final consideration. The question being, Shall the resolution be adopted?"

Moved by Senator Davis, seconded by Senator Malepeai, that **HCR 29** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Andreason, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Nuxoll, Pearce, Schmidt, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 29.

NAYS–None.

Absent and excused–Bair, Bilyeu, Heider, Mortimer, Siddoway, Werk. Total - 6.

Total - 35.

Whereupon the President declared **HCR 29** adopted, title was approved, and the resolution ordered returned to the House.

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

JOINT SESSION

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

Roll call of the House showed all members present.

Roll call of the Senate showed all members present.

Prayer was offered by House Chaplain Tom Dougherty.

On request by Representative Moyle, granted by unanimous consent, the Speaker appointed three committees to wait upon the Supreme Court Justices and Appellate Court Judges, the elected officials, and the Governor and escort them to the House Chamber.

The Speaker appointed Senators Darrington and Bock and Representatives Wills and Burgoyne as the committee to wait upon and escort the Supreme Court Justices and Appellate Court Judges to the House Chamber.

The Speaker excused the committee.

The Speaker appointed Senators Winder and Stennett and Representatives Boyle and Killen as the committee to wait upon and escort the elected officials to the House Chamber.

The Speaker excused the committee.

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

The Speaker excused the committee.

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

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

Mr. Speaker, Mr. President, Honorable Justices, my fellow constitutional officers, 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 Cavalry 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 fasting-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 for his message.

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

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

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

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

The Senate reconvened at 1:56 p.m., pursuant to recess, President Little presiding.

Prior to recess the Senate was at the Eleventh Order of Business, Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 2:06 p.m. until the hour of 11:30 a.m., Tuesday, January 10, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SECOND LEGISLATIVE DAY
TUESDAY, JANUARY 10, 2012

Senate Chamber

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

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ben Adams, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 9, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Cameron was recorded present at this order of business.

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

Messages from the Governor

January 9, 2012

Jennifer Novak
Secretary of the Senate
Idaho State Legislature

Dear Madam Secretary:

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

Balance as of July 1, 2010 $83,744.48

No activity in fiscal year 2010

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 Secretary of the Senate.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:40 a.m. until the hour of 11:30 a.m., Wednesday, January 11, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRD LEGISLATIVE DAY
WEDNESDAY, JANUARY 11, 2012

Senate Chamber

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

Roll call showed all members present except President Pro Tempore Hill and Senators Andreason and McKenzie, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Chase Bower, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 10, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Miscellaneous Business

President Pro Tempore Hill and Senator Andreason were recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 11:30 a.m., Thursday, January 12, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FOURTH LEGISLATIVE DAY
THURSDAY, JANUARY 12, 2012

Senate Chamber

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

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ryan Chapman, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 11, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

Reading of Communications

September 14, 2011

Ms. Jennifer Novak
Secretary of the Senate
Idaho State Capitol
PO Box 83720
Boise, ID 83720-0054

Dear Secretary of the Senate:

On behalf of the Board of Commissioners of the Idaho State Bar, I am pleased to inform you that the Commission voted to appoint Joel P. Hazel of Coeur D'Alene to replace Anne Solomon, as a member of the Idaho Judicial Council. Mr. Hazel will serve a six-year term commencing on July 1, 2011 and expiring on June 30, 2017. Pursuant to Idaho Code Section 1-2101, the appointment requires the consent of the Idaho Senate.

If you have any questions, or need additional information, please let me know.

Sincerely,
/s/ Diane K. Minnich
Executive Director

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

The Idaho State Bar appointment was referred to the Judiciary and Rules Committee.

January 11, 2012

The Honorable Brad Little
President of the Senate
Idaho State Senate

Dear Mr. President:

Pursuant to Section 67-6622, Idaho Code, I submit from the records of this office the enclosed listing of the names of the lobbyists registered under the law.

If we may be of assistance to you in regards to this listing, please do not hesitate to contact this office.

Sincerely,
/s/ Ben Ysursa
Secretary of State

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

The Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJR 102
BY JUDICIARY AND RULES COMMITTEE
A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO SECTION 5, ARTICLE X, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE CONTROL OVER STATE PRISONS; TO PROVIDE THAT THE STATE BOARD OF CORRECTION SHALL HAVE THE CONTROL, DIRECTION AND MANAGEMENT OF ADULT FELONY PROBATION AND PAROLE; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

SJR 102 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

Messages from the House

January 11, 2012

Dear Mr. President:

I transmit herewith Enrolled **HCR 29** for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled **HCR 29** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

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

Assistant to Majority Leader .....Marian Smith
Assistant to Assistant Majority Leader .....Lizzie Kukla
Assistant to Majority Caucus Chair .....Hannah Mitchell
Assistant to Secretary of Senate ..... June Keithly
Journal Clerk .....Sarah Hendrick
Calendar Clerk ..... Cari Kaplan
Minority Chief of Staff ..... Diane Kelly
Minority Staff Assistant ..... Dan DeLuca
Minority Staff Assistant ..... Caitlin Lister
Doorkeeper ..... Al Henderson
Sergeant at Arms ..... Sarah Jane McDonald
Assistant Sergeant at Arms .....Jerry Csutoras

Majority Staff Assistants:
Minutes Editor/Secretary..... Ann Ingram
Secretary ..... Diana Page
Secretary ..... Erin Bennett
Secretary .....Janet Drake
Secretary .....Shannon Dearing

Committee Secretaries:
Agricultural Affairs ..... Christy Stansell
Commerce & Human Resources ..... Carol Deis
Education ..... LeAnn South
Finance ..... Peggy Moyer
Health & Welfare .....Lois Bencken
Judiciary & Rules .....Leigh Hinds
Local Government & Taxation .....JoAnn Bujarski
Resources & Environment .....Juanita Budell
State Affairs ..... Twyla Melton
Transportation .....Gaye Bennett

Senate Chaplain .....Keith Buhler

Pages:
Ben Adams, Boise
Chase Bower, Boise
Ryan Chapman, Boise
Ben DeMordaunt, Eagle
Renae Feist, Meridian
Rebekah Grad, Boise
Brian Kreis, Boise
Abigail Mocettini, Boise
Tess Warzyn, Payette
Alexander Wright, Boise

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

Senator LeFavour was recorded present at this order of business.

The Senate advanced to the Eleventh Order of Business.

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

S 1213
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO PROCEEDINGS IN THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT; AMENDING SECTION 19-3945, IDAHO CODE, TO REVISE PROVISIONS RELATING TO JURORS' AND WITNESSES' FEES AND MILEAGE AND TO MAKE A TECHNICAL CORRECTION.

S 1214
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO THE BOARD OF COMMISSIONERS OF THE IDAHO STATE BAR; AMENDING SECTION 3-409, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO ESTABLISH A LICENSE FEE FOR SENIOR MEMBERS.

S 1215
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO ESCAPE OR RESCUE OF PRISONERS; REPEALING SECTION 18-2503, IDAHO CODE, RELATING TO CARRYING PRISONER THINGS TO AID ESCAPE; REPEALING SECTION 18-2510, IDAHO CODE, RELATING TO ILLICIT CONVEYANCE OF ARTICLES INTO CORRECTIONAL FACILITIES; REPEALING SECTION 18-2511, IDAHO CODE, RELATING TO POSSESSION OF A CONTROLLED SUBSTANCE OR DANGEROUS WEAPON; AMENDING CHAPTER 25, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-2510, IDAHO CODE, TO PROVIDE THAT IT IS UNLAWFUL TO POSSESS, INTRODUCE OR REMOVE CERTAIN ARTICLES INTO OR FROM CORRECTIONAL FACILITIES, TO PROVIDE PENALTIES AND TO DEFINE TERMS; AMENDING SECTION 19-5506, IDAHO CODE, AS AMENDED BY SECTION 1, CHAPTER 327, LAWS OF 2005, TO PROVIDE CORRECT CODE REFERENCES; AND AMENDING SECTION 32-1410, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

S 1216
BY HAMMOND
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.

S 1217
BY EDUCATION COMMITTEE
AN ACT
RELATING TO EDUCATION; AMENDING SECTION 33-514, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN EVALUATIONS; DECLARING AN EMERGENCY; AND PROVIDING A CONTINGENT SUNSET DATE.

S 1213, **S 1214**, **S 1215**, **S 1216**, and **S 1217** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11:30 a.m., Friday, January 13, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTH LEGISLATIVE DAY
FRIDAY, JANUARY 13, 2012

Senate Chamber

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

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ben DeMordaunt, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 12, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Andreason was recorded present at this order of business.

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

Reports of Standing Committees

January 12, 2012

The JUDICIARY AND RULES Committee reports that S 1213, S 1214, S 1215, S 1216, S 1217, and SJR 102 have been correctly printed.

DARRINGTON, Chairman

S 1213, S 1214, and S 1215 were referred to the Judiciary and Rules Committee.

S 1216 was referred to the Local Government and Taxation Committee.

S 1217 was referred to the Education Committee.

SJR 102 was referred to the State Affairs Committee.

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

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

S 1218
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO AGRICULTURE; AMENDING SECTION 22-3301, IDAHO CODE, TO REVISE A DECLARATION OF POLICY; AMENDING SECTION 22-3302, IDAHO CODE, TO REMOVE AN ASSOCIATION DESCRIPTION AND TO PROVIDE THE NAME OF AN ASSOCIATION; AMENDING SECTION 22-3304, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 22-3305, IDAHO CODE, TO REMOVE ARCHAIC PROVISIONS AND TO PROVIDE FOR THE WITHDRAWAL OF A COMMISSIONER'S APPOINTMENT; AMENDING SECTION 22-3308, IDAHO CODE, TO PROVIDE THAT TWO OR MORE COMMISSION MEMBERS MAY MAKE A WRITTEN REQUEST FOR A MEETING; AMENDING SECTION 22-3309, IDAHO CODE, TO REMOVE REFERENCE TO THE IDAHO STATE WHEAT GROWERS' ASSOCIATION, TO AUTHORIZE THE CALLING OF REFERENDUMS AND TO PROVIDE REFERENCE TO SPECIFIC LAW RELATING TO INSPECTION OF BOOKS, RECORDS AND ACCOUNTS BY THE PUBLIC; AMENDING SECTION 22-3310, IDAHO CODE, TO PROVIDE FOR THE SOLICITATION OF GRANTS, DONATIONS AND GIFTS BY THE COMMISSION; AMENDING SECTION 22-3311, IDAHO CODE, TO PROVIDE THAT THE COMMISSION MAY REQUIRE THAT THE EXECUTIVE DIRECTOR OR ANY AGENT OR EMPLOYEE APPOINTED BY THE COMMISSION BE BONDED; AMENDING SECTION 22-3312, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO CERTAIN DUTIES OF THE EXECUTIVE DIRECTOR; REPEALING SECTION 22-3313, IDAHO CODE, RELATING TO ESTABLISHMENT OF THE EXECUTIVE DIRECTOR'S OFFICE; AMENDING SECTION 22-3315, IDAHO CODE, TO REVISE AN EFFECTIVE DATE AND TO REVISE PROVISIONS RELATING TO THE MAXIMUM TAX PER BUSHEL ON CERTAIN WHEAT; AND AMENDING SECTION 22-3318, IDAHO CODE, TO REMOVE REFERENCE TO A SPECIFIC FUND, TO PROVIDE FOR THE PAYMENT OF FINES INTO CERTAIN ACCOUNTS OF THE COMMISSION AND TO MAKE TECHNICAL CORRECTIONS.

S 1218 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senator Lodge was recorded present at this order of business.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Monday, January 16, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

EIGHTH LEGISLATIVE DAY
MONDAY, JANUARY 16, 2012

Senate Chamber

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

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Renae Feist, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 13, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

January 16, 2012

The JUDICIARY AND RULES Committee reports that **S 1218** has been correctly printed.

DARRINGTON, Chairman

S 1218 was referred to the Agricultural Affairs Committee.

Senator Cameron was recorded present at this order of business.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Bock, by voice vote, the Senate adjourned at 11:40 a.m. until the hour of 11:30 a.m., Tuesday, January 17, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

NINTH LEGISLATIVE DAY
TUESDAY, JANUARY 17, 2012

Senate Chamber

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

Roll call showed all members present except Senators LeFavour and McKague, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Rebekah Grad, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 16, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Messages from the Governor

January 16, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Susan M. Kiebert of Hope, Idaho, was appointed as a member of the Idaho Judicial Council to serve a term commencing October 4, 2011, and expiring July 1, 2017.

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

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

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

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

Senator LeFavour was recorded present at this order of business.

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

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

S 1219
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-501, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS; AMENDING SECTION 20-502, IDAHO CODE, TO REVISE DEFINITIONS AND TO REMOVE A DEFINITION; AMENDING SECTION 20-503, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 20-504, IDAHO CODE, TO PROVIDE THE DEPARTMENT OF JUVENILE CORRECTIONS WITH ADDITIONAL DUTIES, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS AND TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 20-504A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO STATE JUVENILE CORRECTIONAL CENTERS, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS AND TO REMOVE A DEFINITION; AMENDING SECTION 20-505, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPLICATION OF THE JUVENILE CORRECTIONS ACT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-507, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-508, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-509, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-511, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-511A, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-515, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-516, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO REMOVE LANGUAGE RELATING TO A STATEWIDE JUVENILE OFFENDER INFORMATION SYSTEM; AMENDING SECTION 20-517, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE PROVISIONS RELATING TO DETENTION ACCOMMODATIONS FOR JUVENILE OFFENDERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-518, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REQUIRE THAT JUVENILE DETENTION CENTERS MEET CERTAIN STANDARDS; AMENDING SECTION 20-520, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER, TO REVISE PROVISIONS RELATING TO SENTENCING A JUVENILE OFFENDER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-521, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION

20-522, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-524, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO REMOVE PROVISIONS RELATING TO CHILD SUPPORT ORDERS AND DECREES; AMENDING SECTION 20-524A, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 20-525, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-525A, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-526, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-528, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-530, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS; AMENDING SECTION 20-531, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-532, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-532A, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-533, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-533A, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-535, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS; AMENDING SECTION 20-539A, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-542, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS; AMENDING SECTION 20-547, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 20-548, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AND AMENDING SECTION 20-549, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO REVISE PROVISIONS RELATING TO CURFEW VIOLATIONS.

S 1220
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO HARASSMENT, INTIMIDATION OR BULLYING OF A STUDENT; AMENDING SECTION 18-917A, IDAHO CODE, TO PROVIDE APPLICATION OF THE SECTION TO AN ADDITIONAL INDIVIDUAL, TO REVISE WHAT ACTION SHALL BE AN INFRACTION AND TO REPLACE DISCRETIONARY LANGUAGE WITH MANDATORY LANGUAGE; AND AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1628, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING INFORMATION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE WHAT SHALL BE INCLUDED IN DISTRICT POLICIES AND TO PROVIDE FOR CERTAIN ANNUAL REPORTS.

S 1221
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO HOMICIDE; AMENDING SECTION 18-4003, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS RELATING TO MURDER OF THE FIRST DEGREE.

S 1222
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO JUDGES; AMENDING SECTION 5-306, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 7-602, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-4309, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-4907, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-224, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-227, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-503, IDAHO CODE, TO PROVIDE THAT THE JUDGES OF THE COURT OF APPEALS ARE MAGISTRATES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-512, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 19-3006, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; REPEALING SECTION 19-3009, IDAHO CODE, RELATING TO THE COMPULSORY ATTENDANCE OF WITNESSES; AMENDING SECTION 19-3602, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 19-3903, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 19-3904, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 19-4304, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 19-4407, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 32-401, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 32-402, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 35-106, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 38-804, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 38-805, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-258, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 48-406, IDAHO CODE, TO REMOVE OBSOLETE

LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-702, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 55-717, IDAHO CODE, RELATING TO A CERTIFICATE OF JUSTICE AND AUTHENTICATION; AMENDING SECTION 55-1101, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTION 55-1103, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY.

S 1223
BY EDUCATION COMMITTEE
AN ACT
RELATING TO SCHOOL PROPERTY; AMENDING SECTION 33-601, IDAHO CODE, TO AUTHORIZE THE USE OF VACANT LAND OF A SCHOOL DISTRICT FOR CERTAIN PURPOSES.

S 1224
BY EDUCATION COMMITTEE
AN ACT
RELATING TO EDUCATION; AMENDING SECTION 33-514, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN EVALUATIONS; DECLARING AN EMERGENCY; AND PROVIDING A CONTINGENT SUNSET DATE.

S 1219, **S 1220**, **S 1221**, **S 1222**, **S 1223**, and **S 1224** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Wednesday, January 18, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

TENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 18, 2012

Senate Chamber

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

Roll call showed all members present except Senators Brackett and Nuxoll, absent and formally excused by the Chair.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Brian Kreis, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 17, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Petitions, Resolutions, and Memorials

SCR 110
BY HEALTH AND WELFARE COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND ACKNOWLEDGING THE SERIOUSNESS OF ALZHEIMER'S DISEASE AND OTHER DEMENTIAS IN IDAHO BY ENDORSING THE IDAHO ALZHEIMER'S PLANNING GROUP AND SUPPORTING SAID PLANNING GROUP'S COMPREHENSIVE APPROACH TO THE DEVELOPMENT OF A STATEWIDE PLAN TO ADDRESS THE NEEDS OF PEOPLE WITH ALZHEIMER'S DISEASE AND OTHER DEMENTIAS, THEIR FAMILY MEMBERS AND CAREGIVERS.

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

WHEREAS, some 26,000 Idahoans are currently diagnosed with Alzheimer's disease, and the number is projected to double in the next 14 years; and

WHEREAS, Idaho is projected to have the fifth highest increase in people suffering from Alzheimer's disease among all of the United States over the next several years; and

WHEREAS, Alzheimer's disease is the only major cause of death that has a mortality rate that continues to increase; and

WHEREAS, Idaho's mortality rate from Alzheimer's disease is consistently higher than the national average; and

WHEREAS, 41% of the more than 12,000 Idahoans living in nursing homes have moderate to severe dementia; and

WHEREAS, the Idaho Alzheimer's Planning Group is developing a plan to address the problem of Alzheimer's disease and other dementias throughout the state; and

WHEREAS, the Idaho State Plan for Alzheimer's disease and other dementias will help agencies, organizations and individuals develop specific programs and strategies to meet the needs of Alzheimer's patients, their families and caregivers at the state, regional and local levels.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the state of Idaho acknowledges the seriousness of the impact of Alzheimer's disease and other dementias upon the state by endorsing the Idaho Alzheimer's Planning Group's community awareness, data collection and resulting statewide plan development and implementation efforts to address the issue.

BE IT FURTHER RESOLVED that the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, support Idaho Alzheimer's Planning Group's comprehensive approach toward educating the public about Alzheimer's disease and other dementias; collecting and analyzing statewide data related to current and future needs for Alzheimer's patients, families and caregivers; and recommending programs and strategies for addressing those needs.

SCR 110 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 18, 2012

The JUDICIARY AND RULES Committee reports that **S 1219**, **S 1220**, **S 1221**, **S 1222**, **S 1223**, and **S 1224** have been correctly printed.

DARRINGTON, Chairman

S 1219, **S 1221**, and **S 1222** were referred to the Judiciary and Rules Committee.

S 1220, **S 1223**, and **S 1224** were referred to the Education Committee.

January 18, 2012

The STATE AFFAIRS Committee reports out **SJR 102** with the recommendation that it do pass.

MCKENZIE, Chairman

SJR 102 was filed for second reading.

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

Messages from the Governor

January 16, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Kenneth T. Anderson of Rigby, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing July 5, 2011, and expiring June 30, 2015.

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

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

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

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

January 16, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Fred Trevey of Lewiston, Idaho, was appointed as a member of the Idaho Fish and Game Commission to serve a term commencing June 30, 2011, and expiring June 30, 2015.

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

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

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

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

January 16, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Nick Purdy of Picabo, Idaho, was appointed as a member of the Board of Environmental Quality to serve a term commencing July 1, 2011, and expiring July 1, 2015.

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

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

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

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

January 16, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John Randolph MacMillan of Buhl, Idaho, was appointed as a member of the Board of Environmental Quality to serve a term commencing July 1, 2011, and expiring July 1, 2015.

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

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

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

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

January 16, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Kevin C. Boling of Coeur d'Alene, Idaho, was appointed as a member of the Board of Environmental Quality to serve a term commencing October 11, 2011, and expiring July 1, 2015.

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

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

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

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

January 16, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mark J. Holubar of Idaho Falls, Idaho, was appointed as a member of the Idaho Personnel

Commission to serve a term commencing November 17, 2011, and expiring July 1, 2017.

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

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

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

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

January 16, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that John Michael Brassey of Boise, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing July 1, 2011, and expiring July 1, 2017.

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

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

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

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

January 16, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Peter J. Black of Pocatello, Idaho, was appointed as a member of the Idaho Personnel Commission to serve a term commencing July 1, 2011, and expiring July 1, 2017.

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

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

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

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

January 17, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gerald "Jerry" Trebesch of Boise, Idaho, was appointed as a member of the State Soil and Water Conservation Commission to serve a term commencing October 4, 2011, and expiring July 1, 2016.

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

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

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

The Gubernatorial appointment was referred to the Agricultural Affairs Committee.

January 17, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that H. Norman Wright of American Falls, Idaho, was appointed as a member of the State Soil and Water Conservation Commission to serve a term commencing October 4, 2011, and expiring July 1, 2012.

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

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

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

The Gubernatorial appointment was referred to the Agricultural Affairs Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 17, 2012

Dear Mr. President:

I transmit herewith **H 355**, which has passed the House.

ALEXANDER, Chief Clerk

H 355 was filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

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

The President announced that Senator Daniel Johnson will serve on the Commerce and Human Resources Committee and Local Government and Taxation Committee, and on request by Senator Davis, granted by unanimous consent, *nunc pro tunc*, January 9, 2012.

The President announced that Senator Jeff Siddoway will be the Chairman for the Agricultural Affairs Committee and Senator Tim Corder will be the Chairman for the Local Government and Taxation Committee, and on request by Senator Davis, granted by unanimous consent, *nunc pro tunc*, January 9, 2012.

The Senate advanced to the Eleventh Order of Business.

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

S 1225
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT
RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2014, IDAHO CODE, TO INCREASE THE MAXIMUM FEE AMOUNT FOR A LICENSE EXAM.

S 1226
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT
RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2013, IDAHO CODE, TO INCREASE THE MAXIMUM PREMIUM AMOUNT FOR ERRORS AND OMISSIONS INSURANCE COVERAGE.

S 1227
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT
RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2023, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS RELATING TO CONTINUING EDUCATION CLASSROOM HOURS AND TO MAKE A TECHNICAL CORRECTION.

S 1228
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT
RELATING TO IDAHO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2012, IDAHO CODE, TO REVISE A PROVISION RELATING TO THE MINIMUM REQUIREMENTS FOR AN INDIVIDUAL PRIMARY IDAHO LICENSE; AND AMENDING SECTION 54-2093, IDAHO CODE, TO REMOVE AN OBSOLETE TERM.

S 1229
BY TRANSPORTATION COMMITTEE
AN ACT
RELATING TO SPEED LIMITS; AMENDING SECTION 49-654, IDAHO CODE, TO PROVIDE THAT THE SPEED LIMITS FOR VEHICLES WITH FIVE OR MORE AXLES OPERATING AT A GROSS WEIGHT OF MORE THAN TWENTY-SIX THOUSAND POUNDS SHALL BE THE SAME AS FOR OTHER MOTOR VEHICLES.

S 1230
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO FILING OF FOREIGN JUDGMENTS; AMENDING SECTION 10-1302, IDAHO CODE, TO REVISE WHERE COPIES OF FOREIGN JUDGMENTS SHALL BE FILED AND TO MAKE A TECHNICAL CORRECTION.

S 1231
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO A MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM; AMENDING SECTION 39-116B, IDAHO CODE, TO PROVIDE FOR A ONE YEAR WAIVER UPON CERTAIN EVENTS OCCURRING.

S 1225, **S 1226**, **S 1227**, **S 1228**, **S 1229**, **S 1230**, and **S 1231** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 355, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:55 a.m. until the hour of 11 a.m., Thursday, January 19, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

ELEVENTH LEGISLATIVE DAY
THURSDAY, JANUARY 19, 2012

Senate Chamber

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

Roll call showed all members present except Senators Keough and Nuxoll, absent and formally excused by the Chair; and Senator Werk, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

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

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 18, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

January 19, 2012

The JUDICIARY AND RULES Committee reports that **S 1225**, **S 1226**, **S 1227**, **S 1228**, **S 1229**, **S 1230**, **S 1231**, and **SCR 110** have been correctly printed.

DARRINGTON, Chairman

S 1225, **S 1226**, **S 1227**, and **S 1228** were referred to the Commerce and Human Resources Committee.

S 1229 and **S 1231** were referred to the Transportation Committee.

S 1230 was referred to the Judiciary and Rules Committee.

On request by Senator Lodge, granted by unanimous consent, **SCR 110** was referred to the Health and Welfare Committee.

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

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

S 1232
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO THE UNIFORM PRUDENT INVESTOR ACT; AMENDING SECTION 68-514, IDAHO CODE, TO PROVIDE THAT THE PROVISIONS OF THE UNIFORM PRUDENT INVESTOR ACT SHALL APPLY TO CERTAIN ENTITIES AND PERSONS TO ACT AS A CONSERVATOR UNDER THE LAWS OF THE STATE OF IDAHO AND TO MAKE TECHNICAL CORRECTIONS.

S 1233
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO GUARDIANS OF MINORS; AMENDING SECTION 15-5-210, IDAHO CODE, TO REVISE PROVISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO THE TERMINATION OF A GUARDIANSHIP; AND AMENDING SECTION 15-5-212, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN RESIGNATION, REMOVAL, MODIFICATION AND TERMINATION PROCEEDINGS AND TO MAKE TECHNICAL CORRECTIONS.

S 1232 and **S 1233** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

SJR 102, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

Senator Werk was recorded present at this order of business.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:15 a.m. until the hour of 11:15 a.m., Friday, January 20, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

TWELFTH LEGISLATIVE DAY
FRIDAY, JANUARY 20, 2012

Senate Chamber

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

Roll call showed all members present except Senators Keough and Nuxoll, absent and formally excused by the Chair.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Tess Warzyn, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 19, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

Reading of Communications

January 18, 2012

The Honorable Brad Little
President of the Senate
Idaho State Senate

Dear Mr. President:

Pursuant to Section 67-6622, Idaho Code, I submit from the records of this office the enclosed listing of the names of the lobbyists registered under the law.

If we may be of assistance to you in regards to this listing, please do not hesitate to contact this office.

Sincerely,
/s/ Ben Ysursa
Secretary of State

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

The Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SR 103
BY STATE AFFAIRS COMMITTEE
A SENATE RESOLUTION
RECOGNIZING, HONORING AND COMMENDING JEANNINE WOOD AND RUSTI HORTON FOR THEIR YEARS OF SERVICE TO THE LEGISLATURE OF THE STATE OF IDAHO UPON THEIR RETIREMENTS.

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

WHEREAS, the Senate takes note that two long-time employees of the Idaho Senate retired in 2011; and

WHEREAS, Secretary of the Senate Jeannine Wood has been the Secretary of the Senate since 1990, overseeing lawmaking with grace, dignity and class; and

WHEREAS, as the Senate's parliamentarian, Jeannine was beloved by both Republicans and Democrats for unfailing fairness, good humor and competence. She kept the train running, writing daily scripts to guide each day's business, a parliamentary guide for senators and manuals for senators, committee chairmen and staff; and

WHEREAS, Jeannine was awarded the NCSL 2008 Legislative Staff Achievement Award for the American Society of Legislative Clerks and Secretaries, who said: "The ASLCS recognizes Jeannine Wood for her outstanding contributions to the Idaho Senate and her distinguished service to ASLCS and NCSL. Jeannine has served in the Idaho Senate since 1976 and was elected secretary of the Senate in 1990. She has been a member of the ASLCS executive committee and has chaired four standing committees, with multiple years as chair of the bylaws and standing orders and roster committees. Jeannine was chosen for this honor for her experience with and commitment to the Idaho Senate and ASLCS, her steadfast dedication to the legislative institution and her willingness to serve, lead and share her expertise with others"; and

WHEREAS, Senate and legislative employee Rusti Horton also retired during 2011 having served as a member of the Idaho House of Representatives in 1988, and later as an employee of the Legislative Services Office and chief assistant to Secretary Wood; and

WHEREAS, both Jeannine and Rusti served as secretaries to interim committees, assisted with reapportionment when the Legislature was tasked with that endeavor and helped process legislation; and

WHEREAS, both Jeannine and Rusti uniquely embody loyalty to the institution of the Legislature and the customer service culture of the Legislative Services Office; and

WHEREAS, both Jeannine and Rusti have been consummate professionals, always treating legislators and members of the public with warmth, friendliness and a sense of humor.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixty-first Idaho Legislature, that we recognize, honor and commend Jeannine Wood and Rusti Horton for their years of service to the Idaho Legislature, for their positive contributions to the Legislature, its employees and the legislative process, and wish them both well in retirement.

BE IT FURTHER RESOLVED that the Secretary of the Senate is hereby authorized to present a copy of this Resolution to Jeannine Wood and Rusti Horton.

SR 103 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 20, 2012

The JUDICIARY AND RULES Committee reports that S 1232 and S 1233 have been correctly printed.

DARRINGTON, Chairman

S 1232 and S 1233 were referred to the Judiciary and Rules Committee.

January 19, 2012

The EDUCATION Committee reports out S 1223 and S 1224 with the recommendation that they do pass.

GOEDDE, Chairman

S 1223 and S 1224 were filed for second reading.

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

Messages from the Governor

January 19, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I am hereby transmitting to the Idaho State Senate a list of all gubernatorial appointments that had not been previously communicated pursuant to Title 67, Section 803 of the Idaho Code.

I am also transmitting a second list identifying the appointments that require senate confirmation for your convenience ("For Confirmation 2012").

Additional appointments made during this session will be submitted forthwith with the appropriate corresponding information for your consideration. Please do not hesitate to contact me if you have any questions.

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

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

January 18, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jim Yost of Meridian, Idaho, was appointed as a member of the Northwest Power and Conservation Council to serve a term commencing January 15, 2012, and expiring January 15, 2015.

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

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

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

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

January 18, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Linda Pike of Moscow, Idaho, was appointed as a member of the Board of Tax Appeals to serve a term commencing June 30, 2011, and expiring June 30, 2014.

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

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

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

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

January 18, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Richard W. Jackson of Emmett, Idaho, was appointed as a member of the State Tax Commission to serve a term commencing July 7, 2011, and expiring April 1, 2017.

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

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

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

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

January 19, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Alex Irby of Orofino, Idaho, was appointed as a member of the Outfitters and Guides Licensing Board to serve a term commencing May 31, 2011, and expiring May 31, 2014.

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

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

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

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

January 19, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Chris Korell of Emmett, Idaho, was appointed as a member of the Outfitters and Guides Licensing Board to serve a term commencing April 20, 2011, and expiring April 20, 2014.

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

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

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

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

January 19, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that James C. Hammond of Coeur d'Alene, Idaho, was appointed as a member of the State Building Authority to serve a term commencing January 1, 2012, and expiring January 1, 2017.

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

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

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

The Gubernatorial appointment was referred to the State Affairs Committee.

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

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

S 1234
BY WERK
AN ACT
RELATING TO PROPRIETARY SCHOOLS; AMENDING CHAPTER 24, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2410, IDAHO CODE, TO PROVIDE REQUIRED PROPRIETARY SCHOOL DISCLOSURES TO STUDENTS.

S 1235
BY BOCK, LEFAVOUR, BILYEU, MALEPEAI, SCHMIDT, WERK, STENNETT
AN ACT
RELATING TO LOBBYING; TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6617A, IDAHO CODE, TO PROHIBIT LOBBYING AND REGISTRATION AS LOBBYISTS BY EXECUTIVE OFFICIALS OR LEGISLATORS FOR A PERIOD OF ONE YEAR FROM TERMINATION OF OFFICE; AMENDING SECTION 67-6625, IDAHO CODE, TO PROVIDE PENALTIES FOR VIOLATING THE PROHIBITION OF LOBBYING AND REGISTRATION AS LOBBYISTS BY EXECUTIVE OFFICIALS OR LEGISLATORS FOR A PERIOD OF ONE YEAR FROM TERMINATION OF OFFICE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1236
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT
RELATING TO COMMERCIAL FEED; AMENDING SECTION 25-2703, IDAHO CODE, TO REVISE DEFINITIONS AND TO REMOVE A DEFINITION FOR TONNAGE-ONLY DISTRIBUTOR; AMENDING SECTION 25-2704, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REGISTRATION, TO PROVIDE FOR THE REVIEW OF LABELS, TO REMOVE PROVISIONS RELATING TO IDAHO REGISTRANTS AND IDAHO TONNAGE-ONLY DISTRIBUTORS AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 25-2705, IDAHO CODE, TO PROVIDE FOR LABELS FOR PRODUCT SOLD IN BULK; REPEALING SECTION 25-2706, IDAHO CODE, RELATING TO INSPECTION FEES AND REPORTS; AMENDING SECTION 25-2707, IDAHO CODE, TO PROVIDE CORRECT CITATIONS TO THE FEDERAL FOOD, DRUG AND COSMETIC ACT, AS AMENDED, AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 25-2709, IDAHO CODE, TO PROVIDE FOR SEPARATE NOTICES FOR EACH INSPECTION, TO PROVIDE THAT NOTICE SHALL NOT BE REQUIRED FOR EACH ENTRY MADE DURING THE PERIOD COVERED BY THE INSPECTION, TO PROVIDE FOR RECEIPTS RELATING TO ANY SAMPLE OR SAMPLES TAKEN IN THE COURSE OF AN INSPECTION AND TO PROVIDE A CORRECT CODE REFERENCE.

S 1237
BY EDUCATION COMMITTEE
AN ACT
RELATING TO EDUCATION; AMENDING SECTION 33-1002A, IDAHO CODE, TO REVISE THE DEFINITION OF "ONLINE COURSE."

S 1238
BY SCHMIDT, BILYEU, BOCK, LEFAVOUR, MALEPEAI, WERK, STENNETT
AN ACT
RELATING TO FINANCIAL DISCLOSURE STATEMENTS FOR PUBLIC OFFICERS AND CANDIDATES; TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6631, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6632, IDAHO CODE, TO PROVIDE A DUTY TO FILE FINANCIAL DISCLOSURE STATEMENTS BY PUBLIC OFFICERS AND CANDIDATES, TO PROVIDE CONTENTS, TO PROVIDE AN EXCEPTION, TO PROVIDE APPLICATION AND TO PROVIDE FOR DUTIES OF THE SECRETARY OF STATE; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6633, IDAHO CODE, TO PROVIDE CRIMINAL AND CIVIL PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

S 1239
BY BOCK, STENNETT, SCHMIDT
AN ACT
RELATING TO FISH AND GAME; AMENDING CHAPTER 11, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-1106, IDAHO CODE, TO PROVIDE FOR THE CHECKING OF SNARES AND TRAPS AND TO PROVIDE AN EXEMPTION.

S 1240
BY BOCK
AN ACT
RELATING TO CORPORATE OFFICERS AND UNEMPLOYMENT; AMENDING SECTION 72-1312A, IDAHO CODE, TO AUTHORIZE FAMILY MEMBERS OF CORPORATE OFFICERS TO BE ELIGIBLE FOR UNEMPLOYMENT INSURANCE BENEFITS UNDER CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY.

S 1241
BY BOCK
AN ACT
RELATING TO PRESCRIPTIONS; AMENDING SECTION 37-2730A, IDAHO CODE, TO PROVIDE FOR REVIEW OF THE PRESCRIPTION MONITORING PROGRAM BY PRACTITIONERS.

S 1242
BY MCKAGUE
AN ACT
RELATING TO PUBLIC EMPLOYEES; REPEALING SECTION 33-1271, IDAHO CODE, RELATING TO SCHOOL DISTRICTS AND NEGOTIATION AGREEMENTS; REPEALING SECTION 33-1272, IDAHO CODE, RELATING TO THE DEFINITION OF TERMS; REPEALING SECTION 33-1273, IDAHO CODE, RELATING TO LOCAL EDUCATION ORGANIZATIONS AND NEGOTIATIONS; REPEALING SECTION 33-1274, IDAHO CODE, RELATING TO THE APPOINTMENT OF MEDIATORS; REPEALING SECTION 33-1275, IDAHO CODE, RELATING TO FACT FINDING; REPEALING SECTION 33-1276, IDAHO CODE, RELATING TO THE INTENT OF SPECIFIED LAW; AMENDING SECTION 44-1801, IDAHO CODE, TO REVISE THE DEFINITION OF "FIREFIGHTER"; REPEALING SECTION 44-1802, IDAHO CODE, RELATING TO THE COLLECTIVE BARGAINING RIGHTS OF FIREFIGHTERS; REPEALING SECTION 44-1803, IDAHO CODE, RELATING TO THE RECOGNITION OF EXCLUSIVE BARGAINING AGENTS; REPEALING SECTION 44-1804, IDAHO CODE, RELATING TO THE OBLIGATION OF CORPORATE AUTHORITIES TO BARGAIN IN GOOD FAITH AND RELATING TO WRITTEN CONTRACTS; REPEALING SECTION 44-1805, IDAHO CODE, RELATING TO THE SUBMISSION OF ISSUES TO A FACT FINDING COMMISSION; REPEALING SECTION 44-1806, IDAHO CODE, RELATING TO THE APPOINTMENT OF A FACT FINDING COMMISSION; REPEALING SECTION 44-1807, IDAHO CODE, RELATING TO NEGOTIATED AGREEMENTS CONSTITUTING CONTRACTS; REPEALING SECTION 44-1808, IDAHO CODE, RELATING TO NOTICE OF REQUEST FOR COLLECTIVE BARGAINING; REPEALING SECTION 44-1809, IDAHO CODE, RELATING TO HEARINGS BEFORE FACT FINDING COMMISSION; REPEALING SECTION 44-1810, IDAHO CODE, RELATING TO RECOMMENDATIONS BY FACT FINDING COMMISSIONS; AMENDING SECTION 44-1811, IDAHO CODE, TO PROHIBIT FIREFIGHTERS FROM STRIKING OR RECOGNIZING A PICKET LINE OF ANY LABOR ORGANIZATION WHILE IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES; AND AMENDING TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 17, TITLE 59, IDAHO CODE, TO PROVIDE A DECLARATION OF PUBLIC POLICY, TO PROHIBIT PUBLIC SECTOR COLLECTIVE BARGAINING, TO PROVIDE FOR PUBLIC EMPLOYEE RIGHTS AND TO PROHIBIT PUBLIC EMPLOYEE STRIKES.

S 1243
BY TRANSPORTATION COMMITTEE
AN ACT
RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INITIAL PROGRAM FEES; AMENDING SECTION 49-402C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO WHO MAY APPLY FOR APPROVAL OF SPECIAL LICENSE PLATE PROGRAMS ON AND AFTER JANUARY 1, 2013, AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-402D, IDAHO CODE, TO PROVIDE THAT ANY AGENCY SEEKING TO PARTICIPATE IN THE SPECIAL LICENSE PLATE PROGRAM SHALL BE REQUIRED TO COMPLETE AN APPLICATION PROCESS, TO DEFINE A TERM, TO PROVIDE FOR AN EXCEPTION, 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; AND AMENDING SECTION 49-403B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1244
BY WERK, BILYEU, BOCK, LEFAVOUR, SCHMIDT, STENNETT
AN ACT

RELATING TO CONTRIBUTIONS TO STATE ELECTED OFFICIALS; TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5744A, IDAHO CODE, TO DEFINE TERMS AND TO PROVIDE PROHIBITIONS ON STATE CONTRACTORS OR PROSPECTIVE STATE CONTRACTORS, TO PROVIDE PROCEDURES, TO PROVIDE FOR NOTICE AND TO PROVIDE PROHIBITIONS ON STATE ELECTED OFFICIALS WITH EXCEPTIONS; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5744B, IDAHO CODE, TO PROVIDE FOR INFORMATION PROVIDED TO THE SECRETARY OF STATE AND TO PROVIDE FOR PENALTIES; AND AMENDING SECTION 67-6625, IDAHO CODE, TO PROVIDE A CORRECT STATUTORY REFERENCE.

S 1245
BY WERK, BILYEU, BOCK, LEFAVOUR, SCHMIDT, STENNETT
AN ACT

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

S 1246
BY WERK, BILYEU, BOCK, LEFAVOUR, SCHMIDT
AN ACT

RELATING TO CAMPAIGN FINANCE AND LOBBYISTS; TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6607A, IDAHO CODE, TO PROHIBIT ACCEPTING CERTAIN CAMPAIGN CONTRIBUTIONS, TO PROVIDE EXCEPTIONS AND TO PROVIDE PENALTIES; AMENDING CHAPTER 66, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-6619A, IDAHO CODE, TO PROHIBIT CERTAIN GIFTS BY LOBBYISTS WITH EXCEPTIONS, TO REQUIRE A REPORT OF GIFTS MADE BY LOBBYISTS TO LEGISLATORS, CANDIDATES TO THE LEGISLATURE AND LEGISLATIVE EMPLOYEES WITH EXCEPTIONS AND TO DEFINE A TERM; AND DECLARING AN EMERGENCY.

S 1247
BY WERK, BILYEU, BOCK, LEFAVOUR, SCHMIDT
AN ACT

RELATING TO COMPREHENSIVE CAMPAIGN FINANCE REFORM; AMENDING TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 34, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE AN ALTERNATIVE CAMPAIGN FINANCING OPTION, TO CREATE THE IDAHO FAIR ELECTIONS ACT TRUST FUND AND SPECIFY SOURCES OF FUNDING, TO SPECIFY THE TERMS OF PARTICIPATION IN THE IDAHO FAIR ELECTIONS ACT CANDIDATE PROCESS, TO GOVERN THE ADMINISTRATION OF THE IDAHO FAIR ELECTIONS ACT, TO PROVIDE VIOLATIONS AND TO REQUIRE A STUDY REPORT TO THE LEGISLATURE; AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3201I, IDAHO CODE, TO PROVIDE AN ADDITIONAL PENALTY ON ANY CIVIL PENALTY FOR PURPOSES OF THE IDAHO FAIR ELECTIONS ACT TRUST FUND; AMENDING SECTION 67-6607, IDAHO CODE, TO CHANGE THE ALLOWABLE CONTRIBUTION TO CANDIDATES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6625, IDAHO CODE, TO INCREASE FINES FOR VIOLATION OF CAMPAIGN CONTRIBUTION REPORTING PROVISIONS, TO DEDICATE RECEIPTS TO THE IDAHO FAIR ELECTIONS ACT TRUST FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-6625A, IDAHO CODE, TO INCREASE THE FINE FOR LATE FILING OF REPORTS, TO DEDICATE RECEIPTS TO THE IDAHO FAIR ELECTIONS ACT TRUST FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 84, TITLE 67, IDAHO CODE, TO CREATE THE COMMISSION ON FAIR ELECTION PRACTICES, TO DEFINE TERMS, TO PROVIDE THE POWERS AND DUTIES OF THE COMMISSION ON FAIR ELECTION PRACTICES AND TO PROVIDE THE SOURCE OF FUNDING FOR THE COMMISSION; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE, REFERENCING EFFECTIVE DATES INCORPORATED IN SECTIONS OF LAW AND PROVIDING A SUNSET DATE.

S 1248
BY WERK, MALEPEAI, BILYEU, BOCK, LEFAVOUR, SCHMIDT
AN ACT

RELATING TO TAXATION; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3088, IDAHO CODE, TO PROVIDE FOR EXPIRATION OF INCOME TAX DEDUCTIONS AND CREDITS UNLESS EXTENDED BY STATUTE AND TO PROVIDE FOR EXPIRATION OF EXTENDED OR NEWLY ENACTED DEDUCTIONS OR CREDITS; AND AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3642, IDAHO CODE, TO PROVIDE FOR EXPIRATION OF SALES AND USE TAX EXEMPTIONS UNLESS EXTENDED BY STATUTE AND TO PROVIDE FOR EXPIRATION OF EXTENDED OR NEWLY ENACTED EXEMPTIONS.

S 1249
BY WERK, MALEPEAI, BILYEU, BOCK, LEFAVOUR, SCHMIDT
AN ACT

RELATING TO PROPERTY TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE THAT THE FIRST ONE HUNDRED FIFTY THOUSAND DOLLARS OF THE MARKET VALUE FOR ASSESSMENT PURPOSES OF THE HOMESTEAD OR FIFTY PERCENT OF THE MARKET VALUE FOR ASSESSMENT PURPOSES OF THE HOMESTEAD, WHICHEVER IS THE LESSER, SHALL BE EXEMPT FROM PROPERTY TAXATION AND TO REVISE DATES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1250
BY WERK, MALEPEAI, BILYEU, BOCK, LEFAVOUR, SCHMIDT
AN ACT

RELATING TO ENERGY FACILITY SITING; AMENDING TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 18, TITLE 61, IDAHO CODE, TO PROVIDE LEGISLATIVE PURPOSE AND FINDINGS, TO DEFINE TERMS, TO REQUIRE A SITING CERTIFICATE IN CERTAIN CIRCUMSTANCES, TO CREATE A SITING PANEL, TO PROVIDE AUTHORITY AND RESPONSIBILITIES OF THE PANEL, TO PROVIDE FOR AN APPLICATION FOR A SITING CERTIFICATE, TO PROVIDE DUTIES OF AN APPLICANT UPON SUBMITTAL OF AN APPLICATION AND TO PROVIDE DUTIES OF THE PUBLIC UTILITIES COMMISSION UPON RECEIPT OF AN APPLICATION; AND DECLARING AN EMERGENCY.

S 1251
BY BOCK AND WERK
AN ACT

RELATING TO MOTOR VEHICLES AND CELLULAR TELEPHONES; AMENDING SECTION 49-104, IDAHO CODE, TO REVISE DEFINITIONS; AND AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1431, IDAHO CODE, TO PROHIBIT THE USE OF A CELLULAR TELEPHONE WHILE OPERATING A MOTOR VEHICLE, TO PROVIDE FOR EXCEPTIONS, TO PROVIDE THAT THE SEIZURE OR FORFEITURE OF A CELLULAR TELEPHONE IS NOT AUTHORIZED UNLESS OTHERWISE PROVIDED FOR IN LAW AND TO PROVIDE A PENALTY.

S 1252
BY BOCK AND WERK
AN ACT

RELATING TO DRIVING WHILE TEXTING; AMENDING SECTION 49-121, IDAHO CODE, TO DEFINE THE TERM "TEXTING"; AMENDING SECTION 49-529, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-675, IDAHO CODE, TO PROHIBIT TEXTING WHILE DRIVING A MOTOR VEHICLE, TO PROVIDE FOR EXCEPTIONS AND TO PROVIDE PENALTIES.

S 1234, **S 1235**, **S 1236**, **S 1237**, **S 1238**, **S 1239**, **S 1240**, **S 1241**, **S 1242**, **S 1243**, **S 1244**, **S 1245**, **S 1246**, **S 1247**, **S 1248**, **S 1249**, **S 1250**, **S 1251**, and **S 1252** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:40 a.m. until the hour of 11:15 a.m., Monday, January 23, 2012.

DARRINGTON, Acting President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTEENTH LEGISLATIVE DAY
MONDAY, JANUARY 23, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senator McKague and Senator McKenzie, absent and formally excused by the Chair; and Senators Andreason, Cameron, Hammond, Keough, and McGee, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

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

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 20, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

January 23, 2012

The JUDICIARY AND RULES Committee reports that **S 1234**, **S 1235**, **S 1236**, **S 1237**, **S 1238**, **S 1239**, **S 1240**, **S 1241**, **S 1242**, **S 1243**, **S 1244**, **S 1245**, **S 1246**, **S 1247**, **S 1248**, **S 1249**, **S 1250**, **S 1251**, **S 1252**, and **SR 103** have been correctly printed.

DARRINGTON, Chairman

S 1234 and **S 1237** were referred to the Education Committee.

S 1235, **S 1238**, **S 1242**, **S 1244**, **S 1245**, **S 1246**, **S 1247**, and **S 1250** were referred to the State Affairs Committee.

S 1236 was referred to the Agricultural Affairs Committee.

S 1239 was referred to the Resources and Environment Committee.

S 1240 was referred to the Commerce and Human Resources Committee.

S 1241 was referred to the Health and Welfare Committee.

S 1243, **S 1251**, and **S 1252** were referred to the Transportation Committee.

S 1248 and **S 1249** were referred to the Local Government and Taxation Committee.

SR 103 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

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

Messages from the Governor

January 19, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Patrick Malloy of Meridian, Idaho, to be Acting State Senator for Legislative District 20, Ada, State of Idaho.

This appointment is effective January 23, 2012, and will continue until such time as Senator Shirley McKague is able to resume her duties.

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

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-917, *Idaho Code*, Shirley McKague, State Senator, District 20, Ada, State of Idaho, has nominated Patrick Malloy of Meridian, Idaho, to perform the duties of this office temporarily as Acting State Senator, District 20, Ada.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Patrick Malloy to the office of State Senator, District 20, Ada, State of Idaho, for a term commencing on January 23, 2012, and continuing until such time as Senator McKague is able to resume her duties.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this Nineteenth 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/ BY THE GOVERNOR C.L. "BUTCH" OTTER
/s/ SECRETARY OF STATE BEN T. YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

The President Pro Tempore announced that the Oath of Office had been administered previously to Acting Senator Malloy, and he was recorded present at this order of business.

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gina Garchow Berger of Idaho Falls, Idaho, was appointed as a member of the Idaho Lottery Commission to serve a term commencing July 13, 2011, and expiring January 1, 2015.

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

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

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

The Gubernatorial appointment was referred to the State Affairs Committee.

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jim Rehder of Cottonwood, Idaho, was appointed as a member of the Idaho Lottery Commission to serve a term commencing August 23, 2011, and expiring January 1, 2014.

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

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

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

The Gubernatorial appointment was referred to the State Affairs Committee.

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Dolly Ouita Bedal of Boise, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 16, 2011, and expiring January 1, 2014.

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

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

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

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

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jeffrey A. Betts of Boise, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 3, 2011, and expiring January 1, 2016.

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

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

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

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

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jon Michael Burnham of Sugar City, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 3, 2011, and expiring January 1, 2015.

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

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

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

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

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Shane Lee Evans of Boise, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 3, 2011, and expiring January 1, 2015.

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

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

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

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

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jean M. Fisher of Boise, Idaho, was appointed as a member of the Sexual Offender Management Board to serve a term commencing August 3, 2011, and expiring January 1, 2015.

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

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

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

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

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Paula K. Garay of Meridian, Idaho, was appointed as a member of the Sexual Offender Managment Board to serve a term commencing August 3, 2011, and expiring January 1, 2014.

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

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

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

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

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Charles "Chad" A. Huff of Fruitland, Idaho, was appointed as a member of the Sexual Offender Managment Board to serve a term commencing August 3, 2011, and expiring January 1, 2016.

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

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

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

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

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Michael David Johnston of Boise, Idaho, was appointed as a member of the Sexual Offender Managment Board to serve a term commencing August 3, 2011, and expiring January 1, 2016.

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

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

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

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

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Robert "Bob" Graham of Bonners Ferry, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing January 1, 2011, and expiring January 1, 2015.

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

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

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

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

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Peter D. Van Der Meulen of Hailey, Idaho, was appointed as a member of the Idaho Water

Resource Board to serve a term commencing April 28, 2011, and expiring January 1, 2015.

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

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

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

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

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jeffery D. Raybould of St. Anthony, Idaho, was appointed as a member of the Idaho Water Resource Board to serve a term commencing April 28, 2011, and expiring January 1, 2015.

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

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

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

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

Senators Andreason, Cameron, Hammond, Keough, and McGee were recorded present at this order of business.

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

Second Reading of Bills

S 1223 and **S 1224**, by Education Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

SJR 102 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–McKenzie. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared **SJR 102** adopted, title was approved, and the resolution ordered transmitted to the House.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11:15 a.m., Tuesday, January 24, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTEENTH LEGISLATIVE DAY
TUESDAY, JANUARY 24, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:15 a.m.

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ben Adams, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 23, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Petitions, Resolutions, and Memorials

Senator McKenzie was recorded present at this order of business.

SJR 103
BY RESOURCES AND ENVIRONMENT COMMITTEE
A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 23, ARTICLE I, TO PROVIDE THAT HUNTING, FISHING AND TRAPPING ARE A VALUED PART OF THE HERITAGE OF THE STATE OF IDAHO AND SHALL FOREVER BE PRESERVED FOR THE PEOPLE, TO PROVIDE THAT THE EXERCISE OF THIS RIGHT BY THE PEOPLE SHALL NOT BE PROHIBITED BUT SHALL BE SUBJECT TO THE LAWS, RULES AND PROCLAMATIONS OF THE STATE AND TO PROVIDE THAT THE RIGHTS SET FORTH DO NOT CREATE A RIGHT TO TRESPASS ON PRIVATE PROPERTY, SHALL NOT AFFECT RIGHTS TO DIVERT, APPROPRIATE AND USE WATER, 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.

SCR 111
BY RESOURCES AND ENVIRONMENT COMMITTEE
A CONCURRENT RESOLUTION
APPROVING APPLICATION TO APPROPRIATE WATER FOR MINIMUM LAKE LEVEL RELATING TO COCOLALLA LAKE LOCATED IN BONNER COUNTY.

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

WHEREAS, the Idaho Water Resource Board may apply for a permit to appropriate unappropriated waters of any lake to establish a minimum lake level; and

WHEREAS, under the provisions of Section 42-1503, Idaho Code, an application approved by the Idaho Department of Water Resources for a minimum lake level shall not become finally effective until affirmatively acted upon by the Legislature, except that if the Legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved; and

WHEREAS, on January 15, 2010, the Idaho Department of Water Resources issued a preliminary order approving an application to establish a minimum lake level as follows:

Source of water:	Cocolalla Lake located in Bonner County at Township 55 North, Range 2 West, B.M.
Purpose for the minimum lake level:	To preserve aesthetics, water quality and recreational uses.
The minimum lake level:	A water surface elevation of 2,207.77 feet above sea level from January 1 through December 31.
Proposed Priority Date:	July 21, 2008.

WHEREAS, the preliminary order approving the application became final on January 29, 2011.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the same is hereby approved subject to the conditions and limitations contained in the preliminary order issued by the Idaho Department of Water Resources on January 15, 2010.

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

SCR 111 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

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

Messages from the Governor

January 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Sara B. Thomas of Meridian, Idaho, was appointed as the State Appellate Public

Defender to serve a term commencing January 12, 2012, and expiring August 1, 2014.

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

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

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

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

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 23, 2012

Dear Mr. President:

I transmit herewith **H 356**, **H 357**, **H 358**, **H 360**, and **H 362**, which have passed the House.

ALEXANDER, Chief Clerk

H 356, **H 357**, **H 358**, **H 360**, and **H 362** were filed for first reading.

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

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

S 1253
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO SERVICE BY PUBLICATION; AMENDING SECTION 5-508, IDAHO CODE, TO ALLOW AN AFFIDAVIT TO BE USED TO SHOW THAT A CAUSE OF ACTION EXISTS AGAINST THE DEFENDANT IN RESPECT TO WHOM SERVICE IS MADE; AND DECLARING AN EMERGENCY.

S 1254
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO INJURY TO CHILDREN; REPEALING SECTION 16-1605, IDAHO CODE, RELATING TO THE REPORTING OF ABUSE, ABANDONMENT OR NEGLECT; REPEALING SECTION 16-1606, IDAHO CODE, RELATING TO IMMUNITY; REPEALING SECTION 16-1607, IDAHO CODE, RELATING TO REPORTING IN BAD FAITH AND CIVIL DAMAGES; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1524, IDAHO CODE, TO PROVIDE FOR THE REPORTING OF ABUSE, ABANDONMENT OR NEGLECT, TO DEFINE A TERM, TO PROVIDE EXEMPTIONS AND TO PROVIDE PENALTIES; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1524A, IDAHO CODE, TO PROVIDE IMMUNITY; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1524B, IDAHO CODE, TO PROVIDE CIVIL DAMAGES FOR MAKING CERTAIN REPORTS IN BAD FAITH; AMENDING SECTION 19-401, IDAHO CODE, TO PROVIDE THAT THERE IS NO LIMITATION OF TIME WITHIN WHICH A PROSECUTION MUST BE COMMENCED FOR THE FAILURE TO REPORT CERTAIN OFFENSES; AMENDING SECTION 19-403, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 6-1903, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 54-4407, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

S 1255
BY HEALTH AND WELFARE COMMITTEE
AN ACT
RELATING TO RECORDS EXEMPT FROM DISCLOSURE; AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE THAT RECORDS OF INVESTIGATIONS PREPARED BY THE DEPARTMENT OF HEALTH AND WELFARE PURSUANT TO ITS STATUTORY RESPONSIBILITIES DEALING WITH THE PROTECTION OF CHILDREN, THE REHABILITATION OF YOUTH, ADOPTIONS AND THE COMMITMENT OF MENTALLY ILL PERSONS SHALL BE EXEMPT FROM DISCLOSURE UNLESS OTHERWISE PROVIDED BY AGENCY RULE; AND DECLARING AN EMERGENCY.

S 1256
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO FISH AND GAME; AMENDING SECTION 36-408, IDAHO CODE, TO RESTRICT THE USE OF PROCEEDS FROM THE AUCTION OF CERTAIN BIGHORN SHEEP TAGS, TO PROVIDE FOR SPECIAL BIG GAME AUCTION TAGS DESIGNATED AS GOVERNOR'S WILDLIFE PARTNERSHIP TAGS AND TO MAKE TECHNICAL CORRECTIONS.

S 1253, **S 1254**, **S 1255**, and **S 1256** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 356, **H 357**, **H 358**, **H 360**, and **H 362**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

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

Motions and Resolutions

The President Pro Tempore announced that **SR 103** was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Malepeai, that **SR 103** be adopted. The question being, "Shall the resolution be adopted?"

Pursuant to Rule 39(C), a roll call vote was requested by Senator Davis.

Senators Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder supported the request for a roll call vote.

President Little assumed the Chair.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **SR 103** adopted, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, President Little appointed a committee consisting of Senator Darrington, Chairman, and Senators Cameron and Werk to escort Jeannine Wood and Rusti Horton into the Senate Chamber and the Well of the Senate to receive the Senate's best wishes in their retirement.

The committee escorted Jeannine Wood and Rusti Horton from the Senate Chamber.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:25 p.m. until the hour of 11 a.m., Wednesday, January 25, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTEENTH LEGISLATIVE DAY
WEDNESDAY, JANUARY 25, 2012

Senate Chamber

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

Roll call showed all members present except Senators Bair, Cameron, LeFavour, Pearce, and Tippets, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Chase Bower, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 24, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

January 25, 2012

The JUDICIARY AND RULES Committee reports that S 1253, S 1254, S 1255, S 1256, SJR 103, and SCR 111 have been correctly printed.

DARRINGTON, Chairman

S 1253 and S 1254 were referred to the Judiciary and Rules Committee.

S 1255 was referred to the Health and Welfare Committee.

S 1256 and SJR 103 were referred to the Resources and Environment Committee.

SCR 111 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senators Bair and Tippets were recorded present at this order of business.

January 24, 2012

The EDUCATION Committee reports out S 1237 with the recommendation that it do pass.

GOEDDE, Chairman

S 1237 was filed for second reading.

January 24, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 355 with the recommendation that it do pass.

CORDER, Chairman

H 355 was filed for second reading.

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

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

Messages from the House

January 24, 2012

Dear Mr. President:

I transmit herewith H 361, which has passed the House.

ALEXANDER, Chief Clerk

H 361 was filed for first reading.

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

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

S 1257
BY FINANCE COMMITTEE
AN ACT
RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 2, CHAPTER 292, LAWS OF 2011, TO REVISE THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

S 1258
BY FINANCE COMMITTEE
AN ACT
RELATING TO THE APPROPRIATION TO THE IDAHO COMMISSION FOR LIBRARIES; AMENDING SECTION 1, CHAPTER 166, LAWS OF 2011, TO REVISE THE APPROPRIATION TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

S 1259
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT
RELATING TO AGRICULTURE; AMENDING SECTION 22-3301, IDAHO CODE, TO REVISE A DECLARATION OF POLICY; AMENDING SECTION 22-3302, IDAHO CODE, TO PROVIDE THAT MEMBERS SHALL SERVE AT THE PLEASURE OF THE GOVERNOR, TO REMOVE AN ASSOCIATION DESCRIPTION AND TO PROVIDE THE NAME OF AN ASSOCIATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-3304, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 22-3305, IDAHO CODE, TO REMOVE ARCHAIC PROVISIONS, TO PROVIDE THAT THE EXECUTIVE COMMITTEE MAY REQUEST THE

REMOVAL OF A COMMISSIONER AND TO PROVIDE THAT UPON RECEIPT OF A REQUEST FOR REMOVAL OF A COMMISSIONER, THE GOVERNOR MAY WITHDRAW THE COMMISSIONER'S APPOINTMENT; AMENDING SECTION 22-3308, IDAHO CODE, TO PROVIDE THAT TWO OR MORE COMMISSION MEMBERS MAY MAKE A WRITTEN REQUEST FOR A MEETING; AMENDING SECTION 22-3309, IDAHO CODE, TO REMOVE REFERENCE TO THE IDAHO STATE WHEAT GROWERS' ASSOCIATION, TO AUTHORIZE THE CALLING OF REFERENDUMS AND TO PROVIDE REFERENCE TO SPECIFIC LAW RELATING TO INSPECTION OF BOOKS, RECORDS AND ACCOUNTS BY THE PUBLIC; AMENDING SECTION 22-3310, IDAHO CODE, TO PROVIDE FOR THE SOLICITATION OF GRANTS, DONATIONS AND GIFTS BY THE COMMISSION; AMENDING SECTION 22-3311, IDAHO CODE, TO PROVIDE THAT THE COMMISSION MAY REQUIRE THAT THE EXECUTIVE DIRECTOR OR ANY AGENT OR EMPLOYEE APPOINTED BY THE COMMISSION BE BONDED; AMENDING SECTION 22-3312, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO CERTAIN DUTIES OF THE EXECUTIVE DIRECTOR; REPEALING SECTION 22-3313, IDAHO CODE, RELATING TO ESTABLISHMENT OF THE EXECUTIVE DIRECTOR'S OFFICE; AMENDING SECTION 22-3315, IDAHO CODE, TO REVISE AN EFFECTIVE DATE AND TO REVISE PROVISIONS RELATING TO THE MAXIMUM TAX PER BUSHEL ON CERTAIN WHEAT; AND AMENDING SECTION 22-3318, IDAHO CODE, TO REMOVE REFERENCE TO A SPECIFIC FUND, TO PROVIDE FOR THE PAYMENT OF FINES INTO CERTAIN ACCOUNTS OF THE COMMISSION AND TO MAKE TECHNICAL CORRECTIONS.

S 1260
BY HEALTH AND WELFARE COMMITTEE
AN ACT
RELATING TO NURSES; AMENDING SECTION 54-1404, IDAHO CODE, TO GRANT THE BOARD OF NURSING THE AUTHORITY TO ESTABLISH ALTERNATIVES TO FORMAL DISCIPLINARY ACTION AND TO MAKE TECHNICAL CORRECTIONS.

S 1261
BY HEALTH AND WELFARE COMMITTEE
AN ACT
RELATING TO NURSES; AMENDING SECTION 54-1404, IDAHO CODE, TO PROVIDE THAT THE BOARD OF NURSING SHALL HAVE THE POWER AND DUTY TO EVALUATE AND DEVELOP, OR TO ENTER INTO CONTRACTS OR AGREEMENTS WITH OTHERS TO EVALUATE AND DEVELOP, THE EDUCATION, DISTRIBUTION AND AVAILABILITY OF THE NURSING WORKFORCE FOR THE PURPOSE OF IMPROVING THE DELIVERY OF QUALITY HEALTH CARE AND TO MAKE A TECHNICAL CORRECTION.

S 1262
BY HEALTH AND WELFARE COMMITTEE
AN ACT
RELATING TO NURSING; AMENDING SECTION 54-1406A, IDAHO CODE, TO REQUIRE THAT ALL APPLICANTS FOR ORIGINAL CERTIFICATION OR CERTIFICATION REINSTATEMENT AS A CERTIFIED MEDICATION ASSISTANT SUBMIT TO A FINGERPRINT-BASED CRIMINAL HISTORY CHECK AND TO PROVIDE REQUIREMENTS RELATING TO SUCH CRIMINAL HISTORY CHECK.

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

H 361, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

Senator Cameron was recorded present at this order of business.

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

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, Senate bill **S 1224** was placed at the head of the Third Reading Calendar, followed by Senate bill **S 1223**.

S 1224 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1224 passed, title was approved, and the bill ordered transmitted to the House.

S 1223 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1223 passed, title was approved, and the bill ordered transmitted to the House.

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

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, President Little appointed a committee consisting of Senator Lodge, Chairman, and Senators Johnson and LeFavour to escort Chief Justice Roger S. Burdick into the Senate Chamber where he delivered the following **State of the Judiciary Address**:

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

I would first like to thank the Supreme Court Justices for electing me Chief Justice and giving me an opportunity to address this body. Don't worry; I'll get even with them later.

The last time I stood at the podium in these chambers was in 1965 when I was in Boys State I ran for Governor and lost. It took me a change to the judicial branch and 45 years, until 2010, to win a hotly contested election and here I am.

Since becoming Chief Justice I have traveled to each of the judicial districts and met with judges, county clerks, commissioners as well as sheriffs and others throughout the state. I would like to share my observations with you about the State of the Judiciary.

Partnerships are being established to implement efficiencies and meet citizens' changing needs at every level. This creativity has led to remarkable success in meeting the judiciary's mission of equal access to the timely, impartial and fair resolution of cases. I am struck by the commitment, compassion and competence of Idaho's trial judges and county officials in developing local solutions to unique problems despite severe fiscal restraints.

Let me share some of these accomplishments, emphasizing that without the cooperation of all three branches of state government and the counties' support and resources; it doesn't get done.

Idaho's judiciary has been working with the Legislature and the counties to craft a county-based statewide misdemeanor probation system. We now have 32 officers who have graduated from POST Academy with 21 now enrolled. The court's goal is that all officers will be certified by January, 2014. By monitoring misdemeanor offenders, we protect our citizens as well as save incarceration costs.

Kootenai County has opened their Juvenile Justice Center, with one courtroom dedicated to juvenile justice cases and child protection matters and another for felonies. A child-friendly waiting room has been opened to give a safe and peaceful waiting area for the children involved in child protection cases. Canyon County has also built a children's room for the same purpose.

We thank Justice Dan Eismann for his many accomplishments while Chief Justice, but his most beloved legacy came to fruition last year.

Idaho's first Veteran's Court was started in Ada County in March, 2011.

These courts have a special camaraderie based upon the "Warrior Ethos." It is embodied in the Soldier's Creed which reads in part:

I will always place the mission first.

I will never accept defeat.

I will never quit.

I will never leave a fallen comrade.

Words for all to live by; but they carry a special meaning to our veterans. By hearing from their own, and relying on shared experiences, the rehabilitation message gains credibility and helps to turn lives around. Two additional veterans courts will be starting in Canyon and Bannock counties. We owe it to our veterans to help them lead productive lives, as part of our national debt of gratitude.

Domestic Violence courts now exist in seven counties and supervised almost 1600 offenders in 2011. The Domestic Violence court could be our most complex problem solving court. The model starts with a judge who is cross-trained to handle all matters relating to a single family. A Domestic Violence Court team provides treatment which teaches positive, responsible behavior. The mix of court monitoring, counseling, treatment and education focuses on improving behavioral skills free of violence and promoting healthy relationships.

Although new to these courts, Idaho's judiciary is already a national leader. After a presentation by Idaho judges to a national conference, representatives from New York and Minnesota will be arriving shortly to observe our system.

Last year, Idaho's 59 problem solving courts supervised almost 2,250 felony, misdemeanor and juvenile offenders. 594 offenders graduated from our drug and mental health courts. Thank you for entrusting us with last year's substance abuse treatment appropriation for use in our problem solving courts. Research continues to show recidivism rates for graduates are lower than other alternatives for rehabilitation and sentencing.

Idaho's Child Protection Drug courts are another innovative approach to keep families together and to nurture and protect children. These courts address the parent's drug use while marshaling services to change family dynamics, thus saving the family unit. Because parenting skills are taught to us by our parents, these courts will influence not only the participating parents, but generations to come.

I would like to recognize the retirement of our statewide Drug Court coordinator, Norma Jaeger. She is a moving force not only in Child Protection Drug Courts but problem solving courts throughout the state. We will miss her non-stop energy, her warming smile and her ability to move people in the right direction. She starts a new chapter in her life and we thank her.

Speaking of new starts - Idaho's drug and mental health courts helped 20 babies to be born to clean and sober mothers, bringing the total to 248 drug-free births since the beginning of Idaho's problem solving courts. There can be no greater legacy than having these kids start out in a sober, safe home with parents who will teach them the rewards of sobriety and accountability.

We are not just focused on youth; we are energizing the entire system of guardianships and conservatorships to help our aged and disabled citizens achieve their potential. Working with judges and county clerks statewide, over $212 million dollars are being managed by conservators and reviewed by existing trained court staff.

I know it goes without saying, but all of the district and magistrate judges who preside over problem solving courts do so in addition to a full case load and without further benefit; other than the life-changing expressions of hope on the faces of the participants.

The Snake River Basin Adjudication started in 1987 has progressed at unprecedented speed for an adjudication and as a result spread its procedural model throughout the nation. I can happily report that fewer than 1900 claims are left to be adjudicated, having already completed over 150,000 claims. Under the leadership of District Judge Eric Wildman, we are now starting to draft the final decree for the Snake River Basin's water resources. We thank past presiding District Judges Hurlbutt, Wood, Melanson and now Wildman for shepherding Idaho's most complex civil case to its end.

All judges in Idaho's courts have seen a substantial increase in certain types of cases. Since 2006, there has been a 30% increase in district court civil cases—including complex civil, medical and business disputes that often take years to resolve. Divorce and child custody cases have risen by 10%. With the decline in availability of mental health treatment, we have seen an astounding 151% increase in mental health commitment proceedings. These trends—likely the direct result of the economic decline—are a reflection of the heightened stress levels that Idahoans, businesses and families are experiencing in this economy.

The challenge then is how to meet this upward trend with static resources.

"Courts of justice shall be open to every person and a speedy remedy afforded to every injury . . . ."

These are not my words, but those of Article I, Section 18 in Idaho's Constitution. They are unchanged from 1889 and we are re-pledging ourselves to their spirit by our Advancing Justice Initiative. Senior Judge Barry Wood, working with national and local groups, is making a critical examination of all court case types to find unnecessary delay, developing new procedures and creating new expectations to minimize that delay. This is not speed for speed's sake. It is a search for efficiencies while preserving quality.

On the technology front we continue our march to "e-everything"; e-citations by law enforcement, e-payment of fines, fees and court costs by the public, and now plans for e-filing of court documents and paperless courthouses. These efforts meld seamlessly into our Advancing Justice Initiative.

An increasing part of Idaho's judicial caseload involves persons representing themselves. Our court assistance offices responded to over 60,000 requests in 2011; an 11% increase over 2010, an increase of 64% in five years. In addition to our "on the ground" court assistance offices, we will be launching a new revised self-help center website.

For many years Justice Jim Jones has provided exemplary leadership to the cause of unrepresented litigants in Idaho. Through his efforts and the Idaho Pro Bono Commission, lawyers are now encouraged to provide a minimum of fifty hours of pro bono legal service annually. He has fostered changes to the Idaho Civil Rules to make it easier for lawyers to provide pro bono assistance on a limited issue. He has worked tirelessly with Idaho Legal Aid and the State Bar to help explore funding alternatives. Some of these proposals will come to you in this session.

Even with the work of this Court, the State Bar and Idaho Law Foundation, we know there is further need. We support and encourage the Idaho Legislature to continue to explore funding for legal representation in civil cases for the many Idahoans who cannot afford legal services.

We also commend the work of the Criminal Justice Commission, which in addition to other important work, is developing recommendations to improve criminal public defender services throughout the State.

Idaho's judiciary decides our citizens' most important personal and business problems, ranging from the care and custody of our children to the most byzantine of business relationships. For this constitutional requirement, we need our most experienced and scholarly lawyers to become judges.

Since July 2000, Governors Kempthorne, Risch and Otter have been given the full slate of four candidates to fill district judge positions only 26% of the time. Our magistrate judge openings during the same time period have had an ample list of qualified applicants. A more competitive compensation package is required to insure the third branch of government attracts highly qualified individuals for district judge and other positions. Idaho's trial judges have not had an increase in their compensation since July, 2008; we rank 47th lowest in the nation.

The Judge's Retirement Fund is the other significant part of the overall compensation package. By any estimation this fund is at or above the national performance standard for governmental pension funds. The Court has conferred with legislators, state pension experts, and PERSI's actuary to explore ways to strengthen the fund for the future. We hope reasonable consensus will be reached this session on ways to do so.

I will conclude my remarks by saying the state of the Judiciary is straining under increased caseloads, expanded duties, scarce resources and stagnant compensation. We must begin a conversation with the Legislature, the Governor and county clerks and commissioners about how best to address the pent up demand for judges, court facilities and new resources needed to conduct safe, timely hearings on the vital issues facing everyday Idaho citizens.

These conversations will present new challenges for the future, but I'm convinced with the continued support of the Idaho Legislature, the Governor and county officials we will solve them and present an even stronger judiciary to you next year and the years thereafter.

Thank you and God Bless.

The President thanked Chief Justice Burdick for his remarks and Senator Lodge, Chairman, and Senators Johnson and LeFavour escorted Chief Justice Burdick from the Chamber, and the Committee was discharged.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11:15 a.m., Thursday, January 26, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

EIGHTEENTH LEGISLATIVE DAY
THURSDAY, JANUARY 26, 2012

Senate Chamber

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

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ryan Chapman, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 25, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

Senator Cameron was recorded present at this order of business.

January 26, 2012

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

DARRINGTON, Chairman

S 1257 and **S 1258** were referred to the Finance Committee.

S 1259 was referred to the Agricultural Affairs Committee.

S 1260, **S 1261**, and **S 1262** were referred to the Health and Welfare Committee.

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

Messages from the Governor

January 25, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Colleen Marie Back of Boise, Idaho, was appointed as a member of the Aeronautics Advisory Board to serve a term commencing January 17, 2012, and expiring January 31, 2012.

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

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

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

The Gubernatorial appointment was referred to the Transportation Committee.

January 25, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Colleen Marie Back of Boise, Idaho, was appointed as a member of the Aeronautics Advisory Board to serve a term commencing January 31, 2012, and expiring January 31, 2017.

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

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

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

The Gubernatorial appointment was referred to the Transportation Committee.

January 25, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Gary Scheihing of New Plymouth, Idaho, was appointed as a member of the Commission on Pardons and Parole to serve a term commencing January 1, 2012, and expiring January 1, 2015.

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

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

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

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

Senator Darrington was recorded present at this order of business.

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 25, 2012

Dear Mr. President:

I transmit herewith **H 395**, **H 363**, **H 364**, and **H 365**, which have passed the House.

ALEXANDER, Chief Clerk

H 395, **H 363**, **H 364**, and **H 365** were filed for first reading.

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

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

S 1263
BY JUDICIARY AND RULES 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.

S 1264
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO THE CONTROL OF VENEREAL DISEASES; AMENDING SECTION 39-601, IDAHO CODE, TO REVISE THE ENUMERATED VENEREAL DISEASES; AND AMENDING SECTION 39-604, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT ALL PERSONS CHARGED WITH DRUG RELATED CHARGES SHALL BE TESTED FOR THE ENUMERATED VENEREAL DISEASES.

S 1265
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO EXECUTION; AMENDING SECTION 19-2718, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RETURN OF A DEATH WARRANT; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1266
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO EXECUTION; AMENDING SECTION 19-2715, IDAHO CODE, TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO A STAY OF EXECUTION, TO REVISE PROVISIONS AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO CERTAIN WARRANTS, TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO RESETTING EXECUTION DATES AND TO DEFINE A PHRASE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1263, **S 1264**, **S 1265**, and **S 1266** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 395, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 363, **H 364**, and **H 365**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1237, by Education Committee, was read the second time at length and filed for third reading.

H 355, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:30 a.m. until the hour of 11:15 a.m., Friday, January 27, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 27, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Bilyeu, Brackett, and Siddoway, absent and formally excused by the Chair.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ben DeMordaunt, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 26, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Petitions, Resolutions, and Memorials

SCR 112
BY HEALTH AND WELFARE COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND ACKNOWLEDGING THE SERIOUSNESS OF ALZHEIMER'S DISEASE AND OTHER DEMENTIAS IN IDAHO BY ENDORSING THE IDAHO ALZHEIMER'S PLANNING GROUP AND SUPPORTING SAID PLANNING GROUP'S COMPREHENSIVE APPROACH TO THE DEVELOPMENT OF A STATEWIDE PLAN TO ADDRESS THE NEEDS OF PEOPLE WITH ALZHEIMER'S DISEASE AND OTHER DEMENTIAS, THEIR FAMILY MEMBERS AND CAREGIVERS.

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

WHEREAS, some 26,000 Idahoans are currently diagnosed with Alzheimer's disease, and the number is projected to increase significantly through 2025; and

WHEREAS, Idaho is projected to have the fifth highest increase in people suffering from Alzheimer's disease among all of the United States over the next several years; and

WHEREAS, Alzheimer's disease is the only major cause of death that has a mortality rate that continues to increase; and

WHEREAS, Idaho's mortality rate from Alzheimer's disease is consistently higher than the national average; and

WHEREAS, 41% of Idahoans living in nursing homes have moderate to severe dementia; and

WHEREAS, the Idaho Alzheimer's Planning Group is developing a plan to address the problem of Alzheimer's disease and other dementias throughout the state; and

WHEREAS, the Idaho State Plan for Alzheimer's disease and other dementias will help agencies, organizations and individuals develop specific programs and strategies to meet the needs of Alzheimer's patients, their families and caregivers at the state, regional and local levels.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the State of Idaho acknowledges the seriousness of the impact of Alzheimer's disease and other dementias upon the state by endorsing the Idaho Alzheimer's Planning Group's community awareness, data collection and resulting statewide plan development and implementation efforts to address the issue.

BE IT FURTHER RESOLVED that the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, support the Idaho Alzheimer's Planning Group's comprehensive approach toward educating the public about Alzheimer's disease and other dementias; collecting and analyzing statewide data related to current and future needs for Alzheimer's patients, families and caregivers; and recommending programs and strategies for addressing those needs.

SCR 112 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 27, 2012

The JUDICIARY AND RULES Committee reports that **S 1263**, **S 1264**, **S 1265**, and **S 1266** have been correctly printed.

DARRINGTON, Chairman

S 1263, **S 1264**, **S 1265**, and **S 1266** were referred to the Judiciary and Rules Committee.

January 26, 2012

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

Gerald "Jerry" Trebesch to the State Soil and Water Conservation Commission, term to expire July 1, 2016.

H. Norman Wright to the State Soil and Water Conservation Commission, term to expire July 1, 2012.

SIDDOWAY, Chairman

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

January 26, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 356, H 360, H 361, and H 362 with the recommendation that they do pass.

CORDER, Chairman

H 356, H 360, H 361, and H 362 were filed for second reading.

January 26, 2012

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

John Michael Brassey to the Idaho Personnel Commission, term to expire July 1, 2017.

Peter J. Black to the Idaho Personnel Commission, term to expire July 1, 2017.

ANDREASON, Chairman

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

January 26, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out S 1225, S 1226, S 1227, and S 1228 with the recommendation that they do pass.

ANDREASON, Chairman

S 1225, S 1226, S 1227, and S 1228 were filed for second reading.

January 26, 2012

The FINANCE Committee reports out S 1257 and S 1258 with the recommendation that they do pass.

CAMERON, Chairman

S 1257 and S 1258 were filed for second reading.

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

Messages from the Governor

January 27, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Robert "Bob" Graham of Bonners Ferry, ID has been reappointed to the Idaho Water Resource Board to serve a term commencing April 8, 2011 and expiring January 1, 2015. This appointment was made subject to confirmation by the Senate, and notice of appointment is hereby given.

Pursuant to Idaho Code 59-904 (e), certain appointments are void at the end of the legislative session if the Idaho Senate adjourns without granting its consent for the nominee. My letter dated January 20, 2012, inadvertently stated his term commenced January 1, 2011, which although it did, it was necessary to reappoint Mr. Graham after sine die since the Senate adjourned without considering his appointment.

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

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

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

January 25, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Charles H. Correll of Jerome, Idaho, was appointed as a member of the Park and Recreation Board to serve a term commencing January 16, 2012, and expiring June 30, 2013.

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

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

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

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

January 25, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Robert H. Hansen of Menan, Idaho, was appointed as a member of the Park and Recreation Board to serve a term commencing July 12, 2011, and expiring June 30, 2017.

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

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

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

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

January 25, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Wendy Lively of Ammon, Idaho, was appointed as a member of the Bingo-Raffle Advisory

Board to serve a term commencing January 7, 2012, and expiring January 7, 2015.

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

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

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

The Gubernatorial appointment was referred to the State Affairs Committee.

January 25, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that J. Marshall Garrett of Boise, Idaho, was appointed as a member of the Bingo-Raffle Advisory Board to serve a term commencing January 7, 2012, and expiring January 7, 2015.

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

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

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

The Gubernatorial appointment was referred to the State Affairs Committee.

January 26, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that J. Kirk Sullivan of Boise, Idaho, was appointed as a member of the Public Employee Retirement System of Idaho Board to serve a term commencing July 1, 2011, and expiring July 1, 2016.

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

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

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

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

January 27, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I want to clarify that my letter dated January 19, 2012 concerning the appointment of Alex Irby to the Outfitters and Guides Licensing Board was sent in error. This position was not a gubernational appointment. The appointing authority, the Idaho Fish and Game Commission, previously sent a letter informing you of the appointment pursuant to Idaho Code.

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

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

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 26, 2012

Dear Mr. President:

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

ALEXANDER, Chief Clerk

H 404 was filed for first reading.

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

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

S 1267
BY FINANCE COMMITTEE
AN ACT
RELATING TO THE APPROPRIATION TO THE IDAHO DIVISION OF VOCATIONAL REHABILITATION, AMENDING SECTION 2, CHAPTER 254, LAWS OF 2011, TO REVISE THE APPROPRIATION TO THE IDAHO DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

S 1268
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT
RELATING TO INSURANCE DEDUCTIBLES; AMENDING SECTION 41-2511, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN PERMISSIVE DEDUCTIBLES FOR COMPREHENSIVE COVERAGE AND COLLISION OR PHYSICAL DAMAGE COVERAGE AS A CONDITION TO RENEWAL.

S 1269
BY EDUCATION COMMITTEE
AN ACT
RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO CODE, TO PROVIDE THAT A CERTAIN DESIGNATION SHALL BE MADE ONLY WITHIN A CERTAIN PERIOD OF TIME AND TO MAKE A TECHNICAL CORRECTION.

S 1270
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO APPOINTMENTS BY THE LEGISLATURE TO CERTAIN BOARDS AND COMMITTEES; PROVIDING LEGISLATIVE INTENT; REPEALING SECTION 39-3029,

IDAHO CODE, RELATING TO THE PACIFIC STATES AGREEMENT ON RADIOACTIVE MATERIALS TRANSPORTATION MANAGEMENT; REPEALING SECTION 67-4247A, IDAHO CODE, RELATING TO THE GRANT EVALUATION COMMITTEE OF THE STATE TRUST FUND FOR OUTDOOR RECREATION ENHANCEMENT; REPEALING CHAPTER 85, TITLE 67, IDAHO CODE, RELATING TO THE IDAHO HALL OF FAME ADVISORY BOARD; AMENDING SECTION 49-1901, IDAHO CODE, TO REVISE THE NAME OF THE MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT AND TO PROVIDE A CORRECT CITE REFERENCE; AND DECLARING AN EMERGENCY.

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

H 404, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

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

Third Reading of Bills

On request by Senator Winder, granted by unanimous consent, **S 1237** retained its place on the Third Reading Calendar for one legislative day.

H 355 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Bilyeu, Brackett, Siddoway. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 355** passed, title was approved, and the bill ordered returned to the House.

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

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:40 a.m. until the hour of 11:15 a.m., Monday, January 30, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

TWENTY-SECOND LEGISLATIVE DAY
MONDAY, JANUARY 30, 2012

Senate Chamber

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

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Renae Feist, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 27, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

Reading of Communications

January 27, 2012

The Honorable Brad Little
Lieutenant Governor
Office of the Governor
Statehouse Mail

Dear Lieutenant Governor Little:

This is to advise you that the Idaho Fish and Game Commission, at its meeting in Lewiston on May 19, 2011 appointed Alex Irby to serve as its representative to the Idaho Outfitters and Guides Licensing Board (IOGLB), subject to Senate approval. The term of appointment is May 31, 2011 to May 31, 2014.

Alex is a resource manager, sportsman and outdoor enthusiast from the Clearwater Region. He is a Lifetime member of the Rocky Mountain Elk Foundation, National Rifle Association, Clearwater Basin Advisory Committee, past president of the Orofino Chamber and was a supervisor for the Clearwater Soil and Conservation District for 11 years.

Alex is from Orofino and was the Commissioner representing the Clearwater Region. He was appointed June 30, 1999 and served two terms on the Commission ending June 30, 2007.

Alex's experience on the Idaho Fish and Game Commission will serve him well in this assignment. I am confident that Alex's service on the Board will promote an excellent relationship and communications among IOGLB, the Idaho Fish and Game Commission and the Department of Fish and Game.

Sincerely,
/s/ Tony McDermott
Chairman, Idaho Fish and Game Commission

/s/ Virgil Moore
Secretary, Idaho Fish and Game Commission

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

The Idaho Fish and Game Commission appointment was referred to the Resources and Environment Committee.

Senator Fulcher was recorded present at this order of business.

The Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SJR 104
BY RESOURCES AND ENVIRONMENT COMMITTEE
A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO ARTICLE I, OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 23, ARTICLE I, TO PROVIDE THAT THE RIGHTS TO HUNT, FISH AND TRAP ARE A VALUED PART OF THE HERITAGE OF THE STATE OF IDAHO AND SHALL FOREVER BE PRESERVED FOR THE PEOPLE THROUGH THE LAWS, RULES AND PROCLAMATIONS OF THE STATE AND TO PROVIDE THAT THE RIGHTS SET FORTH DO NOT CREATE A RIGHT TO TRESPASS ON PRIVATE PROPERTY, SHALL NOT AFFECT RIGHTS TO DIVERT, APPROPRIATE AND USE WATER, 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.

SJR 104 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

January 30, 2012

The JUDICIARY AND RULES Committee reports that **S 1267**, **S 1268**, **S 1269**, **S 1270**, and **SCR 112** have been correctly printed.

DARRINGTON, Chairman

S 1267 was referred to the Finance Committee.

S 1268 was referred to the Commerce and Human Resources Committee.

S 1269 was referred to the Education Committee.

S 1270 was referred to the State Affairs Committee.

On request by Senator Broadsword, granted by unanimous consent, SCR 112 was referred to the Health and Welfare Committee.

January 30, 2012

The FINANCE Committee reports out H 395 with the recommendation that it do pass.

CAMERON, Chairman

H 395 was filed for second reading.

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

Messages from the Governor

January 26, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Brad Corkill of Cataldo, Idaho, was appointed as a member of the Public Charter School Commission to serve a term commencing May 12, 2011, and expiring May 12, 2015.

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

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

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

The Gubernatorial appointment was referred to the Education Committee.

January 26, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Wanda Chillingworth Quinn of Coeur d'Alene, Idaho, was appointed as a member of the Public Charter School Commission to serve a term commencing July 12, 2011, and expiring May 12, 2012.

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

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

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

The Gubernatorial appointment was referred to the Education Committee.

January 26, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Esther Van Wart of Chubbuck, Idaho, was appointed as a member of the Public Charter School Commission to serve a term commencing May 12, 2011, and expiring May 12, 2015.

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

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

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

The Gubernatorial appointment was referred to the Education Committee.

January 27, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Michael D. Gibson of Nampa, Idaho, was appointed as a member of the Commission for the Blind and Visually Impaired to serve a term commencing July 1, 2011, and expiring July 1, 2014.

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

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

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

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

January 27, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Allan R. Schneider of Emmett, Idaho, was appointed as a member of the Commission for the Blind & Visually Impaired to serve a term commencing September 22, 2011, and expiring July 1, 2012.

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

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

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

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

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

Motions and Resolutions

On request by Senator Broadsword, granted by unanimous consent, **SCR 111** was referred to the Resources and Environment Committee.

Senator Cameron was recorded present at this order of business.

The President announced that the Agricultural Affairs Committee report relative to the Gubernatorial appointment of Gerald "Jerry" Trebesch was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Vick, seconded by Senator Stennett, the Gubernatorial appointment of Gerald "Jerry" Trebesch as a member of the State Soil and Water Conservation Commission was confirmed by voice vote.

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

The President announced that the Agricultural Affairs Committee report relative to the Gubernatorial appointment of H. Norman Wright was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bock, seconded by Senator Cameron, the Gubernatorial appointment of H. Norman Wright as a member of the State Soil and Water Conservation Commission was confirmed by voice vote.

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

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of John Michael Brassey was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Smyser, seconded by Senator Bilyeu, the Gubernatorial appointment of John Michael Brassey as a member of the Idaho Personnel Commission was confirmed by voice vote.

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

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

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

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

The Senate advanced to the Eleventh Order of Business.

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

S 1271
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO THE DEPARTMENT OF LANDS; AMENDING CHAPTER 3, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-302, IDAHO CODE, TO DEFINE A TERM, TO REQUIRE APPLICANTS FOR STATE GRAZING LEASES TO SUBMIT GRAZING MANAGEMENT PROPOSALS, TO PROVIDE REQUIREMENTS FOR SUCH PROPOSALS AND TO PROVIDE FOR CERTAIN EXCEPTIONS.

S 1271 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 356, **H 360**, **H 361**, and **H 362**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

S 1225, **S 1226**, **S 1227**, and **S 1228**, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

S 1257 and **S 1258**, by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1237 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Davis, granted by unanimous consent, the typographical errors on the Statement of Purpose for **S 1237** would be corrected before transmittal to the House.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 33.

NAYS–None.

Absent and excused–Lodge, Winder. Total - 2.

Total - 35.

Whereupon the President declared **S 1237** passed, title was approved, and the bill ordered transmitted to the House.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12 noon until the hour of 11 a.m., Tuesday, January 31, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

TWENTY-THIRD LEGISLATIVE DAY
TUESDAY, JANUARY 31, 2012

Senate Chamber

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

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Rebekah Grad, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 30, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

January 31, 2012

The JUDICIARY AND RULES Committee reports that S 1271 and SJR 104 have been correctly printed.

DARRINGTON, Chairman

S 1271 and SJR 104 were referred to the Resources and Environment Committee.

January 30, 2012

The FINANCE Committee reports out S 1267 with the recommendation that it do pass.

CAMERON, Chairman

S 1267 was filed for second reading.

January 30, 2012

The JUDICIARY AND RULES Committee reports out S 1213, S 1219, S 1222, S 1232, and S 1233 with the recommendation that they do pass.

DARRINGTON, Chairman

S 1213, S 1219, S 1222, S 1232, and S 1233 were filed for second reading.

January 31, 2012

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

Alex Irby to the Outfitters and Guides Licensing Board, term to expire May 31, 2014.

PEARCE, Chairman

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

January 31, 2012

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

Fred Trevey to the Idaho Fish and Game Commission, term to expire June 30, 2015.

Kenneth T. Anderson to the Idaho Fish and Game Commission, term to expire June 30, 2015.

Jeffery D. Raybould to the Idaho Water Resource Board, term to expire January 1, 2015.

Peter D. Van Der Meulen to the Idaho Water Resource Board, term to expire January 1, 2015.

Robert "Bob" Graham to the Idaho Water Resource Board, term to expire January 1, 2015.

PEARCE, Chairman

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

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

Messages from the House

January 30, 2012

Dear Mr. President:

I transmit herewith HJM 4, which has passed the House.

ALEXANDER, Chief Clerk

HJM 4 was filed for first reading.

January 30, 2012

Dear Mr. President:

I return herewith S 1224, which has passed the House.

ALEXANDER, Chief Clerk

S 1224 was referred to the Judiciary and Rules Committee for enrolling.

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

Reports of Standing Committees

January 31, 2012

The JUDICIARY AND RULES Committee reports that S 1224 has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled S 1224 and ordered it transmitted to the House for the signature of the Speaker.

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

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

S 1272
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO TELEGRAPHS; AMENDING SECTION 19-616, IDAHO CODE, TO DELETE PROVISIONS RELATING TO TELEGRAPHING, TO PROVIDE THAT A WARRANT OF ARREST MAY BE SENT BY CERTAIN PROCESSES AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 19-617, IDAHO CODE, RELATING TO TELEGRAPHIC COPIES OF WARRANTS; REPEALING SECTIONS 62-414 THROUGH 62-417, IDAHO CODE, RELATING TO TELEGRAPHIC COMMUNICATIONS.

S 1273
BY HEALTH AND WELFARE COMMITTEE
AN ACT
RELATING TO NURSES; AMENDING SECTION 54-1401, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1402, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 54-1403, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1408, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1409, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE A QUALIFICATION FOR AN ADVANCED PRACTICE REGISTERED NURSING LICENSE; AMENDING SECTION 54-1410, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-1411, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LICENSE RENEWAL AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-1417, IDAHO CODE, TO REVISE THE MEMBERSHIP OF AND TERM OF OFFICE FOR THE ADVISORY COMMITTEE TO THE BOARD, TO REVISE THE DUTIES OF THE ADVISORY COMMITTEE TO THE BOARD AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING AN EFFECTIVE DATE.

S 1272 and S 1273 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HJM 4, by Judiciary, Rules, and Administration Committee, was introduced, read at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 395, by Appropriations Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Corder, granted by unanimous consent, H 356 retained its place on the Third Reading Calendar for one legislative day.

H 360 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 33.

NAYS–None.

Absent and excused–Cameron, Winder. Total - 2.

Total - 35.

Whereupon the President declared H 360 passed, title was approved, and the bill ordered returned to the House.

H 361 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 33.

NAYS–None.

Absent and excused–Cameron, Winder. Total - 2.

Total - 35.

Whereupon the President declared H 361 passed, title was approved, and the bill ordered returned to the House.

Senator Cameron was recorded present at this order of business.

H 362 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McGee, McKenzie, Siddoway, Smyser, Tippets, Toryanski, Werk. Total - 24.

NAYS–Bock, Fulcher, Malepeai, Malloy (McKague), Mortimer, Nuxoll, Pearce, Schmidt, Stennett, Vick. Total - 10.

Absent and excused–Winder. Total - 1.

Total - 35.

Whereupon the President declared **H 362** passed, title was approved, and the bill ordered returned to the House.

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

Messages from the House

January 31, 2012

Dear Mr. President:

I return herewith Enrolled **S 1224**, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1224** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Wednesday, February 1, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 1, 2012

Senate Chamber

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

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Brian Kreis, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 31, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Werk was recorded present at this order of business.

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

Petitions, Resolutions, and Memorials

SCR 113
BY LOCAL GOVERNMENT AND TAXATION COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE STATE TAX COMMISSION RELATING TO INCOME TAX ADMINISTRATIVE RULES.

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 35.01.01, State Tax Commission, Rules Governing Income Tax Administrative Rules, Section 263, relating to Idaho Source Income of Nonresident and Part-Year Resident Individuals – Distributive Share of S Corporation and Partnership Income, only, adopted as pending rules under Docket Number 35-0101-1102, be, and the same are hereby rejected and declared null, void and of no force and effect.

SCR 113 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 1, 2012

The JUDICIARY AND RULES Committee reports that **S 1272** and **S 1273** have been correctly printed.

DARRINGTON, Chairman

S 1272 was referred to the Judiciary and Rules Committee.

S 1273 was referred to the Health and Welfare Committee.

January 31, 2012

The TRANSPORTATION Committee reports out **S 1243** with the recommendation that it do pass.

HAMMOND, Chairman

S 1243 was filed for second reading.

January 31, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 357**, **H 363**, **H 364**, and **H 365** with the recommendation that they do pass.

CORDER, Chairman

H 357, **H 363**, **H 364**, and **H 365** were filed for second reading.

January 31, 2012

The JUDICIARY AND RULES Committee reports that Enrolled **S 1224** was delivered to the Office of the Governor at 1:10 p.m., January 31, 2012.

DARRINGTON, Chairman

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

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

Messages from the Governor

January 30, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Ruthie Johnson of Hayden Lake, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2011, and expiring July 1, 2014.

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

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

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

The Gubernatorial appointment was referred to the State Affairs Committee.

January 30, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Hyong K. Pak of Twin Falls, Idaho, was appointed as a member of the Idaho Commission on Human Rights to serve a term commencing July 1, 2011, and expiring July 1, 2014.

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

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

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

The Gubernatorial appointment was referred to the State Affairs Committee.

January 31, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1224

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

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

The Senate advanced to the Ninth Order of Business.

Messages from the House

January 31, 2012

Dear Mr. President:

I transmit herewith Enrolled **H 355** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 355** and ordered it returned to the House.

Senator Andreason was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Resources and Environment Committee report relative to the Idaho Fish and Game Commission appointment of Alex Irby was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Nuxoll, seconded by Senator Schmidt, the Idaho Fish and Game Commission appointment of Alex Irby as a member of the Outfitters and Guides Licensing Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Idaho Fish and Game Commission appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Idaho Fish and Game Commission informing them of the action of the Senate.

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

On motion by Senator Johnson, seconded by Senator Stennett, the Gubernatorial appointment of Fred Trevey as a member of the Idaho Fish and Game Commission was confirmed by voice vote.

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

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

On motion by Senator Bair, seconded by Senator Stennett, the Gubernatorial appointment of Kenneth T. Anderson as a member of the Idaho Fish and Game Commission was confirmed by voice vote.

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

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

On motion by Senator Siddoway, seconded by Senator Schmidt, the Gubernatorial appointment of Jeffery D. Raybould as a member of the Idaho Water Resource Board was confirmed by voice vote.

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

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Peter D. Van Der Meulen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Stennett, seconded by Senator Siddoway, the Gubernatorial appointment of Peter D. Van Der Meulen as a member of the Idaho Water Resource Board was confirmed by voice vote.

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

The President announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Robert "Bob" Graham was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Keough, seconded by Senator Stennett, the Gubernatorial appointment of Robert "Bob" Graham as a member of the Idaho Water Resource Board was confirmed by voice vote.

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

The Senate advanced to the Eleventh Order of Business.

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

S 1274
BY TRANSPORTATION COMMITTEE
AN ACT
RELATING TO TEXTING AND DRIVING; AMENDING CHAPTER 14, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1401A, IDAHO CODE, TO DEFINE A TERM AND TO PROVIDE INFRACTION PENALTIES FOR TEXTING WHILE DRIVING WITH EXCEPTIONS.

S 1274 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1267, S 1213, S 1219, S 1222, S 1232, and S 1233, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Cameron was recorded present at this order of business.

H 356 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 34.

NAYS–None.

Absent and excused–Winder. Total - 1.

Total - 35.

Whereupon the President declared H 356 passed, title was approved, and the bill ordered returned to the House.

S 1225 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

President Little called President Pro Tempore Hill to the Chair.

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

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Mortimer, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 27.

NAYS–Bilyeu, Fulcher, Malloy (McKague), McKenzie, Nuxoll, Pearce, Vick. Total - 7.

Absent and excused–Winder. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared S 1225 passed, title was approved, and the bill ordered transmitted to the House.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12 noon until the hour of 11 a.m., Thursday, February 2, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

TWENTY-FIFTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 2, 2012

Senate Chamber

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

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

Prayer was offered by Chaplain Keith Buhler.

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

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 1, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator LeFavour was recorded present at this order of business.

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

Reports of Standing Committees

February 2, 2012

The JUDICIARY AND RULES Committee reports that S 1274 and SCR 113 have been correctly printed.

DARRINGTON, Chairman

S 1274 was referred to the Transportation Committee.

SCR 113 was referred to the Local Government and Taxation Committee.

February 1, 2012

The STATE AFFAIRS Committee reports out H 404 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, H 404 was referred to the Fourteenth Order of Business, General Calendar.

February 1, 2012

The JUDICIARY AND RULES Committee reports out S 1253 with the recommendation that it do pass.

DARRINGTON, Chairman

S 1253 was filed for second reading.

February 1, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 358 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

CORDER, Chairman

There being no objection, H 358 was referred to the Fourteenth Order of Business, General Calendar.

February 1, 2012

The EDUCATION Committee reports out S 1269 with the recommendation that it do pass.

GOEDDE, Chairman

S 1269 was filed for second reading.

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

Messages from the House

February 1, 2012

Dear Mr. President:

I transmit herewith H 402, H 412, and H 417, which have passed the House.

ALEXANDER, Chief Clerk

H 402, H 412, and H 417 were filed for first reading.

February 1, 2012

Dear Mr. President:

I return herewith SJR 102, which has passed the House.

ALEXANDER, Chief Clerk

SJR 102 was referred to the Judiciary and Rules Committee for enrolling.

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

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

S 1275
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO THE TRAFFIC SAFETY EDUCATION PROGRAM; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-827, IDAHO CODE, TO PROVIDE THE BOARD OF COUNTY COMMISSIONERS IN EACH COUNTY WITH THE AUTHORITY TO ESTABLISH A TRAFFIC SAFETY EDUCATION PROGRAM, TO PROVIDE REQUIREMENTS FOR SUCH PROGRAM AND TO PROVIDE FOR THE IMPOSITION AND DEPOSIT OF CERTAIN FEES; AMENDING CHAPTER 3, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-336, IDAHO CODE, TO PROVIDE CITIES WITH THE AUTHORITY TO

ESTABLISH A TRAFFIC SAFETY EDUCATION PROGRAM, TO PROVIDE REQUIREMENTS FOR SUCH PROGRAM AND TO PROVIDE FOR THE IMPOSITION AND DEPOSIT OF CERTAIN FEES; AMENDING SECTION 19-5116, IDAHO CODE, TO PROVIDE CODE REFERENCES; AND AMENDING SECTION 1-1623, IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS.

S 1276
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO ADVERTISING AND PLACING CHILDREN FOR ADOPTION WITHOUT A LICENSE; AMENDING SECTION 18-1512A, IDAHO CODE, TO REVISE THE DEFINITION OF ADVERTISEMENT, TO CLARIFY WHAT CONSTITUTES A VIOLATION FOR ADVERTISING OR PLACING CHILDREN FOR ADOPTION WITHOUT A LICENSE, TO PROVIDE THAT ADVERTISING OR PLACING CHILDREN FOR ADOPTION WITHOUT A LICENSE IS A MISDEMEANOR, TO PROVIDE A CRIMINAL PENALTY, TO PROVIDE THAT ADVERTISEMENTS SHALL INCLUDE AN ISSUED LICENSE NUMBER, TO PROVIDE REQUIREMENTS FOR ADVERTISEMENTS BY AN OUT-OF-STATE ENTITY, TO EXCLUDE PRIVATE COMMUNICATIONS BY INDIVIDUALS SEEKING TO ADOPT OR PLACE A CHILD FOR ADOPTION AND TO MAKE A TECHNICAL CORRECTION.

S 1277
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO DIETITIANS; AMENDING SECTION 54-3504, IDAHO CODE, TO REVISE THE DIETETIC LICENSURE BOARD MEMBER COMPENSATION.

S 1278
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO ATHLETIC TRAINERS; AMENDING SECTION 54-3914, IDAHO CODE, TO REVISE THE COMPENSATION FOR THE MEMBERS OF THE IDAHO BOARD OF ATHLETIC TRAINERS.

S 1279
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO LIABILITY OF LEGAL GUARDIANS FOR THEIR WARD; AMENDING SECTION 8-705, IDAHO CODE, TO REMOVE REFERENCE TO A LEGAL GUARDIAN; AMENDING SECTION 16-1628, IDAHO CODE, TO REMOVE REFERENCE TO A GUARDIAN; AMENDING SECTION 18-6711A, IDAHO CODE, TO REMOVE REFERENCE TO A LEGAL GUARDIAN; AMENDING SECTION 18-8409, IDAHO CODE, TO REMOVE REFERENCE TO A GUARDIAN; AMENDING SECTION 20-501, IDAHO CODE, TO REMOVE REFERENCE TO A LEGAL GUARDIAN; AMENDING SECTION 20-520, IDAHO CODE, TO REMOVE REFERENCE TO A LEGAL GUARDIAN; AMENDING SECTION 20-524, IDAHO CODE, TO REMOVE REFERENCE TO A LEGAL GUARDIAN AND TO PROVIDE REFERENCE TO ANOTHER LEGALLY OBLIGATED PERSON; AMENDING SECTION 32-1301, IDAHO CODE, TO CLARIFY THAT A GUARDIAN MUST HAVE LEGAL AND PHYSICAL CUSTODY TO BE LIABLE FOR FAILURE TO SUPERVISE A CHILD; AMENDING SECTION 33-1406, IDAHO CODE, TO REMOVE REFERENCE TO A GUARDIAN; AMENDING SECTION 39-2611, IDAHO CODE, TO REMOVE REFERENCE TO GUARDIANS; AMENDING SECTION 39-7504, IDAHO CODE, TO REMOVE REFERENCE TO GUARDIANS; AND AMENDING SECTION 48-702, IDAHO CODE, TO REMOVE REFERENCE TO A LEGAL GUARDIAN AND TO MAKE A TECHNICAL CORRECTION.

S 1280
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE RESPIRATORY CARE PRACTICE ACT; AMENDING SECTION 54-4313, IDAHO CODE, TO REVISE THE LICENSURE BOARD MEMBER COMPENSATION AND TO MAKE A TECHNICAL CORRECTION.

S 1281
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO ADOPTION OF CHILDREN; AMENDING CHAPTER 15, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1516, IDAHO CODE, TO PROVIDE A METHOD FOR BIOLOGICAL PARENTS TO MAINTAIN CONTACT WITH ADOPTEES, TO PROVIDE PROCEDURES FOR ENTERING INTO A CONTACT AGREEMENT AND TO AUTHORIZE A COURT TO APPROVE, MODIFY AND ENFORCE SUCH AN AGREEMENT.

S 1282
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-104, IDAHO CODE, TO PROVIDE FOR RULEMAKING, TO PROVIDE FOR SPECIAL INCENTIVE TAGS TO HUNT ANTELOPE, ELK OR DEER IN DESIGNATED UNITS TO CERTAIN PRIVATE LANDOWNERS AND TO PROVIDE FOR THE USE OR SALE OF SUCH TAGS; AND AMENDING SECTION 36-405, IDAHO CODE, TO PROHIBIT SPECIFIED CONDUCT UNLESS OTHERWISE PROVIDED BY LAW.

S 1283
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-104, IDAHO CODE, TO PROVIDE THAT ANY LANDOWNER ISSUED A LANDOWNER APPRECIATION PROGRAM CONTROLLED HUNT TAG MAY SELL THE TAG TO ANOTHER PERSON; AND AMENDING SECTION 36-405, IDAHO CODE, TO PROHIBIT SPECIFIED CONDUCT UNLESS OTHERWISE PROVIDED BY LAW.

S 1275, **S 1276**, **S 1277**, **S 1278**, **S 1279**, **S 1280**, **S 1281**, **S 1282**, and **S 1283** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 402, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 412, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 417, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1243, by Transportation Committee, was read the second time at length and filed for third reading.

H 357, H 363, H 364, and H 365, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Winder, granted by unanimous consent, S 1226 retained its place on the Third Reading Calendar for one legislative day.

S 1227 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis, Goedde. Total - 2.

Total - 35.

Whereupon the President declared S 1227 passed, title was approved, and the bill ordered transmitted to the House.

S 1228 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis, Goedde. Total - 2.

Total - 35.

Whereupon the President declared S 1228 passed, title was approved, and the bill ordered transmitted to the House.

S 1257 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis, Goedde. Total - 2.

Total - 35.

Whereupon the President declared S 1257 passed, title was approved, and the bill ordered transmitted to the House.

S 1258 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis, Goedde. Total - 2.

Total - 35.

Whereupon the President declared S 1258 passed, title was approved, and the bill ordered transmitted to the House.

H 395 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis, Goedde. Total - 2.

Total - 35.

Whereupon the President declared H 395 passed, title was approved, and the bill ordered returned to the House.

S 1267 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis, Goedde. Total - 2.

Total - 35.

Whereupon the President declared S 1267 passed, title was approved, and the bill ordered transmitted to the House.

S 1213 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nuxoll arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis, Goedde. Total - 2.

Total - 35.

Whereupon the President declared S 1213 passed, title was approved, and the bill ordered transmitted to the House.

S 1219 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis, Goedde. Total - 2.

Total - 35.

Whereupon the President declared S 1219 passed, title was approved, and the bill ordered transmitted to the House.

S 1222 was read the third time at length, section by section, and placed before the Senate for final consideration. Acting Senator Malloy arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

President Little called President Pro Tempore Hill to the Chair.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis, Goedde. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1222 passed, title was approved, and the bill ordered transmitted to the House.

S 1232 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis, Goedde. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1232 passed, title was approved, and the bill ordered transmitted to the House.

S 1233 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis, Goedde. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1233 passed, title was approved, and the bill ordered transmitted to the House.

Senator Goedde was recorded present at this order of business.

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

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12 noon until the hour of 11:15 a.m., Friday, February 3, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 3, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11:15 a.m.

Roll call showed all members present except Senators Davis and Heider, absent and formally excused by the Chair; and Senators Cameron and LeFavour, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Tess Warzyn, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 2, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

Senator LeFavour was recorded present at this order of business.

February 2, 2012

The JUDICIARY AND RULES Committee reports that S 1275, S 1276, S 1277, S 1278, S 1279, S 1280, S 1281, S 1282, and S 1283 have been correctly printed.

DARRINGTON, Chairman

S 1275 was referred to the Judiciary and Rules Committee.

S 1276, S 1277, S 1278, S 1279, S 1280, and S 1281 were referred to the Health and Welfare Committee.

S 1282 and S 1283 were referred to the Resources and Environment Committee.

February 2, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out SCR 113 with the recommendation that it do pass.

CORDER, Chairman

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

February 2, 2012

The JUDICIARY AND RULES Committee reports that SJR 102 has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled SJR 102 and ordered it transmitted to the House for the signature of the Speaker.

February 2, 2012

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

Colleen Marie Back to the Aeronautics Advisory Board, term to expire January 31, 2012.

HAMMOND, Chairman

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

February 2, 2012

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

Colleen Marie Back to the Aeronautics Advisory Board, term to expire January 31, 2017.

HAMMOND, Chairman

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

Senator Cameron was recorded present at this order of business.

February 3, 2012

The STATE AFFAIRS Committee reports out S 1270 with the recommendation that it do pass.

MCKENZIE, Chairman

S 1270 was filed for second reading.

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

Messages from the Governor

January 30, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that E. Robert (Bob) Mooney of Boise, Idaho, was appointed as a member of the Idaho Energy Resources Authority to serve a term commencing April 8, 2011, and expiring June 30, 2015.

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

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

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

The Gubernatorial appointment was referred to the State Affairs Committee.

February 1, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Sam Haws of Meridian, Idaho, was appointed Administrator of the Office on Aging to serve a term commencing July 11, 2011, and continuing at the pleasure of the Governor.

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

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

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

The Gubernatorial appointment was referred to the State Affairs Committee.

February 1, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Tom Schultz of Boise, Idaho, was appointed Director of the Department of Lands to serve a term commencing September 26, 2011, and continuing at the pleasure of the Governor.

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

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

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

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

February 1, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jerry Whitehead of Boise, Idaho, was appointed to chair the Idaho Transportation Board to serve a term commencing February 1, 2012, and continuing at the pleasure of the Governor.

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

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

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

The Gubernatorial appointment was referred to the Transportation Committee.

February 2, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Dwight Horsch of Pocatello, Idaho, was appointed as a member of the Idaho Transportation Board to serve a term commencing June 1, 2011, and expiring January 31, 2017.

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

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

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

The Gubernatorial appointment was referred to the Transportation Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 2, 2012

Dear Mr. President:

I transmit herewith **H 367**, **H 369**, **H 405**, **H 382**, and **H 384**, which have passed the House.

ALEXANDER, Chief Clerk

H 367, **H 369**, **H 405**, **H 382**, and **H 384** were filed for first reading.

February 2, 2012

Dear Mr. President:

I transmit herewith Enrolled **H 360**, **H 361**, and **H 362** for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled **H 360**, **H 361**, and **H 362** and ordered them returned to the House.

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

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

S 1284
BY TRANSPORTATION COMMITTEE
AN ACT
RELATING TO LIABILITY TO LAND OWNERS OFFERING MOTORCYCLE, MOTOR-DRIVEN CYCLE OR OFF-HIGHWAY VEHICLE INSTRUCTION CLASSES; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 6, IDAHO CODE, TO DEFINE TERMS AND TO PROVIDE CONDITIONS WHEN AN OWNER OF LAND WHERE MOTORCYCLE INSTRUCTION, MOTOR-DRIVEN CYCLE INSTRUCTION OR OFF-HIGHWAY INSTRUCTION IS GIVEN TO A STUDENT SHALL BE LIABLE FOR DAMAGES OR INJURIES.

S 1285
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO THE STATE LOTTERY COMMISSION; AMENDING SECTION 67-7434, IDAHO CODE, TO REVISE HOW TRANSFERS OF LOTTERY DIVIDENDS ARE MADE.

S 1286
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO CHARITABLE BINGO AND RAFFLES; AMENDING SECTION 67-7709, IDAHO CODE, TO REVISE THE ALLOWED EXPENDITURE PERCENTAGES FOR CHARITABLE BINGO LICENSEES; AND AMENDING SECTION 67-7710, IDAHO CODE, TO REVISE THE ALLOWED EXPENDITURE PERCENTAGE FOR CHARITABLE RAFFLE LICENSEES.

S 1284, S 1285, and S 1286 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 367, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 369, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 405, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 382 and H 384, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1253, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1269, by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1226 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Davis, Heider. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1226 passed, title was approved, and the bill ordered transmitted to the House.

S 1243 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Fulcher, Goedde, Hammond, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS–Corder, Malloy (McKague). Total - 2.

Absent and excused–Davis, Heider. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1243 passed, title was approved, and the bill ordered transmitted to the House.

H 357 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Davis, Heider, Werk. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 357** passed, title was approved, and the bill ordered returned to the House.

H 363 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Davis, Heider, Werk. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 363** passed, title was approved, and the bill ordered returned to the House.

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

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

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Monday, February 6, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

TWENTY-NINTH LEGISLATIVE DAY
MONDAY, FEBRUARY 6, 2012

Senate Chamber

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

Roll call showed all members present except Senators Hammond and Siddoway, absent and formally excused by the Chair.

Prayer was offered by Chaplain Keith Buhler.

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

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 3, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

February 6, 2012

The JUDICIARY AND RULES Committee reports that **S 1284**, **S 1285**, and **S 1286** have been correctly printed.

DARRINGTON, Chairman

S 1284 was referred to the Transportation Committee.

S 1285 and **S 1286** were referred to the State Affairs Committee.

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

Messages from the Governor

February 3, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jeffery Sayer of Idaho Falls, Idaho, was appointed Director of the Department of Commerce to serve a term commencing October 3, 2011, and continuing at the pleasure of the Governor.

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

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

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

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

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 3, 2012

Dear Mr. President:

I transmit herewith Enrolled **H 356** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 356** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that **SCR 113** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Corder, seconded by Senator Johnson, **SCR 113** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that the Transportation Committee reports relative to the Gubernatorial appointments of Colleen Marie Back were before the Senate for final consideration, the question being, "Shall the reports be adopted?"

On motion by Senator Bilyeu, seconded by Senator Tippets, the Gubernatorial appointments of Colleen Marie Back as a member of the Aeronautics Advisory Board were confirmed by voice vote.

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

The Senate advanced to the Eleventh Order of Business.

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

S 1287
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO CITY IRRIGATION SYSTEMS; AMENDING SECTION 50-1801, IDAHO CODE, TO AUTHORIZE CITIES TO ESTABLISH OR EXTEND A CITY IRRIGATION SYSTEM IN THE WHOLE OR PART OF AN AREA OF CITY IMPACT PROVIDED AN ORDINANCE HAS BEEN ADOPTED TO PROVIDE FOR THE ESTABLISHMENT OR

EXTENSION OF A CITY IRRIGATION SYSTEM INTO THE CITY IMPACT AREA AND TO MAKE TECHNICAL CORRECTIONS.

S 1288
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO FLOOD PROTECTION; AMENDING SECTION 46-1021, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 46-1022, IDAHO CODE, TO PROVIDE THAT FLOODPLAIN ZONING ORDINANCES SHALL NOT REGULATE CERTAIN CHANGES TO IMPROVED OR UNIMPROVED REAL ESTATE WITHIN THE RIGHT-OF-WAY FOR ANY DITCH, LATERAL, DRAIN, DIVERSION STRUCTURE, PIPELINE, HYDROPOWER FACILITY OR OTHER IRRIGATION OR DRAINAGE WORKS THAT ARE PERFORMED OR AUTHORIZED BY THE OWNER FOR WATER DELIVERY, DRAINAGE OR HYDROPOWER PURPOSES; AND DECLARING AN EMERGENCY.

S 1289
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO IRRIGATION DISTRICTS; AMENDING SECTION 43-1106, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPEAL PROCEDURES; AND AMENDING SECTION 43-1118, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPEAL PROCEDURES.

S 1290
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO DRAINAGE DISTRICTS; AMENDING SECTION 42-2914, IDAHO CODE, TO PROVIDE FOR REAPPORTIONMENT OF CERTAIN BENEFITS, TO PROVIDE FOR PETITIONS, TO PROVIDE FOR ORDERS RELATING TO HEARINGS, TO PROVIDE FOR PUBLICATION OF ORDERS, TO PROVIDE FOR OBJECTIONS AND TO PROVIDE FOR ORDERS RELATING TO REAPPORTIONMENT; AMENDING SECTION 42-2961, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPORTIONMENT OF ESTIMATES OF THE COST OF MAINTENANCE OF DRAINAGE DISTRICTS' DRAINAGE SYSTEMS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 42-2962, IDAHO CODE, TO PROVIDE A CODE REFERENCE RELATING TO THE APPORTIONMENT OF CERTAIN ASSESSMENTS AND TO MAKE A TECHNICAL CORRECTION.

S 1287, S 1288, S 1289, and S 1290 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1270, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1253 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Siddoway. Total - 2.

Total - 35.

Whereupon the President declared S 1253 passed, title was approved, and the bill ordered transmitted to the House.

S 1269 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

President Little called President Pro Tempore Hill to the Chair.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Siddoway. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1269 passed, title was approved, and the bill ordered transmitted to the House.

H 364 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McGee arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Siddoway. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared H 364 passed, title was approved, and the bill ordered returned to the House.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11 a.m., Tuesday, February 7, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTIETH LEGISLATIVE DAY
TUESDAY, FEBRUARY 7, 2012

Senate Chamber

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

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ben Adams, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 6, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

February 7, 2012

The JUDICIARY AND RULES Committee reports that **S 1287**, **S 1288**, **S 1289**, and **S 1290** have been correctly printed.

DARRINGTON, Chairman

S 1287, **S 1288**, **S 1289**, and **S 1290** were referred to the Resources and Environment Committee.

Senator McKenzie was recorded present at this order of business.

February 6, 2012

The JUDICIARY AND RULES Committee reports out **S 1265** and **S 1266** with the recommendation that they do pass.

DARRINGTON, Chairman

S 1265 and **S 1266** were filed for second reading.

February 6, 2012

The JUDICIARY AND RULES Committee reports out **S 1215** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **S 1215** was referred to the Fourteenth Order of Business, General Calendar.

February 6, 2012

The EDUCATION Committee reports out **H 382** and **H 384** with the recommendation that they do pass.

GOEDDE, Chairman

H 382 and **H 384** were filed for second reading.

February 7, 2012

The HEALTH AND WELFARE Committee reports out **S 1255** with the recommendation that it do pass.

LODGE, Chairman

S 1255 was filed for second reading.

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

Messages from the House

February 6, 2012

Dear Mr. President:

I transmit herewith **HJM 7**, **H 371**, **HCR 31**, **H 383**, **H 385**, **H 374**, **H 375**, **H 437**, and **H 438**, which have passed the House.

ALEXANDER, Chief Clerk

HJM 7, **H 371**, **HCR 31**, **H 383**, **H 385**, **H 374**, **H 375**, **H 437**, and **H 438** were filed for first reading.

February 6, 2012

Dear Mr. President:

I transmit herewith Enrolled **H 395** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 395** and ordered it returned to the House.

February 6, 2012

Dear Mr. President:

I return herewith Enrolled **SJR 102**, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **SJR 102** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

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

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

S 1291
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO RANGELANDS; AMENDING CHAPTER 7, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-715, IDAHO CODE, TO PROVIDE FOR THE CREATION OF THE RANGELAND CENTER IN

THE UNIVERSITY OF IDAHO, TO PROVIDE FOR THE DIRECTOR OF THE RANGELAND CENTER, TO PROVIDE DUTIES AND TO PROVIDE FOR CONTROL BY THE STATE BOARD OF REGENTS THROUGH THE DEANS OF THE COLLEGES OF NATURAL RESOURCES AND AGRICULTURAL AND LIFE SCIENCES, TO PROVIDE FOR POWERS AND DUTIES OF THE RANGELAND CENTER AND TO PROVIDE FOR A PARTNER ADVISORY COUNCIL; AMENDING CHAPTER 7, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-716, IDAHO CODE, TO PROVIDE FOR THE RANGELAND CENTER ACT; AND PROVIDING SEVERABILITY.

S 1292
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO EXECUTION; AMENDING CHAPTER 27, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2716A, IDAHO CODE, TO PROVIDE THAT THE INFLICTION OF THE PUNISHMENT OF DEATH SHALL NOT BE CONSTRUED AS THE PRACTICE OF MEDICINE, TO PROVIDE CERTAIN EXEMPTIONS AND TO PROVIDE THAT CERTAIN PERSONS AND ENTITIES SHALL NOT BE SUBJECT TO CRIMINAL OR CIVIL LIABILITY FOR THE DEATH OF THE CONDEMNED PERSON; AND DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1293
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO FEDERAL FOOD STAMPS; AMENDING SECTION 56-227D, IDAHO CODE, TO REVISE THE FELONY THRESHOLD FOR TRAFFICKING FOOD STAMPS.

S 1294
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE MEDICAL CONSENT AND NATURAL DEATH ACT; AMENDING SECTION 39-4501, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PEOPLE WITH MENTAL ILLNESS OR DEVELOPMENTAL DISABILITY AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-4502, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4503, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PEOPLE WHO MAY CONSENT TO THEIR OWN CARE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4504, IDAHO CODE, TO REVISE PROVISIONS RELATING TO PEOPLE WHO MAY GIVE CONSENT TO CARE FOR OTHERS, TO PROVIDE FOR LIMITS ON AUTHORITY FOR A SURROGATE DECISION MAKER AND TO REVISE WHO CAN BE A SURROGATE DECISION MAKER; AMENDING SECTION 39-4506, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RESPONSIBILITY FOR CONSENT AND DOCUMENTATION AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-4509, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REVISE A DEFINITION; AMENDING SECTION 39-4510, IDAHO CODE, TO PROVIDE FOR ADVANCED PRACTICE PROFESSIONAL NURSES AND PHYSICIAN ASSISTANTS IN INCORPORATION OF A LIVING WILL AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4511, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS RELATING TO DOCUMENTS THAT CAN REVOKE A LIVING WILL AND TO REVISE TERMINOLOGY; AMENDING CHAPTER 45, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4511B, IDAHO CODE, TO PROVIDE FOR SUSPENSION AND RESUMPTION OF A LIVING WILL; AMENDING SECTION 39-4512A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO WHO CAN SIGN AND REVIEW A PHYSICIAN ORDER FOR SCOPE OF TREATMENT FORM, TO REVISE PROVISIONS RELATING TO WHEN A PHYSICIAN ORDER FOR SCOPE OF TREATMENT SHALL BE EFFECTIVE, TO REVISE PROVISIONS RELATING TO WHO MAY WEAR A PHYSICIAN ORDER FOR SCOPE OF TREATMENT IDENTIFICATION DEVICE, TO REVISE TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-4512B, IDAHO CODE, TO PROVIDE CODE REFERENCES, TO REVISE TERMINOLOGY AND TO PROVIDE FOR A DO NOT RESUSCITATE ORDER IN CONJUNCTION WITH THE PROVISIONS OF THIS CHAPTER; AMENDING SECTION 39-4513, IDAHO CODE, TO PROVIDE FOR A DO NOT RESUSCITATE ORDER OR PHYSICIAN ORDER FOR SCOPE OF TREATMENT IDENTIFICATION DEVICE IN IMMUNITY FROM LIABILITY AND TO REVISE TERMINOLOGY; AMENDING SECTION 39-4514, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES, TO REVISE PROVISIONS RELATING TO PRESUMED CONSENT TO RESUSCITATION AND EXISTING DIRECTIVES AND TO REVISE TERMINOLOGY; AND AMENDING SECTION 66-405, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1295
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO REGULATION AND LICENSURE OF MASSAGE THERAPISTS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 40, TITLE 54, IDAHO CODE, TO PROVIDE PURPOSE, TO DEFINE TERMS, TO PROVIDE EXEMPTIONS, TO PROVIDE PROHIBITIONS, TO REQUIRE LICENSURE, TO ESTABLISH THE BOARD OF MASSAGE THERAPY AND TO PROVIDE FOR MEMBERSHIP, TO PROVIDE POWERS AND DUTIES OF THE BOARD, TO PROVIDE FEES, TO PROVIDE REQUIREMENTS FOR ISSUANCE OF A LICENSE, TO PROVIDE FOR ENDORSEMENT LICENSURE, TO PROVIDE FOR LICENSE RENEWAL, TO PROVIDE FOR LICENSING OF EXISTING MASSAGE PRACTITIONERS, TO PROVIDE FOR DISCIPLINARY ACTION, TO PROVIDE FOR ENFORCEMENT AND PENALTIES AND TO PROVIDE FOR PREEMPTION OF LOCAL REGULATION; AND PROVIDING EFFECTIVE DATES.

S 1291, **S 1292**, **S 1293**, **S 1294**, and **S 1295** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HJM 7, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

H 371, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

HCR 31, by Business Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

H 383 and **H 385**, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

H 374 and **H 375**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 437 and **H 438**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

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

Third Reading of Bills

H 365 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–LeFavour. Total - 1.

Total - 35.

Whereupon the President declared **H 365** passed, title was approved, and the bill ordered returned to the House.

S 1270 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–LeFavour. Total - 1.

Total - 35.

Whereupon the President declared **S 1270** passed, title was approved, and the bill ordered transmitted to the House.

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

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 11 a.m., Wednesday, February 8, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-FIRST LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 8, 2012

Senate Chamber

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

Roll call showed all members present.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Chase Bower, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 7, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Petitions, Resolutions, and Memorials

SCR 114
BY HEALTH AND WELFARE COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO MEDICAID ENHANCED PLAN BENEFITS.

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

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

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare relating to Medicaid Enhanced Plan Benefits are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.10, Department of Health and Welfare, Rules Governing Medicaid Enhanced Plan Benefits, Section 119, Subsections 02.b and 03, Section 140, Subsections 08.b and 09, Section 659, Subsections 01.b and 02, Section 706, Subsections 04 and 05, and Section 736, Subsections 09 and 10, only, adopted as pending rules under Docket Number 16-0310-1104, be, and the same are hereby rejected and declared null, void and of no force and effect.

SCR 115
BY HEALTH AND WELFARE 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 Senate and the House of Representatives concurring therein, that IDAPA 24.05.01, Bureau of Occupational Licenses, Rules of the Board of Drinking Water and Wastewater Professionals, Section 375, Subsection 02.c, 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.

SCR 116
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE FEASIBILITY AND MEANS NECESSARY OF WHAT WOULD BE NEEDED FOR THE STATE OF IDAHO TO OBTAIN PRIMACY OVER REGULATION OF WASTEWATER DISCHARGES TO SURFACE WATER.

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

WHEREAS, government that is the closest to the people is the best and most responsive government; and

WHEREAS, it would be beneficial for the Department of Environmental Quality to have primacy over regulation of wastewater discharges to surface water under the National Pollutant Discharge Elimination System (NPDES) program; and

WHEREAS, entities seeking or complying with a NPDES permit are subject to distant interaction and must get decision making by the U.S. Environmental Protection Agency regarding issues with wastewater treatment and disposal; and

WHEREAS, it would be a great benefit to municipalities, industry and society to determine the costs and feasibility of the NPDES program as well as the authority that would be given to the state of Idaho by the U.S. Environmental Protection Agency to operate the program.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the resources necessary and any change in statutes or rules to obtain primacy

over the regulation of wastewater NPDES program. 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. The Director of the Department of Environmental Quality is requested to assist the interim committee in providing information regarding the cost of such an endeavor, necessary funding sources and necessary statutory or rule changes that need to occur.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-second Idaho Legislature.

SCR 114, SCR 115, and SCR 116 were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 8, 2012

The JUDICIARY AND RULES Committee reports that S 1291, S 1292, S 1293, S 1294, and S 1295 have been correctly printed.

DARRINGTON, Chairman

S 1291 was referred to the Resources and Environment Committee.

S 1292 was referred to the Judiciary and Rules Committee.

S 1293, S 1294, and S 1295 were referred to the Health and Welfare Committee.

February 7, 2012

The AGRICULTURAL AFFAIRS Committee reports out S 1236 and S 1259 with the recommendation that they do pass.

SIDDOWAY, Chairman

S 1236 and S 1259 were filed for second reading.

February 7, 2012

The JUDICIARY AND RULES Committee reports that Enrolled SJR 102 was delivered to the Office of the Secretary of State at 1:50 p.m., February 7, 2012.

DARRINGTON, Chairman

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

February 7, 2012

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

Michael D. Gibson to the Commission for the Blind and Visually Impaired, term to expire July 1, 2014.

LODGE, Chairman

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

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

Messages from the House

February 7, 2012

Dear Mr. President:

I transmit herewith H 394, which has passed the House.

ALEXANDER, Chief Clerk

H 394 was filed for first reading.

February 7, 2012

Dear Mr. President:

I return herewith S 1223, S 1257, S 1258, and S 1267, which have passed the House.

ALEXANDER, Chief Clerk

S 1223, S 1257, S 1258, and S 1267 were referred to the Judiciary and Rules Committee for enrolling.

February 7, 2012

Dear Mr. President:

I transmit herewith Enrolled H 357 and H 363 for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled H 357 and H 363 and ordered them returned to the House.

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

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

S 1296
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT
RELATING TO LIVESTOCK PROCEEDS; AMENDING SECTION 25-1174, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS THAT ESCHEAT TO THE STATE SHALL BE DEPOSITED INTO THE STATE BOARD OF EDUCATION'S MISCELLANEOUS REVENUE FUND FOR APPROPRIATION TO CERTAIN PUBLIC EDUCATION AND/OR HIGHER EDUCATION PROGRAMS AS DIRECTED BY THE IDAHO CATTLE FOUNDATION, INC., AND TO PROVIDE A DATE BY WHICH SUCH DIRECTION SHALL BE GIVEN.

S 1297
BY EDUCATION COMMITTEE
AN ACT
RELATING TO EDUCATION; AMENDING SECTION 33-517, IDAHO CODE, TO REVISE PROVISIONS RELATING TO POWERS AND DUTIES OF SCHOOL DISTRICTS, TO REVISE PROVISIONS RELATING TO CERTAIN GRIEVANCE PROCEDURES RELATING TO NONCERTIFICATED PERSONNEL AND TO MAKE A TECHNICAL CORRECTION.

S 1298
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO CODIFIER'S CORRECTIONS IN STATUTES; AMENDING SECTION 8-507C, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 36-1401, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-302, IDAHO CODE, TO REMOVE REFERENCE TO ARCHAIC LANGUAGE; AMENDING SECTION 39-303A, IDAHO CODE, TO REMOVE REFERENCE TO ARCHAIC LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-304, IDAHO CODE, TO REMOVE REFERENCE TO ARCHAIC LANGUAGE; AMENDING SECTION 41-1941, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTIONS 56-234, 56-234A, 56-235A, 56-235B AND 56-235C, IDAHO CODE, TO MAKE CODIFIER'S CORRECTIONS; AMENDING SECTION 56-264, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 57-813, IDAHO CODE, TO INCREASE THE AMOUNT OF COUNTY DEDUCTIBLE; AND AMENDING SECTION 67-821, IDAHO CODE, TO REMOVE REFERENCE TO ARCHAIC LANGUAGE.

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

H 394, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1265, **S 1266**, **H 382**, **H 384**, and **S 1255**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

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

General Calendar

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

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

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out **H 404** and **H 358**, without recommendation, amended as follows:

SENATE AMENDMENT TO H 404
AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 9 through 41; and on page 2, delete lines 1 through 8, and insert:

"SECTION 1. LEGISLATIVE INTENT. Whereas, the Capitol Building and the Capitol Mall, as well as other state-owned and leased grounds and facilities, function as the vibrant core of Idaho State Government for Idaho citizens and, as such, require unobstructed grounds and convenient access to ensure the health and safety of all citizens including touring visitors and school children; and, whereas, the state should always strive to maintain the highest aesthetic standards for the grounds of the Capitol Mall, as well as other state-owned and leased grounds and facilities; and, whereas, the Capitol Mall and other state-owned and leased grounds and facilities should have consistent public use guidelines where appropriate with the local government; the Legislature now finds that it is in the best interest of the public health and safety of Idaho citizens to regulate the use of the grounds of the Capitol Mall and other state-owned and leased grounds and facilities in order to prevent the unauthorized use of these grounds and facilities as a temporary or permanent place for camping, lodging or living accommodations.

SECTION 2. That Chapter 16, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-1613, Idaho Code, and to read as follows:

67-1613. CAPITOL MALL AND OTHER STATE PROPERTY AND FACILITIES – CAMPING PROHIBITED. No person shall camp on or in any state-owned or leased property or facility including, but not limited to, the capitol mall, except those that are designated as a recreational camping ground, area or facility. The provisions of this section shall not apply or affect policies, rules, statutes or leases on endowment lands, department of parks and recreation lands or department of fish and game lands. For the purposes of this section, the term "camp" or "camping" means to use as a temporary or permanent place of dwelling, lodging or living accommodation, and which indicia of camping may include, but are not limited to, storing personal belongings, using tents or other temporary structures for storing personal belongings or for sleeping, carrying on cooking activities, laying out bedding or making any fire. Any person who violates the provisions of this section shall be guilty of an infraction. Such persons shall be required to remove all their personal property from the state-owned or leased property.

SECTION 3. That Chapter 16, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-1613A, Idaho Code, and to read as follows:

67-1613A. DISPOSITION OF PROPERTY. Any property remaining after issuance of a citation or any property left unattended shall be held by the agency or its agent removing the property in a secure location for a period of not less than ninety (90) days. Notice shall be posted and remain at the nearest reasonable location to the place of removal with the agency's or agent's contact information for the ninety (90) day period. If property is not claimed within the ninety (90) day period, the property shall be deemed abandoned and the agency shall have the right to dispose of the property. A reasonable storage fee as determined by the agency may be assessed at the time an owner

claims the property. The individual claiming the property shall produce identification and shall sign a release form providing his or her name and contact information and swearing that the property belongs to the claiming party. If the provisions of this section are complied with, the state of Idaho, its agents, employees and contractors shall be immune from legal liability for the administration of this section.

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.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.".

CORRECTION TO TITLE

On page 1, delete lines 2 through 7, and insert: "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 AND TO PROVIDE FOR AN INFRACTION; AMENDING CHAPTER 16, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-1613A, IDAHO CODE, TO PROVIDE PROCEDURES FOR DISPOSITION OF PROPERTY REMOVED FROM PUBLIC PROPERTY FOR VIOLATING A STATUTE THAT FORBIDS A CAMP OR CAMPING; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.".

SENATE AMENDMENT TO H 358

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete line 19, and insert: "MAKE LEVY. On or before the ~~first~~ third Monday in July of each year, the".

AMENDMENT TO SECTION 2

On page 1, delete line 27, and insert: "fore the ~~first~~ third Monday in July of each year the county ~~assessor~~ auditor".

AMENDMENT TO SECTION 3

On page 1, delete line 35, and insert: "POSES – BOARD TO MAKE LEVY. On or before the ~~first~~ third Monday in July of".

The Committee also has **S 1215** under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

H 404, as amended in the Senate, and **H 358**, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12:15 p.m. until the hour of 11 a.m., Thursday, February 9, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 9, 2012

Senate Chamber

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

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ryan Chapman, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 8, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Johnson was recorded present at this order of business.

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

Reports of Standing Committees

February 9, 2012

The JUDICIARY AND RULES Committee reports that S 1296, S 1297, S 1298, SCR 114, SCR 115, and SCR 116 have been correctly printed.

DARRINGTON, Chairman

S 1296 was referred to the Agricultural Affairs Committee.

S 1297 was referred to the Education Committee.

S 1298 was referred to the State Affairs Committee.

SCR 114 and SCR 115 were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Senator Hammond, granted by unanimous consent, SCR 116 was referred to the State Affairs Committee.

February 8, 2012

The JUDICIARY AND RULES Committee reports that S 1223, S 1257, S 1258, and S 1267 have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled S 1223, S 1257, S 1258, and S 1267 and ordered them transmitted to the House for the signature of the Speaker.

February 8, 2012

The JUDICIARY AND RULES Committee reports out S 1214, S 1263, and S 1272 with the recommendation that they do pass.

DARRINGTON, Chairman

S 1214, S 1263, and S 1272 were filed for second reading.

February 8, 2012

The RESOURCES AND ENVIRONMENT Committee reports out SJR 104 with the recommendation that it do pass.

PEARCE, Chairman

SJR 104 was filed for second reading.

February 8, 2012

The EDUCATION Committee reports out H 383 and H 385 with the recommendation that they do pass.

GOEDDE, Chairman

H 383 and H 385 were filed for second reading.

February 9, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to H 404 and H 358 have been correctly printed.

DARRINGTON, Chairman

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

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

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

S 1299
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO MILITARY EDUCATION TRAINING AND SERVICE; AMENDING CHAPTER 37, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3727, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION, THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, THE BOARD OF TRUSTEES OF CERTAIN COMMUNITY COLLEGES AND THE STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION SHALL DEVELOP POLICIES RELATING TO THE AWARD OF ACADEMIC CREDIT FOR CERTAIN MILITARY EDUCATION, TRAINING OR SERVICE, TO PROVIDE FOR COOPERATION IN THE DEVELOPMENT OF SUCH POLICIES AND TO AUTHORIZE RULEMAKING; AND AMENDING CHAPTER 26, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2620, IDAHO CODE, TO PROVIDE THAT EACH OF THE PROFESSIONAL AND OCCUPATIONAL LICENSING BOARDS WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES MAY ACCEPT CERTAIN MILITARY EDUCATION, TRAINING OR

SERVICE TOWARD THE QUALIFICATIONS TO RECEIVE LICENSURE, CERTIFICATION OR REGISTRATION AND TO AUTHORIZE RULEMAKING.

S 1300
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO CHILD CUSTODY AND VISITATION INVOLVING DEPLOYED PARENTS; AMENDING CHAPTER 7, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-720, IDAHO CODE, TO PROVIDE THAT A COURT MAY ONLY ENTER AN ORDER OR DECREE TEMPORARILY MODIFYING AN EXISTING CHILD CUSTODY ORDER UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR EXPEDITED HEARINGS UNDER CERTAIN CONDITIONS, TO PROVIDE FOR THE PRESENTATION OF TESTIMONY AND EVIDENCE BY ELECTRONIC MEANS UNDER CERTAIN CONDITIONS, TO PROVIDE FOR THE REINSTATEMENT OF CERTAIN CUSTODY ORDERS AND TO DEFINE TERMS.

S 1301
BY EDUCATION COMMITTEE
AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-512, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE SUPERVISION AND REGULATION OF CERTAIN EXTRACURRICULAR ACTIVITIES AND TO MAKE TECHNICAL CORRECTIONS.

S 1302
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO DOGS; AMENDING SECTION 25-2803, IDAHO CODE, TO PROVIDE FOR ALTERNATIVE MEANS OF IDENTIFICATION; REPEALING SECTION 25-2804, IDAHO CODE, RELATING TO DOGS WITHOUT COLLARS AND TAGS; REPEALING SECTION 25-2805, IDAHO CODE, RELATING TO DOGS RUNNING AT LARGE AND VICIOUS DOGS; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2805, IDAHO CODE, TO PROVIDE FOR THE SEIZURE AND IMPOUNDMENT OF DOGS RUNNING AT LARGE, TO PROVIDE FOR VIOLATION AND PENALTY, TO CLARIFY APPLICABILITY, TO PROVIDE A WAITING PERIOD DURING WHICH TIME AN OWNER MAY RECLAIM A DOG PRIOR TO THE DOG BEING HUMANELY KILLED OR TRANSFERRED TO ANOTHER PARTY AND TO PROVIDE THAT CERTAIN HOUSING OF A DOG BY THE SHERIFF OR HIS DELEGATE SHALL CONSTITUTE REASONABLE EFFORT TO LOCATE THE OWNER; REPEALING SECTION 25-2806, IDAHO CODE, RELATING TO LIABILITY; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2806, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR LIABILITY REGARDING DOGS ATTACKING OR KILLING ANIMALS, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR THE APPLICABILITY OF ADDITIONAL PROVISIONS IN CERTAIN SITUATIONS, TO PROVIDE FOR SEVERABLE LIABILITY AND TO PROVIDE FOR VIOLATIONS AND PENALTIES; AMENDING SECTION 25-2808, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2809, IDAHO CODE, TO PROVIDE FOR DEFENSE AGAINST DOG ATTACK, TO CLARIFY A QUALIFICATION AND TO PROVIDE AN EXCEPTION; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2810, IDAHO CODE, TO PROVIDE FOR THE DESIGNATION OF DANGEROUS DOGS AND AT-RISK DOGS, TO CLARIFY PROOF REQUIREMENTS IN THE PROSECUTION OF CERTAIN ACTIONS, TO DEFINE TERMS, TO PROVIDE THAT CERTAIN PROOF SHALL NOT BE REQUIRED IN PROCEEDINGS AND TO PROVIDE EXCEPTIONS; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2811, IDAHO CODE, TO PROVIDE THAT COURTS MAY ORDER CERTAIN DOGS BE KILLED, TO PROVIDE FOR RESTRICTIONS AND REQUIREMENTS, TO PROVIDE FOR THE WAIVER OF RESTRICTIONS AND REQUIREMENTS, TO PROVIDE FOR VIOLATIONS AND TO PROVIDE FOR IMPOUNDMENT; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2812, IDAHO CODE, TO PROVIDE FOR VIOLATIONS AND PENALTIES; AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2813, IDAHO CODE, TO PROVIDE FOR THE LOCAL REGULATION OF CERTAIN DOGS; AND AMENDING CHAPTER 28, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-2814, IDAHO CODE, TO PROVIDE FOR SEVERABILITY.

S 1303
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO ANIMALS; AMENDING SECTION 25-3504, IDAHO CODE, TO REMOVE REFERENCE TO MISDEMEANORS; AND AMENDING SECTION 25-3520A, IDAHO CODE, TO PROVIDE FOR VIOLATIONS OF SPECIFIED LAW, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR MISDEMEANORS, TO PROVIDE THAT SPECIFIED CONDUCT UNDER CERTAIN CIRCUMSTANCES SHALL CONSTITUTE A FELONY, TO PROVIDE FOR PENALTIES, TO PROVIDE THAT OTHER SPECIFIED CONDUCT SHALL CONSTITUTE MISDEMEANORS, TO REFERENCE PENALTIES, TO PROVIDE THAT EACH PRIOR CONVICTION OR GUILTY PLEA SHALL CONSTITUTE ONE VIOLATION AND TO PROVIDE THAT SPECIFIED PRACTICES ARE NOT ANIMAL CRUELTY.

S 1304
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO THE BARLEY COMMISSION; AMENDING SECTION 22-4002, IDAHO CODE, TO PROVIDE THAT COMMISSION MEMBERS SERVE AT THE PLEASURE OF THE GOVERNOR; AMENDING SECTION 22-4005, IDAHO CODE, TO PROVIDE THAT THE EXECUTIVE COMMITTEE OF THE IDAHO STATE WHEAT GROWERS ASSOCIATION, DOING BUSINESS AS THE IDAHO GRAIN PRODUCERS ASSOCIATION, MAY REQUEST THE REMOVAL OF A COMMISSIONER, TO PROVIDE THAT THE GOVERNOR MAY WITHDRAW A COMMISSIONER'S APPOINTMENT AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 22-4015, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO REVISE THE TAX IMPOSED ON CERTAIN BARLEY.

S 1305
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO THE CONTROL OF DEPREDATION OF WOLVES; AMENDING SECTION 36-1107, IDAHO CODE, TO PROVIDE THAT WITHIN A SPECIFIED TIME PERIOD OF LIVESTOCK OR DOMESTIC ANIMALS BEING MOLESTED OR ATTACKED, THE OWNER AND THEIR EMPLOYEES AND AGENTS MAY CONTROL THE WOLF OR WOLVES FROM A MOTORIZED VEHICLE AT ANY TIME OF THE DAY OR NIGHT, TO AUTHORIZE THE USE OF CERTAIN EQUIPMENT, TO REQUIRE THAT THE OWNER HOLD A SPECIFIED PERMIT FROM THE IDAHO DEPARTMENT OF AGRICULTURE IF USING A POWERED PARACHUTE, HELICOPTER OR FIXED WING AIRPLANE, TO PROVIDE THAT IN THE EVENT USDA-APHIS WILDLIFE SERVICES OR THE IDAHO DEPARTMENT OF FISH AND GAME VERIFIES A LOSS OF LIVESTOCK OR DOMESTIC ANIMALS DUE TO WOLF DEPREDATION, THE OWNER MAY OBTAIN A PERMIT FROM THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME AUTHORIZING THE OWNER AND THEIR EMPLOYEES AND AGENTS TO CONTROL THE WOLF OR WOLVES FROM A MOTORIZED VEHICLE AT ANY TIME OF THE DAY OR NIGHT, TO AUTHORIZE THE USE OF CERTAIN EQUIPMENT, TO PROVIDE FOR THE DURATION OF THE PERMIT, TO REQUIRE THAT THE OWNER HOLD A SPECIFIED PERMIT FROM THE IDAHO DEPARTMENT OF AGRICULTURE IF USING A POWERED PARACHUTE, HELICOPTER OR FIXED WING AIRPLANE, TO PROVIDE FOR REPORTING TO THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME AND TO PROVIDE THAT WOLVES SO TAKEN SHALL REMAIN THE PROPERTY OF THE STATE; AMENDING SECTION 22-102A, IDAHO CODE, TO PROVIDE THAT PERMITS MAY BE ISSUED BY THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE TO SHOOT WOLVES AS PROVIDED BY SPECIFIED LAW WHILE AIRBORNE IN AN AIRCRAFT; AND DECLARING AN EMERGENCY.

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

Moved by Senator Bock, seconded by Senator Stennett, that **H 404**, as amended in the Senate, be referred to the Fourteenth Order of Business for amendment, the question being, "Shall the motion prevail." The President announced the motion, by voice vote, did not prevail.

H 404, as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

H 358, as amended in the Senate, by Revenue and Taxation Committee, was read the first time at length and filed for second reading.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:30 p.m. until the hour of 11 a.m., Friday, February 10, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-THIRD LEGISLATIVE DAY
FRIDAY, FEBRUARY 10, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 11 a.m.

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ben DeMordaunt, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 9, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Petitions, Resolutions, and Memorials

SCR 117
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 THE IMPORTATION OF ANIMALS.

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 the Importation of Animals 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 Senate and the House of Representatives concurring therein, that IDAPA 02.04.21, Department of Agriculture, Rules Governing the Importation of Animals, Section 600, Subsection 02, relating to Parasiticide, only, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 118
BY COMMERCE AND HUMAN RESOURCES 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 Senate and the House of Representatives concurring therein, that IDAPA 07.01.06, Division of Building Safety, Rules Governing the Use of National Electrical Code, the entire rulemaking docket, adopted as a pending rule under Docket Number 07-0106-1101, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 119
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 Senate and the House of Representatives 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.

Senator Cameron was recorded present at this order of business.

SCR 117, **SCR 118**, and **SCR 119** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 10, 2012

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

DARRINGTON, Chairman

S 1299 and S 1301 were referred to the Education Committee.

S 1300 was referred to the Judiciary and Rules Committee.

S 1302, S 1303, and S 1304 were referred to the Agricultural Affairs Committee.

S 1305 was referred to the Resources and Environment Committee.

On request by Senator Lodge, granted by unanimous consent, S 1276 was recommitted to the Health and Welfare Committee.

February 9, 2012

The HEALTH AND WELFARE Committee reports out S 1279 and S 1281 with the recommendation that they do pass.

LODGE, Chairman

S 1279 and S 1281 were filed for second reading.

February 9, 2012

The AGRICULTURAL AFFAIRS Committee reports out H 412 with the recommendation that it do pass.

SIDDOWAY, Chairman

H 412 was filed for second reading.

February 9, 2012

The TRANSPORTATION Committee reports out H 367 with the recommendation that it do pass.

HAMMOND, Chairman

H 367 was filed for second reading.

February 9, 2012

The TRANSPORTATION Committee reports out S 1231 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HAMMOND, Chairman

There being no objection, S 1231 was referred to the Fourteenth Order of Business, General Calendar.

February 9, 2012

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

Mark Holubar to the Idaho Personnel Commission, term to expire July 1, 2017.

ANDREASON, Chairman

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

February 9, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out S 1268 with the recommendation that it do pass.

ANDREASON, Chairman

S 1268 was filed for second reading.

February 9, 2012

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

Linda Pike to the Board of Tax Appeals, term to expire June 30, 2014.

Richard W. Jackson to the State Tax Commission, term to expire April 1, 2017.

CORDER, Chairman

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

February 9, 2012

The HEALTH AND WELFARE Committee reports out S 1277, S 1278, and S 1280 with the recommendation that they do pass.

LODGE, Chairman

S 1277, S 1278, and S 1280 were filed for second reading.

February 9, 2012

The EDUCATION Committee reports out H 394 with the recommendation that it do pass.

GOEDDE, Chairman

H 394 was filed for second reading.

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

Messages from the House

February 6, 2012

Dear Mr. President:

I transmit herewith H 418, which has passed the House.

ALEXANDER, Chief Clerk

H 418 was filed for first reading.

February 8, 2012

Dear Mr. President:

I transmit herewith H 391, which has passed the House.

ALEXANDER, Chief Clerk

H 391 was filed for first reading.

February 9, 2012

Dear Mr. President:

I transmit herewith H 426, which has passed the House.

ALEXANDER, Chief Clerk

H 426 was filed for first reading.

February 8, 2012

Dear Mr. President:

I transmit herewith Enrolled H 364 for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled H 364 and ordered it returned to the House.

February 9, 2012

Dear Mr. President:

I transmit herewith Enrolled H 365 for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled H 365 and ordered it returned to the House.

February 9, 2012

Dear Mr. President:

I return herewith S 1237, which has passed the House.

ALEXANDER, Chief Clerk

S 1237 was referred to the Judiciary and Rules Committee for enrolling.

February 10, 2012

Dear Mr. President:

I return herewith Enrolled S 1223, S 1257, S 1258, and S 1267, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled S 1223, S 1257, S 1258, and S 1267 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator McGee, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Lincoln Day Service.

LINCOLN DAY SERVICE

The Lincoln Day Program was presented to the members of the Senate with Co-chairman Senator Vick providing opening remarks. The Prayer was offered by Pastor Rick DeMichele, Senior Pastor, Treasure Valley Baptist Church and "God Bless the USA" was sung by Marie Stettler, Senate intern, Soda Springs, Idaho.

Former Lt. Governor David Leroy, Chairman of the Idaho Abraham Lincoln Bicentennial Commission, provided remarks honoring President Lincoln. Jane A. Wittmeyer offered a reading.

Closing remarks were provided by Co-chairman Senator Nuxoll. The Chairmen extended their gratitude to all who helped with the program including Pastor DeMichele, Marie Stettler, David Leroy, Marian Smith and Jane Wittmeyer, and the Lincoln Day Service was dissolved.

On request by Senator Lodge, granted by unanimous consent, the gubernatorial appointment of Michael D. Gibson to the Commission for the Blind and Visually Impaired was recommitted to the Health and Welfare Committee.

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

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

S 1306
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT

RELATING TO THE DIRECTORY OF NEW HIRES; AMENDING CHAPTER 16, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1608, IDAHO CODE, TO PROVIDE A CIVIL PENALTY FOR EMPLOYERS FAILING TO REPORT THE HIRING OR REHIRING OF EMPLOYEES TO THE DEPARTMENT OF LABOR.

S 1307
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT

RELATING TO SECURED TRANSACTIONS; AMENDING SECTION 28-9-102, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-9-105, IDAHO CODE, TO REVISE CONTROL OF ELECTRONIC CHATTEL PAPER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-9-307, IDAHO CODE, TO REVISE THE LOCATION OF CERTAIN REGISTERED ORGANIZATIONS; AMENDING SECTION 28-9-311, IDAHO CODE, TO REVISE AN EXCEPTION TO A FINANCING STATEMENT FILING REQUIREMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-9-316, IDAHO CODE, TO PROVIDE FOR THE EFFECT ON A FILED FINANCING STATEMENT OF CHANGE IN GOVERNING LAW AND FOR THE EFFECT OF CHANGE IN GOVERNING LAW ON A FINANCING STATEMENT FILED AGAINST THE ORIGINAL DEBTOR AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-9-317, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE WHEN CERTAIN PERSONS TAKE FREE OF A SECURITY INTEREST IN CERTAIN COLLATERAL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-9-326, IDAHO CODE, TO REVISE WHEN A SECURITY INTEREST CREATED BY A NEW DEBTOR IS SUBORDINATED AND TO REVISE AN EXCEPTION; AMENDING SECTION 28-9-406, IDAHO CODE, TO REVISE THE APPLICATION OF CERTAIN TERMS RESTRICTING CERTAIN ASSIGNMENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-9-408, IDAHO CODE, TO REVISE THE APPLICATION OF CERTAIN TERMS RESTRICTING CERTAIN ASSIGNMENTS; AMENDING SECTION 28-9-502, IDAHO CODE, TO REVISE WHEN THE RECORD OF A MORTGAGE IS EFFECTIVE AS A FINANCING STATEMENT AND TO MAKE A

TECHNICAL CORRECTION; AMENDING SECTION 28-9-503, IDAHO CODE, TO REVISE THE SUFFICIENCY OF THE DEBTOR'S NAME ON A FINANCING STATEMENT AND TO DEFINE A TERM; AMENDING SECTION 28-9-507, IDAHO CODE, TO REVISE THE EFFECT WHEN A DEBTOR'S NAME BECOMES INSUFFICIENT SO THAT THE FINANCING STATEMENT BECOMES SERIOUSLY MISLEADING AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-9-515, IDAHO CODE, TO PROVIDE FOR THE EFFECTIVENESS OF A FILED INITIAL FINANCING STATEMENT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-9-516, IDAHO CODE, TO REVISE GROUNDS FOR REFUSAL OF THE FILING OFFICE TO ACCEPT A FILING AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 28-9-516A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DUTIES OF A FILING OFFICER; AMENDING SECTION 28-9-518, IDAHO CODE, TO REVISE TERMINOLOGY AND TO PROVIDE FOR THE FILING AND THE CONTENTS OF AN INFORMATION STATEMENT; REPEALING SECTION 28-9-521, IDAHO CODE, RELATING TO UNIFORM FORM OF WRITTEN FINANCING STATEMENT AND AMENDMENT; AMENDING CHAPTER 9, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 28-9-521, IDAHO CODE, TO PROVIDE FOR THE UNIFORM FORM OF WRITTEN FINANCING STATEMENT AND AMENDMENT; AMENDING SECTION 28-9-607, IDAHO CODE, TO REVISE THE CONTENTS OF A CERTAIN SECURED PARTY RECORDING AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 9, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW PART 8, CHAPTER 9, TITLE 28, IDAHO CODE, TO PROVIDE A SAVINGS CLAUSE, TO PROVIDE FOR SECURITY INTEREST PERFECTED BEFORE THE ACT'S EFFECTIVE DATE, TO PROVIDE FOR SECURITY INTEREST UNPERFECTED BEFORE THE ACT'S EFFECTIVE DATE, TO PROVIDE FOR THE EFFECTIVENESS OF ACTION TAKEN BEFORE THE ACT'S EFFECTIVE DATE, TO PROVIDE FOR WHEN THE INITIAL FINANCING STATEMENT SUFFICES TO CONTINUE EFFECTIVENESS OF THE FINANCING STATEMENT, TO PROVIDE FOR AMENDMENT OF PRE-EFFECTIVE-DATE FINANCING STATEMENT, TO PROVIDE FOR PERSONS ENTITLED TO FILE AN INITIAL FINANCING STATEMENT OR CONTINUATION STATEMENT AND TO PROVIDE FOR PRIORITY; AMENDING SECTION 28-12-103, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

S 1308
BY COMMERCE AND HUMAN RESOURCES COMMITTEE
AN ACT

RELATING TO TEACHERS; AMENDING SECTION 33-1217, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SICK LEAVE RIGHTS.

S 1309
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO RETAIL SALES OF PSEUDOEPHEDRINE PRODUCTS; AMENDING SECTION 37-3303, IDAHO CODE, TO REVISE PROVISIONS RELATING TO MAXIMUM QUANTITIES OF PSEUDOEPHEDRINE THAT CAN BE PURCHASED, TO PROVIDE THAT RETAILERS SHALL USE AN ELECTRONIC TRACKING SYSTEM IN THE SALE OF PSEUDOEPHEDRINE PRODUCTS, TO PROVIDE EXEMPTIONS FOR RETAILERS AND TO DEFINE A TERM; AMENDING CHAPTER 33, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-3303A, IDAHO CODE, TO PROVIDE FOR AN ELECTRONIC TRACKING SYSTEM FOR PSEUDOEPHEDRINE SALES, TO PROVIDE FOR REQUIRED INFORMATION, TO PROVIDE FOR THE USE OF RECORDS GATHERED, TO AUTHORIZE THE BOARD OF PHARMACY TO PROMULGATE AND ENFORCE RULES AND TO LIMIT THE LIABILITY OF RETAILERS.

S 1310
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO THE IDAHO TRANSPORTATION DEPARTMENT; REPEALING SECTION 40-514, IDAHO CODE, RELATING TO THE PUBLIC TRANSPORTATION SERVICES ADVISORY COUNCIL AND INTERAGENCY WORKING GROUP; AND AMENDING CHAPTER 5, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-514, IDAHO CODE, TO CREATE THE IDAHO MOBILITY COUNCIL, TO PROVIDE THE DUTIES AND RESPONSIBILITIES OF SUCH COUNCIL, TO GRANT SUCH COUNCIL THE AUTHORITY TO CONVENE SUBCOMMITTEES AND TO PROVIDE MEETING REQUIREMENTS.

S 1311
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-121, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 49-236, IDAHO CODE, TO PROVIDE AN ENHANCED PENALTY; AND AMENDING SECTION 49-529, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

S 1312
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-426, IDAHO CODE, TO PROVIDE THAT SPECIFIED OPERATING FEES SHALL NOT APPLY TO CERTAIN CONSTRUCTION EQUIPMENT, FORESTRY EQUIPMENT AND LAWN AND GROUNDS EQUIPMENT.

S 1313
BY TRANSPORTATION COMMITTEE
AN ACT

RELATING TO HAZARDOUS WASTE; AMENDING SECTION 39-4432, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISTRIBUTION OF CERTAIN REVENUES, TO ESTABLISH PROVISIONS RELATING TO REMITTANCE TO THE TREASURER OF A HIGHWAY DISTRICT, TO PROVIDE FOR USE OF MONEYS, TO ESTABLISH PROVISIONS RELATING TO REMITTANCE TO THE STATE HIGHWAY ACCOUNT AND TO PROVIDE FOR USE OF MONEYS.

S 1314
BY EDUCATION COMMITTEE
AN ACT
RELATING TO THE PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS; AMENDING SECTION 33-5004, IDAHO CODE, TO REVISE PROVISIONS AND ESTABLISH ADDITIONAL PROVISIONS RELATING TO CERTAIN GIFT INSTRUMENTS.

S 1315
BY LOCAL GOVERNMENT AND TAXATION COMMITTEE
AN ACT
RELATING TO PROPERTY TAXES; AMENDING SECTION 63-1003, IDAHO CODE, TO PROVIDE THAT DELINQUENCIES ON PERSONAL PROPERTY TAXES SHALL BE FIRST AND PRIOR, PERPETUAL LIENS ON SPECIFIED PROPERTY, EXCEPT AS TO ANY VALID PURCHASE MONEY SECURITY INTEREST IN THE PROPERTY OR AS OTHERWISE PROVIDED BY LAW.

S 1316
BY LOCAL GOVERNMENT AND TAXATION COMMITTEE
AN ACT
RELATING TO PUBLIC FUNDS; AMENDING CHAPTER 1, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-127B, IDAHO CODE, TO AUTHORIZE TREASURERS FOR PUBLIC HOSPITAL DISTRICTS AND TREASURERS FOR COUNTY HOSPITALS TO INVEST FUNDS GENERATED FROM OPERATIONAL REVENUES IN CERTAIN INVESTMENTS AND TO PROVIDE THAT SUCH AUTHORIZATION SHALL NOT BE CONSTRUED TO ENLARGE OR EXPAND POWERS OF TREASURERS FOR PUBLIC HOSPITAL DISTRICTS OR COUNTY HOSPITALS TO INVEST FUNDS GENERATED THROUGH AD VALOREM TAXES, ASSESSMENTS OR LEVIES OUTSIDE THE SCOPE OF INVESTMENTS ENUMERATED IN SPECIFIED LAW.

S 1306, **S 1307**, **S 1308**, **S 1309**, **S 1310**, **S 1311**, **S 1312**, **S 1313**, **S 1314**, **S 1315**, and **S 1316** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 418, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 391, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 426, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1236 and **S 1259**, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

S 1214, **S 1263**, and **S 1272**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

SJR 104, by Resources and Environment Committee, was read the second time at length and filed for third reading.

H 383 and **H 385**, by Education Committee, were read the second time at length and filed for third reading.

H 404, as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

H 358, as amended in the Senate, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

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

Miscellaneous Business

On motion by Senator McGee, seconded by Senator Stennett, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Monday, February 13, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 13, 2012

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Lodge and Pearce, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Renae Feist, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 10, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Petitions, Resolutions, and Memorials

SCR 120
BY RESOURCES AND ENVIRONMENT COMMITTEE
A CONCURRENT RESOLUTION
REJECTING APPLICATION TO APPROPRIATE WATER FOR MINIMUM LAKE LEVEL RELATING TO COCOLALLA LAKE LOCATED IN BONNER COUNTY.

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

WHEREAS, the Idaho Water Resource Board may apply for a permit to appropriate unappropriated waters of any lake to establish a minimum lake level; and

WHEREAS, under the provisions of Section 42-1503, Idaho Code, an application approved by the Idaho Department of Water Resources for a minimum lake level shall not become finally effective until affirmatively acted upon by the Legislature, except that if the Legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved; and

WHEREAS, on January 15, 2010, the Idaho Department of Water Resources issued a preliminary order approving an application to establish a minimum lake level as follows:

Source of water:	Cocolalla Lake located in Bonner County at Township 55 North, Range 2 West, B.M.
Purpose for the minimum lake level:	To preserve aesthetics, water quality and recreational uses.
The minimum lake level:	A water surface elevation of 2,207.77 feet above sea level from January 1 through December 31.
Proposed Priority Date:	July 21, 2008.

WHEREAS, the preliminary order approving the application became final on January 29, 2011.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the same is hereby rejected.

SJM 103
BY RESOURCES AND ENVIRONMENT COMMITTEE
A JOINT MEMORIAL
TO THE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF AGRICULTURE OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, during the First Regular Session of the Sixty-first Idaho Legislature, we adopted Senate Joint Memorial No. 101, which urged the reauthorization and full funding of the federal Secure Rural School and County Self-Determination Act ("SRS" or "Act"); and

WHEREAS, the SRS was enacted to meet the financial obligations of the federal government in rural communities with extensive federal land ownership as these lands do not contribute to the county tax base. The SRS law establishes transfer payment schedules for federal moneys to be paid from the U.S. Treasury directly to the counties to help support their schools, roads and essential services; and

WHEREAS, in 2011, the SRS has provided approximately $31 million dollars of federal funding to 34 Idaho counties for schools and roads with National Forest System lands in recognition of the federal government's obligation to these counties; and

WHEREAS, Congress has not yet reauthorized the SRS Act and the Act has now expired. Congress may still reauthorize, but current proposals for reauthorization are for less funding and for a shorter time than previous authorities; and

WHEREAS, the purpose of the SRS has always been for the federal government and counties to advance alternative arrangements to the SRS transfers; and

WHEREAS, five Idaho counties, Shoshone, Boundary, Clearwater, Idaho and Valley, commendably have developed a

pilot project or an alternative proposal for SRS funding called a Community Forest Trust ("Trust"); and

WHEREAS, the proposed Trust would provide that resources on certain designated federal lands be managed for the purposes of providing revenues to all Idaho counties currently receiving SRS funding; and

WHEREAS, the resources on the federal lands included in the proposed Trust would be managed by Idaho Department of Lands professionals under all laws, federal and state, as they apply to state lands in Idaho, and overseen by a Board of Idaho County Commissioners appointed by the Governor; and

WHEREAS, lands included in the proposed Trust would remain federal lands and available to all Americans for recreation and enjoyment; and

WHEREAS, the resources in the Trust would be required to be managed prudently and sustainably, and management activities would be monitored to ensure environmental standards are met; and

WHEREAS, the Idaho counties have submitted a proposal to Congress to conduct a pilot of the Trust as part of the SRS reauthorization, and any revenues generated be deducted from approved SRS payments thereby helping both Idaho counties and the federal government meet deficit reduction goals; and

WHEREAS, the Trust pilot would be for a minimum of five years and include resources on 200,000 acres of federal forest land in Idaho; and

WHEREAS, the Idaho Association of Counties Board of Directors and the Idaho Association of Counties Public Lands Committee unanimously approved the Trust pilot in September 2011; and

WHEREAS, the Trust has been reviewed by the Idaho Land Board in August 2011 and supported, in concept, with direction to the Idaho Department of Lands to work with the counties on how it would be implemented.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Congress of the United States to endorse and enact a Community Forest Trust pilot for Idaho, consistent with the proposal presented by Idaho counties to the U.S. House Natural Resources Committee as part of the July 14, 2011, hearing record on the Secure Rural Schools and Community Self-Determination Act of 2008 reauthorization.

BE IT FURTHER RESOLVED that we urge the Congress of the United States to reauthorize and extend the Secure Rural Schools and Community Self-Determination Act of 2008 (P.L. 110-343) for an additional ten-year period through federal fiscal year 2021, and that the Act be continued at federal fiscal year 2008 funding levels and be funded through mandatory, continuing appropriations.

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

SCR 120 and **SJM 103** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 13, 2012

The JUDICIARY AND RULES Committee reports that **S 1306**, **S 1307**, **S 1308**, **S 1309**, **S 1310**, **S 1311**, **S 1312**, **S 1313**, **S 1314**, **S 1315**, **S 1316**, **SCR 117**, **SCR 118**, and **SCR 119** have been correctly printed.

DARRINGTON, Chairman

S 1306, **S 1307**, and **S 1308** were referred to the Commerce and Human Resources Committee.

S 1309 was referred to the Health and Welfare Committee.

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

S 1314, **S 1315**, and **S 1316** were referred to the Local Government and Taxation Committee.

SCR 117, **SCR 118**, and **SCR 119** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 10, 2012

The JUDICIARY AND RULES Committee reports that Enrolled **S 1223**, **S 1257**, **S 1258**, and **S 1267** were delivered to the Office of the Governor at 1:35 p.m., February 10, 2012.

DARRINGTON, Chairman

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

February 10, 2012

The JUDICIARY AND RULES Committee reports that **S 1237** has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1237** and ordered it transmitted to the House for the signature of the Speaker.

February 10, 2012

The RESOURCES AND ENVIRONMENT Committee reports out **S 1283** with the recommendation that it do pass.

PEARCE, Chairman

S 1283 was filed for second reading.

February 10, 2012

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

Jim Yost to the Northwest Power and Conservation Council, term to expire January 15, 2015.

PEARCE, Chairman

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

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

Messages from the Governor

February 10, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1258

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

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

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

Motions and Resolutions

Senator Pearce was recorded present at this order of business.

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

On motion by Senator Broadsword, seconded by Senator McGee, **SCR 114** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 115** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator Malepeai, **SCR 115** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Mark Holubar was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Smyser, seconded by Senator Stennett, the Gubernatorial appointment of Mark Holubar as a member of the Idaho Personnel Commission was confirmed by voice vote.

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

Senator Lodge was recorded present at this order of business.

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

On motion by Senator Bilyeu, seconded by Senator Corder, the Gubernatorial appointment of Linda Pike as a member of the Board of Tax Appeals was confirmed by voice vote.

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

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

On motion by President Pro Tempore Hill, seconded by Senator Bilyeu, the Gubernatorial appointment of Richard W. Jackson as a member of the State Tax Commission was confirmed by voice vote.

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

The Senate advanced to the Eleventh Order of Business.

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

S 1317
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO HIGHWAYS AND BRIDGES; AMENDING SECTION 40-315, IDAHO CODE, TO REVISE PROVISIONS RELATING TO FEDERALLY FUNDED TRANSPORTATION PROJECT FINANCING, TO PROVIDE FOR A BRIDGE PROGRAM AND TO MAKE TECHNICAL CORRECTIONS.

S 1318
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5220, IDAHO CODE, TO PROVIDE STATUTORY PROCEDURES FOR NEGOTIATED RULEMAKING; AMENDING SECTION 67-5221, IDAHO CODE, TO PROVIDE NOTICE FOR NEGOTIATED RULEMAKING, TO PROVIDE FOR AN AGENCY TO POST NOTICE OF RULEMAKING ONTO ITS WEBSITE IF THE AGENCY HAS A WEBSITE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1319
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY; AMENDING SECTION 49-1232, IDAHO CODE, TO PROVIDE THAT A CERTAIN CERTIFICATE OR PROOF OF LIABILITY INSURANCE MAY BE PRODUCED IN PAPER OR ELECTRONIC FORMAT AND TO PROVIDE THE ACCEPTABLE ELECTRONIC FORMATS.

S 1320
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO IRRIGATION DISTRICTS; AMENDING CHAPTER 1, TITLE 43, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 43-112A, IDAHO CODE, TO PROVIDE FOR APPLICATIONS TO VOTE BY ABSENTEE BALLOT, TO REQUIRE ELECTORS' OATHS, TO PROVIDE FOR THE RETURN AND RECEIPT OF OATHS AND ABSENTEE BALLOTS, TO REQUIRE CERTAIN WRITTEN

DESIGNATIONS TO BE PROVIDED WITH OATHS AND ABSENTEE BALLOTS, TO PROVIDE FOR TRANSMITTAL OF ABSENTEE BALLOTS, OATHS AND DESIGNATIONS BY THE SECRETARY OF THE DISTRICT TO ELECTION JUDGES, TO PROVIDE THAT ABSENTEE BALLOTS ARE SUBJECT TO CHALLENGE, TO PROVIDE THAT GENERAL ELECTION LAWS RELATING TO ABSENTEE BALLOTS SHALL NOT APPLY AND TO PROVIDE FOR APPLICABILITY OF SPECIFIED PROVISIONS.

S 1321
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO FISH AND GAME; AMENDING SECTION 36-111, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE USE OF MONEYS IN THE WINTER FEEDING ACCOUNT, TO REVISE PROVISIONS RELATING TO THE USE OF THE BALANCE OF MONEYS FROM A SPECIFIED SOURCE WHICH WERE NOT DEPOSITED IN THE FEEDING ACCOUNT AND TO REQUIRE THE DEPARTMENT OF FISH AND GAME TO MAKE YEARLY REPORTS TO THE SENATE RESOURCES AND CONSERVATION COMMITTEE AND THE HOUSE RESOURCES AND ENVIRONMENT COMMITTEE DETAILING HOW FUNDS IN THE FEEDING ACCOUNT HAVE BEEN EXPENDED.

S 1322
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO BEER; AMENDING SECTION 23-1001, IDAHO CODE, TO REVISE A DEFINITION; AND AMENDING SECTION 23-1033, IDAHO CODE, TO REVISE PROVISIONS REGARDING AN EXCEPTION RELATING TO CERTAIN FINANCIAL INTEREST OR OWNERSHIP OR CONTROL OF CERTAIN REAL PROPERTY AND TO MAKE TECHNICAL CORRECTIONS.

S 1323
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO BOARD OF TRUSTEES OF LIBRARY DISTRICTS; AMENDING SECTION 33-2716, IDAHO CODE, TO REVISE CERTAIN PROVISIONS RELATING TO THE RECALL OF LIBRARY DISTRICT TRUSTEES.

S 1317, **S 1318**, **S 1319**, **S 1320**, **S 1321**, **S 1322**, and **S 1323** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1279 and **S 1281**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

H 412, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

H 367, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

S 1268, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

S 1277, **S 1278**, and **S 1280**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

H 394, by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Corder, granted by unanimous consent, **S 1255** was referred to the Fourteenth Order of Business, General Calendar.

S 1265 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **S 1265** passed, title was approved, and the bill ordered transmitted to the House.

S 1266 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–Bock, LeFavour, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared **S 1266** passed, title was approved, and the bill ordered transmitted to the House.

H 382 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate.

On request by Senator Mortimer, granted by unanimous consent, **H 382** retained its place on the Third Reading Calendar for one legislative day.

H 384 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 384 passed, title was approved, and the bill ordered returned to the House.

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

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote the Senate recessed at 11:50 a.m. until the hour of 4 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Little presiding.

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

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

February 13, 2012

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

Charles "Chad" A. Huff to the Sexual Offender Managment Board, term to expire January 1, 2016.

Dolly Ouita Bedal to the Sexual Offender Management Board, term to expire January 1, 2014.

Jean M. Fisher to the Sexual Offender Management Board, term to expire January 1, 2015.

Jeffrey A. Betts to the Sexual Offender Management Board, term to expire January 1, 2016.

Jon Michael Burnham to the Sexual Offender Management Board, term to expire January 1, 2015.

Michael David Johnston to the Sexual Offender Managment Board, term to expire January 1, 2016.

Paula K. Garay to the Sexual Offender Managment Board, term to expire January 1, 2014.

Shane Lee Evans to the Sexual Offender Management Board, term to expire January 1, 2015.

DARRINGTON, Chairman

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

February 13, 2012

The JUDICIARY AND RULES Committee reports out H 402 and S 1292 with the recommendation that they do pass.

DARRINGTON, Chairman

H 402 and S 1292 were filed for second reading.

February 13, 2012

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

Charles H. Correll to the Park and Recreation Board, term to expire June 30, 2013.

Robert H. Hansen to the Park and Recreation Board, term to expire June 30, 2017.

PEARCE, Chairman

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

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

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, H 404, as amended in the Senate, was referred to the Fourteenth Order of Business, General Calendar.

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

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

S 1324
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO ATTORNEY'S FEES IN CIVIL ACTIONS; AMENDING SECTION 12-120, IDAHO CODE, TO PROVIDE THAT THERE SHALL BE TAXED AND ALLOWED TO THE PREVAILING PARTY A REASONABLE AMOUNT FIXED BY THE COURT AS ATTORNEY'S FEES IN CERTAIN ACTIONS WHERE THE AMOUNT PLEADED IS THIRTY-FIVE THOUSAND DOLLARS OR LESS.

S 1325
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO THE IDAHO BAIL ACT; AMENDING SECTION 19-2911, IDAHO CODE, TO PROVIDE CONDITIONS AND REQUIREMENTS RELATING TO THE RELEASE OF A DEFENDANT UPON THE POSTING OF A BAIL BOND.

S 1326
BY HEALTH AND WELFARE COMMITTEE
AN ACT
RELATING TO VOCATIONAL REHABILITATION; AMENDING SECTION 33-2307, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 33-2308, IDAHO CODE, TO PROVIDE A TERMINATION DATE FOR THE PROGRAM TO PROVIDE TREATMENT TO PERSONS SUFFERING FROM RENAL DISEASES, TO PROVIDE FOR MEDICAID RESTRICTIONS AND TO CLARIFY WHO MAY RECEIVE CERTAIN ASSISTANCE; REPEALING SECTIONS 33-2307 AND 33-2308, IDAHO CODE, RELATING TO RENAL DISEASES; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING EFFECTIVE DATES.

S 1327
BY EDUCATION COMMITTEE
AN ACT
RELATING TO EDUCATION; AMENDING SECTION 33-513, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DELIVERY OF A CONTRACT, TO PROVIDE THAT A DESIGNEE OF THE BOARD MAY DECLARE A POSITION VACANT, TO REVISE PROVISIONS RELATING TO A DISTRICT COURT ORDER AND TO REVISE PROVISIONS RELATING TO THE DISTRICT PLACING AN EMPLOYEE ON INVOLUNTARY UNPAID LEAVE OR UNPAID SUSPENSION; AMENDING SECTION 33-514, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO A REDUCTION IN FORCE, TO REVISE PROVISIONS RELATING TO A CATEGORY B CONTRACT AND TO REVISE A DATE; AMENDING SECTION 33-515, IDAHO CODE, TO REVISE A PROVISION RELATING TO CERTIFICATED EMPLOYEES EMPLOYED PURSUANT TO A GRANDFATHERED RENEWABLE CONTRACT AND TO REVISE PROVISIONS RELATING TO REASSIGNMENT OF AN ADMINISTRATIVE EMPLOYEE; AMENDING SECTION 33-1271, IDAHO CODE, TO REVISE PROVISIONS RELATING TO FINAL OFFERS OF SETTLEMENT, TO REVISE PROVISIONS RELATING TO THE SUBJECT MATTER OF NEGOTIATIONS AND TO PROVIDE FOR RULES; AMENDING SECTION 33-1272, IDAHO CODE, TO REVISE A DEFINITION; DECLARING AN EMERGENCY; AND PROVIDING A CONTINGENT SUNSET DATE.

S 1328
BY EDUCATION COMMITTEE
AN ACT
RELATING TO EDUCATION; AMENDING SECTION 33-1021, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CRITERIA FOR THE DISTRIBUTION OF CERTAIN MONEYS; AMENDING SECTION 33-1626, IDAHO CODE, TO REVISE PROVISIONS RELATING TO POSTSECONDARY CREDITS OF DUAL CREDIT COURSES AND TO REVISE A PROVISION RELATING TO COUNTING AVERAGE DAILY ATTENDANCE; AMENDING SECTION 33-1627, IDAHO CODE, TO ESTABLISH PROVISIONS PROVIDING THAT PARENTS OR GUARDIANS SHALL NOT HAVE THE RIGHT TO ENROLL A STUDENT IN AN ONLINE COURSE WITHOUT CERTAIN PERMISSION AND TO ESTABLISH PROVISIONS RELATING TO ONLINE COURSE PROVIDERS REPORTING AVERAGE DAILY ATTENDANCE; DECLARING AN EMERGENCY AND PROVIDING A CONTINGENT SUNSET DATE.

S 1329
BY EDUCATION COMMITTEE
AN ACT
RELATING TO EDUCATION; AMENDING SECTION 33-1004F, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN OBLIGATIONS TO RETIREMENT AND SOCIAL SECURITY BENEFITS; AMENDING SECTION 33-1004I, IDAHO CODE, TO REVISE A PROVISION RELATING TO PAY FOR PERFORMANCE BONUSES FOR STUDENT ACHIEVEMENT GROWTH AND TO REVISE CERTAIN DATES RELATING TO CERTAIN CERTIFICATED EMPLOYEES' NEW EMPLOYMENT CONTRACTS, TO ESTABLISH A PROVISION RELATING TO CERTAIN ADMINISTRATIVE EMPLOYEES' AWARD OF PAY FOR PERFORMANCE SHARES, TO REVISE A PROVISION RELATING TO A CERTAIN DISTRIBUTION AND TO ESTABLISH PROVISIONS RELATING TO A DISTRIBUTION ALLOCATED FOR CERTAIN BENEFIT COSTS; DECLARING AN EMERGENCY AND PROVIDING A CONTINGENT SUNSET DATE.

S 1324, **S 1325**, **S 1326**, **S 1327**, **S 1328**, and **S 1329** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

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

General Calendar

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

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

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out **H 404**, as amended in the Senate, without recommendation and without amendment.

Senator Bair was recorded present at this order of business.

The Committee also has **S 1215**, **S 1231**, and **S 1255** under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Malepeai, the report was adopted by voice vote.

H 404, as amended in the Senate, was refiled for third reading.

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

Third Reading of Bills

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

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

Miscellaneous Business

Senator Cameron was recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 4:35 p.m. until the hour of 10:30 a.m., Tuesday, February 14, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-SEVENTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 14, 2012

Senate Chamber

President Little called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Davis, Heider, Pearce, and Siddoway, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Rebekah Grad, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 13, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

February 14, 2012

The JUDICIARY AND RULES Committee reports that **S 1317**, **S 1318**, **S 1319**, **S 1320**, **S 1321**, **S 1322**, **S 1323**, **S 1324**, **S 1325**, **S 1326**, **S 1327**, **S 1328**, **S 1329**, **SCR 120**, and **SJM 103** have been correctly printed.

DARRINGTON, Chairman

S 1317 and **S 1319** were referred to the Transportation Committee.

S 1318, **S 1322**, and **S 1323** were referred to the State Affairs Committee.

S 1320 and **S 1321** were referred to the Resources and Environment Committee.

S 1324 and **S 1325** were referred to the Judiciary and Rules Committee.

S 1326 was referred to the Health and Welfare Committee.

S 1327, **S 1328**, and **S 1329** were referred to the Education Committee.

SCR 120 and **SJM 103** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 14, 2012

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

Michael D. Gibson to the Commission for the Blind and Visually Impaired, term to expire July 1, 2014.

LODGE, Chairman

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

Senator Pearce was recorded present at this order of business.

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

Messages from the Governor

Senator Heider was recorded present at this order of business.

February 14, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1257 and **S 1267**

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

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

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 13, 2012

Dear Mr. President:

I transmit herewith **H 443**, **H 446**, and **H 449**, which have passed the House.

ALEXANDER, Chief Clerk

H 443, **H 446**, and **H 449** were filed for first reading.

February 13, 2012

Dear Mr. President:

I return herewith **S 1213**, which has passed the House.

ALEXANDER, Chief Clerk

S 1213 was referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Winder, granted by unanimous consent, SCR 117 retained its place on the calendar for Wednesday, February 15, 2012.

The President announced that SCR 118 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Tippets, seconded by Senator McGee, SCR 118 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

Senators Davis and Siddoway were recorded present at this order of business.

On request by Senator Siddoway, granted by unanimous consent, SCR 117 was referred to the Agricultural Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the gubernatorial appointment of Jean M. Fisher was placed after the appointment of Jim Yost.

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

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

H 443, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 446, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 449, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1283, by Resources and Environment Committee, was read the second time at length and filed for third reading.

H 402, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

S 1292, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, S 1281 retained its place on the Third Reading Calendar for Monday, February 20, 2012.

On request by Senator Davis, granted by unanimous consent, SJR 104 retained its place on the Third Reading Calendar for one legislative day.

S 1236 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1236 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, S 1263 retained its place on the Third Reading Calendar for one legislative day.

S 1259 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKenzie, Mortimer, Nuxoll, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 31.

NAYS–Fulcher, Malloy (McKague), Pearce, Vick. Total - 4.

Total - 35.

Whereupon the President declared S 1259 passed, title was approved, and the bill ordered transmitted to the House.

S 1214 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1214 passed, title was approved, and the bill ordered transmitted to the House.

S 1272 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1272 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Goedde, granted by unanimous consent, S 1268 retained its place on the Third Reading Calendar for one legislative day.

S 1279 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1279 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Bock, granted by unanimous consent, S 1277 was referred to the Fourteenth Order of Business, General Calendar.

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

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

S 1280 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nuxoll arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1280 passed, title was approved, and the bill ordered transmitted to the House.

H 404, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Keough, Lodge, McGee, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 26.

NAYS–Bilyeu, Bock, Johnson, LeFavour, Malepeai, Malloy (McKague), Schmidt, Stennett, Werk. Total - 9.

Total - 35.

Whereupon the President declared H 404, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

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

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10:30 a.m., Wednesday, February 15, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-EIGHTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 15, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10:30 a.m.

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Brian Kreis, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 14, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Petitions, Resolutions, and Memorials

PETITION TO WAIVE JOINT RULE 20

We, the majority leadership of the Senate, petition that the President waive the provisions of Joint Rule 20 pertaining to the limitation on introduction of proposed constitutional amendments, which would permit the introduction and consideration of **SJR 105** to amend the Constitution of the State of Idaho by preserving for the people of Idaho the rights to hunt, fish and trap.

Signed:

/s/ Brent Hill, President Pro Tempore
/s/ Bart M. Davis, Majority Leader
/s/ Chuck Winder, Assistant Majority Leader
/s/ John McGee, Majority Caucus Chair

Upon presentation of the petition, the President Pro Tempore waived the provisions of Joint Rule 20 for the introduction of SJR 105. The correspondence was ordered filed in the office of the Secretary of the Senate.

SJR 105
BY STATE AFFAIRS 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 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 OF THE STATE 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, 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.

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

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 14, 2012

The AGRICULTURAL AFFAIRS Committee reports out **S 1296** and **S 1302** with the recommendation that they do pass.

SIDDOWAY, Chairman

S 1296 and **S 1302** were filed for second reading.

February 14, 2012

The AGRICULTURAL AFFAIRS Committee reports out **S 1303** with the recommendation that it do pass.

SIDDOWAY, Chairman

S 1303 was filed for second reading.

February 14, 2012

The JUDICIARY AND RULES Committee reports that **S 1213** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **S 1213** and ordered it transmitted to the House for the signature of the Speaker.

February 14, 2012

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

Jerry Whitehead as Chair of the Idaho Transportation Board, term to continue at the pleasure of the Governor.

HAMMOND, Chairman

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

February 14, 2012

The TRANSPORTATION Committee reports out S 1274 with the recommendation that it do pass.

HAMMOND, Chairman

S 1274 was filed for second reading.

February 14, 2012

The HEALTH AND WELFARE Committee reports out S 1260, S 1261, S 1262, and S 1273 with the recommendation that they do pass.

LODGE, Chairman

S 1260, S 1261, S 1262, and S 1273 were filed for second reading.

February 15, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out H 418 with the recommendation that it do pass.

ANDREASON, Chairman

H 418 was filed for second reading.

Senator Werk was recorded present at this order of business.

February 15, 2012

The JUDICIARY AND RULES Committee reports that SJR 105 has been correctly printed.

DARRINGTON, Chairman

SJR 105 was referred to the Resources and Environment Committee.

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

Messages from the House

February 14, 2012

Dear Mr. President:

I transmit herewith H 473, H 389, H 387, as amended, H 368, as amended, H 393, as amended, H 516, H 407, H 408, H 409, H 469, H 455, H 475, and H 379, which have passed the House.

ALEXANDER, Chief Clerk

H 473, H 389, H 387, as amended, H 368, as amended, H 393, as amended, H 516, H 407, H 408, H 409, H 469, H 455, H 475, and H 379 were filed for first reading.

February 14, 2012

Dear Mr. President:

I return herewith S 1219 and S 1222, which have passed the House.

ALEXANDER, Chief Clerk

S 1219 and S 1222 were referred to the Judiciary and Rules Committee for enrolling.

February 14, 2012

Dear Mr. President:

I return herewith Enrolled S 1237, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled S 1237 was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that SCR 119 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Cameron, seconded by Senator Stennett, SCR 119 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Siddoway, granted by unanimous consent, SCR 120 was referred to the Resources and Environment Committee.

On request by Senator Keough, granted by unanimous consent, SJM 103 was referred to the Resources and Environment Committee.

The President Pro Tempore announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Jim Yost was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Brackett, seconded by Senator Stennett, the Gubernatorial appointment of Jim Yost as a member of the Northwest Power and Conservation Council was confirmed by voice vote.

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

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Jean M. Fisher was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of Jean M. Fisher as a member of the Sexual Offender Management Board was confirmed by voice vote.

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

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Charles "Chad" A. Huff was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Stennett, the Gubernatorial appointment of Charles "Chad" A. Huff as a member of the Sexual Offender Management Board was confirmed by voice vote.

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

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Dolly Ouita Bedal was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Acting Senator Malloy, seconded by Senator Stennett, the Gubernatorial appointment of Dolly Ouita Bedal as a member of the Sexual Offender Management Board was confirmed by voice vote.

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

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Jeffrey A. Betts was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator LeFavour, seconded by Senator Davis, the Gubernatorial appointment of Jeffrey A. Betts as a member of the Sexual Offender Management Board was confirmed by voice vote.

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

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Jon Michael Burnham was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Mortimer, seconded by Senator Stennett, the Gubernatorial appointment of Jon Michael Burnham as a member of the Sexual Offender Management Board was confirmed by voice vote.

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

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Michael David Johnston was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bock, seconded by Senator Winder, the Gubernatorial appointment of Michael David Johnston as a member of the Sexual Offender Managment Board was confirmed by voice vote.

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

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Paula K. Garay was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Nuxoll, seconded by Senator Stennett, the Gubernatorial appointment of Paula K. Garay as a member of the Sexual Offender Managment Board was confirmed by voice vote.

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

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Shane Lee Evans was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Stennett, the Gubernatorial appointment of Shane Lee Evans as a member of the Sexual Offender Management Board was confirmed by voice vote.

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

The President Pro Tempore announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Charles H. Correll was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Cameron, seconded by Senator Stennett, the Gubernatorial appointment of Charles H. Correll as a member of the Park and Recreation Board was confirmed by voice vote.

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

The President Pro Tempore announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Robert H. Hansen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Siddoway, seconded by Senator Schmidt, the Gubernatorial appointment of Robert H. Hansen as a member of the Park and Recreation Board was confirmed by voice vote.

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

The President Pro Tempore announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Michael D. Gibson was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Stennett, the Gubernatorial appointment of Michael D. Gibson as a member of the Commission for the Blind and Visually Impaired was confirmed by voice vote.

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

The Senate advanced to the Eleventh Order of Business.

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

S 1330
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO AIR NAVIGATION FACILITIES; AMENDING SECTION 21-401, IDAHO CODE, TO REMOVE LANGUAGE RELATING TO AN ELECTION REGARDING CERTAIN BONDS.

S 1330 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 473, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 389, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 387, as amended, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 368, as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 393, as amended, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 516, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 407, H 408, H 409, and H 469, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 455 and H 475, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 379, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

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

Third Reading of Bills

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Keough, LeFavour, Lodge, Malepeai, McGee, Malloy (McKague), Mortimer, Nuxoll, Schmidt, Siddoway, Smyser, Stennett, Tippets, Werk, Winder. Total - 30.

NAYS–Johnson, McKenzie, Pearce, Toryanski, Vick. Total - 5.

Paired and voting included in roll call:
AYE - Hammond NAY - Vick

Total - 35.

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

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Thursday, February 16, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

THIRTY-NINTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 16, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Bilyeu, Brackett, Broadsword, Cameron, Corder, Fulcher, Johnson, Keough, Lodge, Mortimer, Stennett and Toryanski, absent and excused.

Prayer was offered by Senator Les Bock.

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

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 15, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

Senators Bilyeu, Mortimer, Stennett, and Toryanski were recorded present at this order of business.

February 16, 2012

The JUDICIARY AND RULES Committee reports that **S 1330** has been correctly printed.

DARRINGTON, Chairman

S 1330 was referred to the State Affairs Committee.

February 15, 2012

The JUDICIARY AND RULES Committee reports that **S 1219** and **S 1222** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1219** and **S 1222** and ordered them transmitted to the House for the signature of the Speaker.

Senator Lodge was recorded present at this order of business.

February 15, 2012

The STATE AFFAIRS Committee reports out **HJM 7** with the recommendation that it do pass.

MCKENZIE, Chairman

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

February 14, 2012

The EDUCATION Committee reports out **S 1301** with the recommendation that it do pass.

GOEDDE, Chairman

S 1301 was filed for second reading.

Senator Brackett was recorded present at this order of business.

February 15, 2012

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

Hyong K. Pak to the Idaho Commission on Human Rights, term to expire July 1, 2014.

Ruthie Johnson to the Idaho Commission on Human Rights, term to expire July 1, 2014.

MCKENZIE, Chairman

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

February 15, 2012

The STATE AFFAIRS Committee reports out **S 1298** with the recommendation that it do pass.

MCKENZIE, Chairman

S 1298 was filed for second reading.

Senator Cameron was recorded present at this order of business.

February 15, 2012

The STATE AFFAIRS Committee reports out **H 391** with the recommendation that it do pass.

MCKENZIE, Chairman

H 391 was filed for second reading.

February 15, 2012

The JUDICIARY AND RULES Committee reports that Enrolled **S 1237** was delivered to the Office of the Governor at 1:23 p.m., February 15, 2012.

DARRINGTON, Chairman

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

February 15, 2012

The RESOURCES AND ENVIRONMENT Committee reports out S 1291 with the recommendation that it do pass.

PEARCE, Chairman

S 1291 was filed for second reading.

February 15, 2012

The JUDICIARY AND RULES Committee reports out HJM 4 with the recommendation that it do pass.

DARRINGTON, Chairman

HJM 4 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 15, 2012

The HEALTH AND WELFARE Committee reports out SCR 112 with the recommendation that it do pass.

LODGE, Chairman

SCR 112 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 16, 2012

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

Brad Corkill to the Public Charter School Commission, term to expire May 12, 2015.

Esther Van Wart to the Public Charter School Commission, term to expire May 12, 2015.

Wanda Chillingworth Quinn to the Public Charter School Commission, term to expire May 12, 2012.

GOEDDE, Chairman

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

Senators Broadsword and Corder were recorded present at this order of business.

February 14, 2012

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

Dwight Horsch to the Idaho Transportation Board, term to expire January 31, 2017.

HAMMOND, Chairman

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

Senator Keough was recorded present at this order of business.

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

Messages from the House

February 15, 2012

Dear Mr. President:

I transmit herewith H 372, H 460, H 462, H 463, and H 526, which have passed the House.

ALEXANDER, Chief Clerk

H 372, H 460, H 462, H 463, and H 526 were filed for first reading.

Senator Fulcher was recorded present at this order of business.

February 15, 2012

Dear Mr. President:

I transmit herewith Enrolled H 384 for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled H 384 and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Transportation Committee report relative to the Gubernatorial appointment of Jerry Whitehead was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Corder, seconded by Senator Hammond, the Gubernatorial appointment of Jerry Whitehead as Chair of the Idaho Transportation Board was confirmed by voice vote.

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

The Senate advanced to the Eleventh Order of Business.

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

S 1331
BY FINANCE 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.

S 1332
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO ATTORNEY'S FEES, WITNESS FEES AND EXPENSES AWARDED IN CERTAIN INSTANCES; AMENDING SECTION 12-117, IDAHO CODE, TO REVISE WHEN ATTORNEY'S FEES, WITNESS FEES

AND EXPENSES MAY BE AWARDED, TO REVISE DEFINITIONS, TO DEFINE A TERM AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

S 1331 and S 1332 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 372, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 460, H 462, H 463, and H 526, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1296, S 1302, and S 1303, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

S 1274, by Transportation Committee, was read the second time at length and filed for third reading.

S 1260, S 1261, S 1262, and S 1273, by Health and Welfare Committee, were read the second time at length and filed for third reading.

H 418, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

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

Senator Johnson was recorded present at this order of business.

General Calendar

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

The Committee of the Whole rose to report to the President a ruling on a point. The President declared that the Chair of the Committee of the Whole was correct in ruling that amendment 2 to S 1215 was out of order based upon Article III, Section 16 of the Idaho Constitution, Senate Rule 28(D) and Section 402 of Mason's Manual of Legislative Procedure.

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

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

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out S 1215, S 1255, and S 1277, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1215

AMENDMENT TO THE BILL

On page 8 of the printed bill, following line 29, insert:

"SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.".

CORRECTION TO TITLE

On page 1, in line 13, following "REFERENCES" insert: "; AND DECLARING AN EMERGENCY".

SENATE AMENDMENT TO S 1255

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 31, delete "Unless otherwise provided by agency rule, rRecords" and insert: "Records"; and in line 34, following "persons." insert: "For reasons of health and safety, best interests of the child or public interest, the department of health and welfare may provide for the disclosure of records contained within this exemption by rule.".

CORRECTION TO TITLE

On page 1, delete line 7, and insert: "FROM DISCLOSURE AND TO PROVIDE THAT FOR REASONS OF HEALTH AND SAFETY, BEST INTERESTS OF THE CHILD OR PUBLIC INTEREST, THE DEPARTMENT OF HEALTH AND WELFARE MAY PROVIDE FOR THE DISCLOSURE OF RECORDS CONTAINED WITHIN A SPECIFIED EXEMPTION BY RULE; AND DECLARING".

SENATE AMENDMENT TO S 1277

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 2, delete "b" and insert: "n".

The Committee also has S 1231 under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator McGee, the report was adopted by voice vote.

S 1215, as amended, S 1255, as amended, and S 1277, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:15 a.m. until the hour of 10:30 a.m., Friday, February 17, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FORTIETH LEGISLATIVE DAY
FRIDAY, FEBRUARY 17, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Heider, Keough, LeFavour, Mortimer, and Toryanski, absent and excused.

Prayer was offered by Senator Curt McKenzie.

The Pledge of Allegiance was led by Tess Warzyn, Page.

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

Reading of Communications

January 30, 2012

The Honorable Brad Little
President of the Senate
Idaho Senate

Dear Mr. President:

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.

Sincerely,
/s/ Ben Ysursa, Secretary of State

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

On request by Senator Davis, granted by unanimous consent, the Commission for Reapportionment Revised Findings and Conclusions was ordered spread upon the pages of the Journal in the appendix.

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

Reports of Standing Committees

February 17, 2012

The JUDICIARY AND RULES Committee reports that **S 1331** and **S 1332** have been correctly printed.

DARRINGTON, Chairman

S 1331 was referred to the Education Committee.

S 1332 was referred to the Judiciary and Rules Committee.

February 16, 2012

The AGRICULTURAL AFFAIRS Committee reports out **SCR 117** without recommendation.

SIDDOWAY, Chairman

SCR 117 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 16, 2012

The TRANSPORTATION Committee reports out **S 1310**, **S 1312**, and **S 1313** with the recommendation that they do pass.

HAMMOND, Chairman

S 1310, **S 1312**, and **S 1313** were filed for second reading.

February 16, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1215**, **S 1255**, and **S 1277** have been correctly printed.

DARRINGTON, Chairman

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

February 16, 2012

The JUDICIARY AND RULES Committee reports that **S 1215**, as amended, **S 1255**, as amended, and **S 1277**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1215, as amended, **S 1255**, as amended, and **S 1277**, as amended, were filed for first reading.

February 16, 2012

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

Jeffery Sayer as the Director of the Department of Commerce, term to continue at the pleasure of the Governor.

ANDREASON, Chairman

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

February 16, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1307**, **S 1308**, **H 374**, and **H 375** with the recommendation that they do pass.

ANDREASON, Chairman

S 1307, **S 1308**, **H 374**, and **H 375** were filed for second reading.

February 16, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 438, S 1314, and S 1316 with the recommendation that they do pass.

CORDER, Chairman

H 438, S 1314, and S 1316 were filed for second reading.

February 16, 2012

The EDUCATION Committee reports out S 1327, S 1328, and S 1329 with the recommendation that they do pass.

GOEDDE, Chairman

S 1327, S 1328, and S 1329 were filed for second reading.

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

Messages from the Governor

February 16, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1223

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

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

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 16, 2012

Dear Mr. President:

I return herewith Enrolled S 1213, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled S 1213 was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

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

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

S 1333
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

S 1333 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

S 1215, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

S 1255, as amended, and S 1277, as amended, by Health and Welfare Committee, were read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1301, by Education Committee, was read the second time at length and filed for third reading.

S 1298, by State Affairs Committee, was read the second time at length and filed for third reading.

H 391, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1291, by Resources and Environment Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Call of the Senate was requested by Senator Darrington. Senators Davis and Hammond rose in support of the call.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Heider, Keough, LeFavour, McGee, Mortimer, and Toryanski, absent.

The President directed the Sergeant at Arms to find and present Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Heider, Keough, LeFavour, McGee, Mortimer, and Toryanski to the Senate.

Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Heider, Keough, LeFavour, McGee, Mortimer, and Toryanski were recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McGee, Malloy (McKague), McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–LeFavour. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1268** passed, title was approved, and the bill ordered transmitted to the House.

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

President Pro Tempore Hill called Senator Darrington to the Chair.

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

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:50 a.m. until the hour of 10 a.m., Monday, February 20, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FORTY-THIRD LEGISLATIVE DAY
MONDAY, FEBRUARY 20, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Jamie Bush, Page.

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

Petitions, Resolutions, and Memorials

PETITION TO WAIVE JOINT RULE 20

We, the majority leadership of the Senate, petition that the President waive the provisions of Joint Rule 20 pertaining to the limitation on introduction of proposed constitutional amendments, which would permit the introduction and consideration of **SJR 106** to amend the Constitution of the State of Idaho by preserving for the people of Idaho the rights to hunt, fish and trap.

Signed:

/s/ Brent Hill, President Pro Tempore
/s/ Bart M. Davis, Majority Leader
/s/ Chuck Winder, Assistant Majority Leader
/s/ John McGee, Majority Caucus Chair

Upon presentation of the petition, the President waived the provisions of Joint Rule 20 for the introduction of SJR 106. The correspondence was ordered filed in the office of the Secretary of the Senate.

SJR 106
BY STATE AFFAIRS 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 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 OF THE STATE 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.

SJR 106 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senator Cameron was recorded present at this order of business.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 20, 2012

The JUDICIARY AND RULES Committee reports that **S 1333** has been correctly printed.

DARRINGTON, Chairman

S 1333 was referred to the Finance Committee.

February 17, 2012

The JUDICIARY AND RULES Committee reports that Enrolled **S 1213** was delivered to the Office of the Governor at 1:23 p.m., February 17, 2012.

DARRINGTON, Chairman

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

February 17, 2012

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

J. Marshall Garrett to the Bingo-Raffle Advisory Board, term to expire January 7, 2015.

Wendy Lively to the Bingo-Raffle Advisory Board, term to expire January 7, 2015.

MCKENZIE, Chairman

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

February 17, 2012

The STATE AFFAIRS Committee reports out **H 369**, **S 1285**, and **S 1286** with the recommendation that they do pass.

MCKENZIE, Chairman

H 369, **S 1285**, and **S 1286** were filed for second reading.

February 17, 2012

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

Tom Schultz as the Director of the Department of Lands, term to continue at the pleasure of the Governor.

PEARCE, Chairman

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

February 17, 2012

The RESOURCES AND ENVIRONMENT Committee reports out S 1289 and S 1290 with the recommendation that they do pass.

PEARCE, Chairman

S 1289 and S 1290 were filed for second reading.

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

Messages from the House

February 17, 2012

Dear Mr. President:

I transmit herewith H 464, which has passed the House.

ALEXANDER, Chief Clerk

H 464 was filed for first reading.

February 17, 2012

Dear Mr. President:

I return herewith Enrolled S 1219 and S 1222, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled S 1219 and S 1222 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that HJM 7 was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Winder, seconded by Senator Stennett, HJM 7 was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that HJM 4 was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator McKenzie, seconded by Senator Stennett, HJM 4 was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The President announced that SCR 112 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Broadsword, seconded by Senator Schmidt, SCR 112 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

Senator Andreason was recorded present at this order of business.

The President announced that SCR 117 was before the Senate for final consideration.

Moved by Senator Siddoway, seconded by Senator McGee, that SCR 117 be adopted. The question being, "Shall the resolution be adopted?"

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

Roll call vote was requested by Senator Bock.

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS–Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared SCR 117 adopted, title was approved, and the resolution ordered transmitted to the House.

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

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

S 1334
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO A MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM; AMENDING SECTION 39-116B, IDAHO CODE, TO PROVIDE FOR A REPAIR WAIVER AND A HARDSHIP WAIVER AND TO PROVIDE FOR RECOMMENDATIONS TO THE LEGISLATURE FROM THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

S 1335
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO THE IDAHO ENERGY RESOURCES AUTHORITY; AMENDING SECTION 67-8907, IDAHO CODE, TO REDUCE THE AMOUNT OF THE SURETY BONDS THAT OFFICERS MUST EXECUTE.

S 1334 and S 1335 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 464, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1310, S 1312, and S 1313, by Transportation Committee, were read the second time at length and filed for third reading.

S 1307 and S 1308, by Commerce and Human Resources Committee, were read the second time at length and filed for third reading.

H 374 and H 375, by Business Committee, were read the second time at length and filed for third reading.

H 438, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

S 1314, by Education Committee, was read the second time at length and filed for third reading.

S 1316, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

S 1327, S 1328, and S 1329, by Education Committee, were read the second time at length and filed for third reading.

S 1215, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1255, as amended, and S 1277, as amended, by Health and Welfare Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Lodge, granted by unanimous consent, S 1281 was recommitted to the Health and Welfare Committee.

On request by Senator Davis, granted by unanimous consent, Senate bill **S 1274** was placed at the head of the Third Reading Calendar, followed by Senate bill **S 1215aa**, followed by all remaining Senate bills, followed by House bills amended in the Senate, followed by House bills.

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

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Memorial Service.

MEMORIAL SERVICE

The Service was conducted by Memorial Service Committee Co-Chairmen Senator Lee Heider and Senator Dan Schmidt. The Invocation was delivered by Senator Diane Bilyeu. Dr. Marcus Wolfe, on saxophone, and Chuck Smith, on piano, played "Andante con gravita" by W. Ferling, Op.31. The Service was coordinated by June Keithly, Executive Assistant to the Secretary of the Senate.

IN THE SENATE
A SENATE MEMORIAL

WHEREAS, the late Senator KENNETH BRADSHAW passed on during the First Regular Session of the Sixty-first Legislature - to wit, February 15, 2011.

WHEREAS, the late Senator KENNETH BRADSHAW served in the interest of Camas, Gooding and Jerome Counties during the Forty-fourth through the Forty- sixth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixty-first Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator KENNETH BRADSHAW; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixty-first Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the KENNETH BRADSHAW family.

On motion by Senator Stennett, seconded by Senator Davis, the Memorial to the late Senator Bradshaw was adopted by voice vote.

IN THE SENATE
A SENATE MEMORIAL

WHEREAS, the late Senator VEARL CRYSTAL passed on since the close of the First Regular Session of the Sixty-first Legislature - to wit, October 20, 2011.

WHEREAS, the late Senator VEARL CRYSTAL served in the interest of Custer, Clark, Jefferson, Lemhi and Butte Counties during the Forty-fourth through the Forty-ninth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixty-first Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator VEARL CRYSTAL; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixty-first Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the VEARL CRYSTAL family.

On motion by Senator Siddoway, seconded by Senator Brackett, the Memorial to the late Senator Crystal was adopted by voice vote.

IN THE SENATE
A SENATE MEMORIAL

WHEREAS, the late Senator DON MACKIN passed on since the close of the First Regular Session of the Sixty-first Legislature - to wit, April 20, 2011.

WHEREAS, the late Senator DON MACKIN served in the interest of Latah County during the Forty-ninth through the Fiftieth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixty-first Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator DON MACKIN; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixty-first Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the DON MACKIN family.

On motion by Senator Schmidt, seconded by Senator Darrington, the Memorial to the late Senator Mackin was adopted by voice vote.

IN THE SENATE
A SENATE MEMORIAL

WHEREAS, the late Senator WILLIAM CRUTCHER passed on since the close of the First Regular Session of the Sixty-first Legislature - to wit, July 9, 2011.

WHEREAS, the late Senator WILLIAM CRUTCHER served in the interest of Clearwater and Nez Perce Counties during the Thirty-ninth through the Fortieth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixty-first Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator WILLIAM CRUTCHER; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixty-first Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the WILLIAM CRUTCHER family.

On motion by Senator Johnson, seconded by Senator Bilyeu, the Memorial to the late Senator Crutcher was adopted by voice vote.

IN THE SENATE
A SENATE MEMORIAL

WHEREAS, the late Senator WARREN ISRAEL MERRILL passed on during the First Regular Session of the Sixty-first Legislature - to wit, February 28, 2011.

WHEREAS, the late Senator WARREN ISRAEL MERRILL served in the interest of Bingham County during the Forty-fourth through the Forty-seventh Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixty-first Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator WARREN ISRAEL MERRILL; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixty-first Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the WARREN ISRAEL MERRILL family.

On motion by Senator Bair, seconded by Senator Stennett, the Memorial to the late Senator Merrill was adopted by voice vote.

IN THE SENATE
A SENATE MEMORIAL

WHEREAS, the late Senator JAMES McCLURE passed on during the First Regular Session of the Sixty-first Legislature - to wit, February 26, 2011.

WHEREAS, the late Senator JAMES McCLURE served in the interest of Payette County during the Thirty-sixth through the Thirty-eighth Legislatures of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED that the Senate of the Second Regular Session of the Sixty-first Legislature of the State of Idaho draws public attention by this Memorial to the life and works of Senator JAMES McCLURE; and

BE IT FURTHER RESOLVED that the Senate of the Second Regular Session of the Sixty-first Legislature extends to the bereaved family the heartfelt sympathy of this entire body; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be and she is hereby instructed to spread this Memorial upon the Journal of the Senate and to mail copies to the JAMES McCLURE family.

On motion by Senator Pearce, seconded by Senator Fulcher, the Memorial to the late Senator McClure was adopted by voice vote.

Dr. Marcus Wolf, on saxophone, and Chuck Smith, on piano, played "Adagio con espressione" by W. Ferling, Op. 31. The Benediction was offered by Senator Russell Fulcher, and the Memorial Service was dissolved.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:40 p.m. until the hour of 10 a.m., Tuesday, February 21, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FORTY-FOURTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 21, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Andreason and Bair, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Nathan Chelson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journals of the proceedings of February 16, February 17 and February 20, 2012, were read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

Senators Andreason and Bair were recorded present at this order of business.

February 21, 2012

The JUDICIARY AND RULES Committee reports that S 1334, S 1335, and SJR 106 have been correctly printed.

DARRINGTON, Chairman

S 1334 was referred to the Transportation Committee.

S 1335 was referred to the State Affairs Committee.

SJR 106 was referred to the Resources and Environment Committee.

February 20, 2012

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

E. Robert (Bob) Mooney to the Idaho Energy Resources Authority, term to expire June 30, 2015.

Sam Haws as the Administrator of the Office on Aging, term to continue at the pleasure of the Governor.

MCKENZIE, Chairman

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

February 20, 2012

The STATE AFFAIRS Committee reports out H 405 and SCR 116 with the recommendation that they do pass.

MCKENZIE, Chairman

H 405 was filed for second reading.

SCR 116 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 20, 2012

The FINANCE Committee reports out S 1333 with the recommendation that it do pass.

CAMERON, Chairman

S 1333 was filed for second reading.

February 20, 2012

The JUDICIARY AND RULES Committee reports that Enrolled S 1219 and S 1222 were delivered to the Office of the Governor at 1:35 p.m., February 20, 2012.

DARRINGTON, Chairman

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

February 20, 2012

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

John Randolph MacMillan to the Board of Environmental Quality, term to expire July 1, 2015.

Kevin C. Boling to the Board of Environmental Quality, term to expire July 1, 2015.

Nick Purdy to the Board of Environmental Quality, term to expire July 1, 2015.

LODGE, Chairman

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

February 20, 2012

The HEALTH AND WELFARE Committee reports out S 1294 with the recommendation that it do pass.

LODGE, Chairman

S 1294 was filed for second reading.

February 20, 2012

The EDUCATION Committee reports out S 1299 with the recommendation that it do pass.

GOEDDE, Chairman

S 1299 was filed for second reading.

February 20, 2012

The RESOURCES AND ENVIRONMENT Committee reports out S 1256 with the recommendation that it do pass.

PEARCE, Chairman

S 1256 was filed for second reading.

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

Messages from the Governor

February 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1237

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

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

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 20, 2012

Dear Mr. President:

I transmit herewith HCR 33 and H 450, which have passed the House.

ALEXANDER, Chief Clerk

HCR 33 and H 450 were filed for first reading.

February 20, 2012

Dear Mr. President:

I transmit herewith Enrolled H 404, as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled H 404, as amended in the Senate, and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that the State Affairs Committee report relative to the Gubernatorial reappointment of Hyong K. Pak was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Heider, seconded by Senator Stennett, the Gubernatorial reappointment of Hyong K. Pak as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

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

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

On motion by Senator Vick, seconded by Senator Werk, the Gubernatorial reappointment of Ruthie Johnson as a member of the Idaho Commission on Human Rights was confirmed by voice vote.

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

The President Pro Tempore announced that the Education Committee report relative to the Gubernatorial reappointment of Brad Corkill was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Goedde, seconded by Senator Werk, the Gubernatorial reappointment of Brad Corkill as a member of the Public Charter School Commission was confirmed by voice vote.

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

The President Pro Tempore announced that the Education Committee report relative to the Gubernatorial reappointment of Esther Van Wart was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Malepeai, seconded by Senator Goedde, the Gubernatorial reappointment of Esther Van Wart as a member of the Public Charter School Commission was confirmed by voice vote.

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

The President Pro Tempore announced that the Education Committee report relative to the Gubernatorial appointment of Wanda Chillingworth Quinn was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Goedde, seconded by Senator Stennett, the Gubernatorial appointment of Wanda Chillingworth Quinn as a member of the Public Charter School Commission was confirmed by voice vote.

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

The President Pro Tempore announced that the Transportation Committee report relative to the Gubernatorial appointment of Dwight Horsch was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bilyeu, seconded by Senator Lodge, the Gubernatorial appointment of Dwight Horsch as a member of the Idaho Transportation Board was confirmed by voice vote.

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

The President Pro Tempore announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of Jeffery Sayer was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Smyser, seconded by Senator Bilyeu, the Gubernatorial appointment of Jeffery Sayer as the Director of the Department of Commerce was confirmed by voice vote.

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

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

On motion by Senator Stennett, seconded by Senator McGee, the Gubernatorial appointment of J. Marshall Garrett as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

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

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

On motion by Senator Davis, seconded by Senator Stennett, the Gubernatorial reappointment of Wendy Lively as a member of the Bingo-Raffle Advisory Board was confirmed by voice vote.

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

The President Pro Tempore announced that the Resources and Environment Committee report relative to the Gubernatorial appointment of Tom Schultz was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Pearce, seconded by Senator Werk, the Gubernatorial appointment of Tom Schultz as the Director of the Department of Lands was confirmed by voice vote.

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

The Senate advanced to the Eleventh Order of Business.

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

S 1336
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-438, IDAHO CODE, TO PROVIDE THAT COMPENSATION SHALL BE PAYABLE FOR DISABILITY OR DEATH RESULTING FROM CERTAIN FIREFIGHTER OCCUPATIONAL DISEASES, TO DEFINE A TERM, TO PROVIDE A REBUTTABLE PRESUMPTION OF PROXIMATE CAUSATION BETWEEN SPECIFIED DISEASES AND EMPLOYMENT AS A FIREFIGHTER, TO PROVIDE FOR REBUTTAL OF THE PRESUMPTION, TO PROVIDE FOR THE DEMONSTRATION OF CAUSAL CONNECTION, TO PROVIDE THAT THE PRESUMPTION SHALL NOT APPLY UNDER CERTAIN CIRCUMSTANCES AND TO MAKE A TECHNICAL CORRECTION.

S 1337
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO THE SEXUAL EXPLOITATION OF A CHILD; AMENDING SECTION 18-1505B, IDAHO CODE, TO DEFINE A TERM, TO REVISE A DEFINITION AND TO REMOVE A CODE REFERENCE; AMENDING SECTION 18-1507, IDAHO CODE, TO REMOVE LEGISLATIVE FINDINGS, TO REMOVE A DEFINITION, TO REVISE A DEFINITION AND TO REVISE PROVISIONS RELATING TO SEXUAL EXPLOITATION OF A CHILD AND PENALTIES; REPEALING SECTION 18-1507A, IDAHO CODE, RELATING TO POSSESSION OF SEXUALLY EXPLOITATIVE MATERIAL FOR OTHER THAN A COMMERCIAL PURPOSE; AMENDING SECTION 18-8304, IDAHO CODE, TO REMOVE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-3004A, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 19-5506, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 33-1208, IDAHO CODE, TO REMOVE A CODE REFERENCE; AND AMENDING SECTION 39-1113, IDAHO CODE, TO REMOVE CODE REFERENCES.

S 1338
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO ENTICING A CHILD; AMENDING SECTION 18-1509A, IDAHO CODE, TO REVISE A SHORT TITLE, TO REVISE PROVISIONS RELATING TO ENTICING A CHILD THROUGH USE OF THE INTERNET OR OTHER COMMUNICATION DEVICE AND TO PROVIDE THAT IT IS NOT NECESSARY FOR THE PROSECUTION TO MAKE A CERTAIN SHOWING IN A CERTAIN PROSECUTION.

S 1339
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO THE IDAHO TRADE SECRETS ACT; AMENDING SECTION 48-801, IDAHO CODE, TO REVISE DEFINITIONS; AND AMENDING SECTION 48-803, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DAMAGES AND FEES.

S 1340
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO COSTS OF COURT ORDERED TESTING; AMENDING SECTION 19-2608, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COSTS OF CERTAIN COURT ORDERED TESTING; AMENDING CHAPTER 39, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-3922, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR THE PAYMENT OF CERTAIN COURT ORDERED TESTS AND TO PROVIDE FOR A WAIVER OF SUCH REQUIREMENTS; AMENDING SECTION 20-225, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO COURT ORDERED COSTS AND FEES; AND AMENDING SECTION 31-3201D, IDAHO CODE, TO PROVIDE PROVISIONS RELATING TO COURT ORDERED COSTS AND FEES.

S 1341
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO THE SEXUAL OFFENDER REGISTRATION ACT; AMENDING SECTION 18-8304, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO CERTAIN EXEMPTIONS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING CHAPTER 83, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8310A, IDAHO CODE, TO PROVIDE A PETITION PROCESS FOR CERTAIN PERSONS TO BE EXEMPTED FROM THE DUTY TO REGISTER AS A SEXUAL OFFENDER, TO GRANT THE DISTRICT COURT THE AUTHORITY TO EXEMPT CERTAIN PERSONS FROM THE DUTY TO REGISTER AS A SEXUAL OFFENDER AND TO ALLOW FOR EXPUNGEMENT.

S 1336, S 1337, S 1338, S 1339, S 1340, and S 1341 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HCR 33, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 450, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 369, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

S 1285 and S 1286, by State Affairs Committee, were read the second time at length and filed for third reading.

S 1289 and S 1290, by Resources and Environment Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1274 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Hammond and Lodge arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, Mortimer, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 29.

NAYS–Fulcher, McKague, McKenzie, Nuxoll, Pearce, Vick. Total - 6.

Total - 35.

Whereupon the President Pro Tempore declared S 1274 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, SJR 104 retained its place on the Third Reading Calendar for Friday, March 2, 2012.

On request by Senator Davis, granted by unanimous consent, S 1296 retained its place on the Third Reading Calendar for one legislative day.

S 1215, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1215, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, S 1283 retained its place on the Third Reading Calendar for one legislative day.

S 1292 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–Werk. Total - 1.

Absent and excused–Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1292 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, S 1302 and S 1303 retained their place on the Third Reading Calendar for one legislative day.

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Corder. Total - 2.

Total - 35.

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

S 1261 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1261 passed, title was approved, and the bill ordered transmitted to the House.

S 1262 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1262 passed, title was approved, and the bill ordered transmitted to the House.

S 1273 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nuxoll arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1273 passed, title was approved, and the bill ordered transmitted to the House.

S 1301 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 27.

NAYS–Bock, Broadsword, Cameron, Darrington, Schmidt, Werk. Total - 6.

Absent and excused–Brackett, Corder. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1301 passed, title was approved, and the bill ordered transmitted to the House.

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

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12:05 p.m. until the hour of 4:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except President Pro Tempore Hill and Senators Corder, Davis, LeFavour, Malepeai, and McGee, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

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

Third Reading of Bills

President Pro Tempore Hill and Senators LeFavour, Davis, and McGee were recorded present at this order of business.

S 1298 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Corder, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared S 1298 passed, title was approved, and the bill ordered transmitted to the House.

Senator Malepeai was recorded present at this order of business.

S 1291 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Corder. Total - 1.

Total - 35.

Whereupon the President declared S 1291 passed, title was approved, and the bill ordered transmitted to the House.

S 1310 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Corder. Total - 1.

Total - 35.

Whereupon the President declared S 1310 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, S 1312 retained its place on the Third Reading Calendar for one legislative day.

S 1313 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Corder. Total - 1.

Total - 35.

Whereupon the President declared S 1313 passed, title was approved, and the bill ordered transmitted to the House.

S 1307 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Corder. Total - 1.

Total - 35.

Whereupon the President declared **S 1307** passed, title was approved, and the bill ordered transmitted to the House.

S 1308 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Corder. Total - 1.

Total - 35.

Whereupon the President declared **S 1308** passed, title was approved, and the bill ordered transmitted to the House.

S 1314 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Corder. Total - 1.

Total - 35.

Whereupon the President declared **S 1314** passed, title was approved, and the bill ordered transmitted to the House.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:20 p.m. until the hour of 10 a.m., Wednesday, February 22, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FORTY-FIFTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 22, 2012

Senate Chamber

At the request of the President Pro Tempore, Senator Darrington called the Senate to order at 10 a.m.

Roll call showed all members present except President Pro Tempore Hill and Senators Davis, Fulcher, Malepeai, McGee, McKenzie, and Siddoway, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Marc Christensen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 21, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

February 22, 2012

The JUDICIARY AND RULES Committee reports that S 1336, S 1337, S 1338, S 1339, S 1340, and S 1341 have been correctly printed.

DARRINGTON, Chairman

S 1336 was referred to the State Affairs Committee.

S 1337, S 1338, S 1339, S 1340, and S 1341 were referred to the Judiciary and Rules Committee.

February 21, 2012

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

Sara B. Thomas as the State Appellate Public Defender, term to expire August 1, 2014.

DARRINGTON, Chairman

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

February 21, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out H 407, H 408, H 409, and H 469 with the recommendation that they do pass.

ANDREASON, Chairman

H 407, H 408, H 409, and H 469 were filed for second reading.

February 21, 2012

The TRANSPORTATION Committee reports out H 473 with the recommendation that it do pass.

HAMMOND, Chairman

H 473 was filed for second reading.

February 21, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 417 with the recommendation that it do pass.

CORDER, Chairman

H 417 was filed for second reading.

February 21, 2012

The EDUCATION Committee reports out H 393, as amended, with the recommendation that it do pass.

GOEDDE, Chairman

H 393, as amended, was filed for second reading.

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

Messages from the House

February 21, 2012

Dear Mr. President:

I transmit herewith H 448, H 497, H 490, H 441, H 442, and H 506, which have passed the House.

ALEXANDER, Chief Clerk

H 448, H 497, H 490, H 441, H 442, and H 506 were filed for first reading.

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

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

H 448 and H 497, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 490, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 441 and H 442, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 506, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 405, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1333, by Finance Committee, was read the second time at length and filed for third reading.

S 1294, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1299, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1256, by Resources and Environment Committee, was read the second time at length and filed for third reading.

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

Motions and Resolutions

The Acting President announced that the State Affairs Committee report relative to the Gubernatorial reappointment of E. Robert (Bob) Mooney was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Stennett, the Gubernatorial reappointment of E. Robert (Bob) Mooney as a member of the Idaho Energy Resources Authority was confirmed by voice vote.

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

The Acting President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Sam Haws was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Bilyeu, the Gubernatorial appointment of Sam Haws as the Administrator of the Office on Aging was confirmed by voice vote.

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

The Acting President announced that the Health and Welfare Committee report relative to the Gubernatorial reappointment of John Randolph MacMillan was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Heider, seconded by Senator Stennett, the Gubernatorial reappointment of John Randolph MacMillan as a member of the Board of Environmental Quality was confirmed by voice vote.

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

Senators McKenzie and Siddoway were recorded present at this order of business.

The Acting President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Kevin C. Boling was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Vick, seconded by Senator Stennett, the Gubernatorial appointment of Kevin C. Boling as a member of the Board of Environmental Quality was confirmed by voice vote.

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

The Acting President announced that the Health and Welfare Committee report relative to the Gubernatorial reappointment of Nick Purdy was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Bilyeu, the Gubernatorial reappointment of Nick Purdy as a member of the Board of Environmental Quality was confirmed by voice vote.

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

The Acting President announced that SCR 116 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Hammond, seconded by Senator Stennett, SCR 116 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

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

Third Reading of Bills

President Pro Tempore Hill and Senators Davis and Malepeai were recorded present at this order of business.

S 1283 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate.

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

On request by Senator Davis, granted by unanimous consent, S 1283 retained its place on the Third Reading Calendar.

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

Motions and Resolutions

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the Acting President appointed Senator Corder, Chairman, and Senators Broadsword, and Bilyeu to escort The Honorable Mike Crapo, United States Senator, into the Senate Chamber where he addressed the members of the Senate.

The Acting President thanked Senator Crapo for his remarks and Senators Corder, Broadsword, and Bilyeu escorted him from the Chamber, and the Committee was discharged.

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

Third Reading of Bills

S 1283, having been held, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

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

Senator Fulcher was recorded present at this order of business.

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Cameron, Darrington, Fulcher, Hammond, Heider, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Vick, Winder. Total - 17.

NAYS–Bilyeu, Bock, Broadsword, Corder, Davis, Goedde, Hill, Johnson, Keough, LeFavour, Malepeai, Schmidt, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 17.

Absent and excused–McGee. Total - 1.

Total - 35.

A tie vote having resulted in the roll call, the Acting President declared that **S 1283** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, **S 1296** was recommitted to the Agricultural Affairs Committee.

S 1302 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–McGee. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1302** passed, title was approved, and the bill ordered transmitted to the House.

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

Miscellaneous Business

At this time Senator Davis arose on a point of personal privilege to recognize the distinguished justices of the Idaho Supreme Court and judges of the Idaho District Courts and Idaho Magistrate Courts.

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Thursday, February 23, 2012.

DENTON DARRINGTON, Acting President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FORTY-SIXTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 23, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Malepeai and Werk, absent and formally excused by the Chair; and Senators Cameron, McGee and Pearce, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Janae Godfrey, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 22, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Fourth Order of Business.

Reading of Communications

February 22, 2012

The Honorable Brent Hill
President Pro Tempore
Idaho State Senate
State Capitol

Dear Brent,

Please accept this letter as my formal resignation from the office of State Senator for the 10th Legislative District in the State of Idaho, effective February 22, 2012.

It has been my pleasure and honor to serve the citizens of District 10 in the Idaho State Senate for the past eight years. I appreciate and am grateful for the opportunity and treasure the association with you and our colleagues.

Sincerely,
/s/ John McGee

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

The Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 121
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE IDAHO FISH AND GAME COMMISSION RELATING TO RULES GOVERNING LICENSING.

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

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

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho Fish and Game Commission relating to Rules Governing Licensing is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 13.01.04, Idaho Fish and Game Commission, Rules Governing Licensing, adopted as a pending rule under Docket Number 13-0104-1102, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

SCR 122
BY JUDICIARY AND RULES COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE IDAHO STATE POLICE RELATING TO RULES OF THE IDAHO PEACE OFFICER STANDARDS AND TRAINING COUNCIL.

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

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

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho State Police relating to Rules of the Idaho Peace Officer Standards and Training Council are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 11.11.01, Idaho State Police, Rules of the Idaho Peace Officer Standards and Training Council, Sections 091 and 092, only, adopted as pending rules under Docket Number 11-1101-1102, be, and the same are hereby rejected and declared null, void and of no force and effect.

SCR 121 and **SCR 122** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 22, 2012

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

Jim Rehder to the Idaho Lottery Commission, term to expire January 1, 2014.

MCKENZIE, Chairman

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

February 22, 2012

The JUDICIARY AND RULES Committee reports it has had under consideration the Idaho State Bar appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Joel P. Hazel to the Idaho Judicial Council, term to expire June 30, 2017.

DARRINGTON, Chairman

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

February 22, 2012

The JUDICIARY AND RULES Committee reports out **H 455**, **H 475**, and **S 1324** with the recommendation that they do pass.

DARRINGTON, Chairman

H 455, **H 475**, and **S 1324** were filed for second reading.

February 22, 2012

The RESOURCES AND ENVIRONMENT Committee reports out **H 446**, **S 1305**, **SJM 103**, and **SJR 106** with the recommendation that they do pass.

PEARCE, Chairman

H 446, **S 1305**, and **SJR 106** were filed for second reading.

SJM 103 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

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

Messages from the Governor

February 22, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1213, **S 1219**, and **S 1222**

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

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

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 22, 2012

Dear Mr. President:

I transmit herewith **H 376**, **H 419**, **H 466**, **H 467**, **H 468**, **H 517**, **H 532**, **H 397**, **H 398**, **H 399**, **H 400**, **H 401**, and **H 498**, which have passed the House.

ALEXANDER, Chief Clerk

H 376, **H 419**, **H 466**, **H 467**, **H 468**, **H 517**, **H 532**, **H 397**, **H 398**, **H 399**, **H 400**, **H 401**, and **H 498** were filed for first reading.

February 22, 2012

Dear Mr. President:

I transmit herewith Enrolled **HJM 7** and **HJM 4** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **HJM 7** and **HJM 4** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

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

Committee Secretary:
Resources & Environment .....Linda Kambeitz

Pages:
Jamie Bush, Boise
Nathan Chelson, St. Anthony
Marc Christensen, St. Anthony
Janae Godfrey, Soda Springs
Daniel Kelley, Twin Falls
Karl Lundgren, Buhl
Elisabeth Manor, Meridian
Joshua Smith, Dietrich
Kyle Son, Pocatello
Ben Stringham, Boise
Sarah Webster, Rupert
Alexa Woodland, Burley

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

Senator Cameron was recorded present at this order of business.

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

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of Sara B. Thomas as the State Appellate Public Defender was confirmed by voice vote.

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

The Senate advanced to the Eleventh Order of Business.

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

Senator Pearce was recorded present at this order of business.

S 1342
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO PUBLIC WORKS; AMENDING CHAPTER 28, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2809, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR THE "OPEN ACCESS TO WORK ACT," TO DEFINE TERMS, TO PROVIDE THAT THE STATE AND POLITICAL SUBDIVISIONS THAT CONTRACT FOR CERTAIN PUBLIC WORKS SHALL NOT REQUIRE CONTRACTORS, SUBCONTRACTORS, MATERIAL SUPPLIERS AND CARRIERS ENGAGED IN SPECIFIED ACTIVITIES ASSOCIATED WITH PUBLIC WORKS TO PAY THEIR EMPLOYEES A PREDETERMINED AMOUNT OF WAGES OR WAGE RATE OR A TYPE, AMOUNT OR RATE OF EMPLOYEE BENEFITS, TO PROVIDE THAT SPECIFIED PROVISIONS SHALL NOT APPLY UNDER CERTAIN CIRCUMSTANCES, TO PROHIBIT CERTAIN PROVISIONS IN BID DOCUMENTS, SPECIFICATIONS, PROJECT AGREEMENTS AND OTHER CONTROLLING DOCUMENTS FOR PUBLIC WORKS CONSTRUCTION CONTRACTS AND TO PROHIBIT CERTAIN CONDUCT, TO PROVIDE THAT SPECIFIED PROVISIONS DO NOT PROHIBIT THE VOLUNTARY ENTRY INTO CERTAIN AGREEMENTS, TO PROVIDE FOR STANDING BY INTERESTED PARTIES, TO PROVIDE FOR THE AWARD OF ATTORNEY'S FEES AND COSTS, TO PROVIDE FOR APPLICABILITY OF SPECIFIED PROVISIONS, TO PROVIDE THAT SPECIFIED PROVISIONS DO NOT PROHIBIT OR INTERFERE WITH RIGHTS OF EMPLOYERS OR OTHER PARTIES TO ENTER INTO AGREEMENTS OR ENGAGE IN ACTIVITIES PROTECTED BY THE NATIONAL LABOR RELATIONS ACT AND TO PROVIDE FOR SEVERABILITY.

S 1343
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO THE DIRECTOR OF THE IDAHO STATE POLICE; AMENDING SECTION 67-2901, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE DIRECTOR OF THE IDAHO STATE POLICE REGARDING THE LIEUTENANT GOVERNOR AND THE LIEUTENANT GOVERNOR'S IMMEDIATE FAMILY UPON CERTAIN CIRCUMSTANCES OCCURRING; AND DECLARING AN EMERGENCY.

S 1344
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO BEER AND BREWERS; AMENDING SECTION 23-1033, IDAHO CODE, TO PROVIDE THAT CERTAIN BREWERS MAY BE PERMITTED TO HAVE A FINANCIAL INTEREST IN ONE ADDITIONAL BREWERY.

S 1345
BY FINANCE COMMITTEE
AN ACT
RELATING TO LIVESTOCK PROCEEDS; AMENDING SECTION 25-1174, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS THAT ESCHEAT TO THE STATE SHALL BE DEPOSITED INTO THE STATE BOARD OF EDUCATION'S MISCELLANEOUS REVENUE FUND FOR APPROPRIATION TO CERTAIN PUBLIC EDUCATION AND/OR HIGHER EDUCATION PROGRAMS AS RECOMMENDED BY THE IDAHO CATTLE FOUNDATION, INC., AND TO PROVIDE A DATE BY WHICH SUCH RECOMMENDATION SHALL BE GIVEN.

S 1342, **S 1343**, **S 1344**, and **S 1345** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 376, by Business Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 419, **H 466**, **H 467**, and **H 468**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 517, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 532, by Judiciary, Rules, and Administration Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 397, H 399, H 400, and H 401, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 398, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 498, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 407, H 408, H 409, and H 469, by Business Committee, were read the second time at length and filed for third reading.

H 473, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 417, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 393, as amended, by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1303 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–Pearce. Total - 1.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1303 passed, title was approved, and the bill ordered transmitted to the House.

S 1312 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1312 passed, title was approved, and the bill ordered transmitted to the House.

S 1316 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1316 passed, title was approved, and the bill ordered transmitted to the House.

S 1327 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 26.

NAYS–Bilyeu, Bock, Hammond, LeFavour, Schmidt, Stennett. Total - 6.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1327 passed, title was approved, and the bill ordered transmitted to the House.

S 1328 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 30.

NAYS–Bock, LeFavour. Total - 2.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1328 passed, title was approved, and the bill ordered transmitted to the House.

S 1329 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1329 passed, title was approved, and the bill ordered transmitted to the House.

S 1255, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate.

On request by Senator Corder, granted by unanimous consent, S 1255, as amended, retained its place on the Third Reading Calendar for Monday, February 27, 2012.

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

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

H 358, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared H 358, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 382, having been held, having previously been read the third time at length and debate having previously been opened, was before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and reopened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared H 382 passed, title was approved, and the bill ordered returned to the House.

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

Reports of Standing Committees

February 23, 2012

The JUDICIARY AND RULES Committee reports that S 1345 has been correctly printed.

DARRINGTON, Chairman

Senator Davis requested unanimous consent that S 1345 be laid on the table.

The question being, "Shall the motion prevail to lay S 1345 upon the table?" The President announced that, by voice vote, the motion did prevail.

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

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Bock, by voice vote the Senate recessed at 12 noon until the hour of 4:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Malepeai and Werk, absent and formally excused by the Chair; and President Pro Tempore Hill and Senators Cameron, Davis, Goedde, and Lodge, absent and excused. [District 10 seat is temporarily vacant.]

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

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

Third Reading of Bills

President Pro Tempore Hill and Senators Lodge, Cameron, Davis, and Goedde were recorded present at this order of business.

H 383 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared H 383 passed, title was approved, and the bill ordered returned to the House.

H 385 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared H 385 passed, title was approved, and the bill ordered returned to the House.

H 412 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared H 412 passed, title was approved, and the bill ordered returned to the House.

H 367 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared H 367 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, H 394 retained its place on the Third Reading Calendar for Monday, February 27, 2012.

H 402 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared **H 402** passed, title was approved, and the bill ordered returned to the House.

H 418 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Senator McKenzie moved that **H 418** be laid on the table. Motion died for lack of a second.

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Heider, Keough, McKague, Mortimer, Nuxoll, Schmidt, Siddoway, Smyser, Toryanski, Vick, Winder. Total - 20.

NAYS–Bilyeu, Bock, Broadsword, Davis, Hill, Johnson, LeFavour, Lodge, McKenzie, Pearce, Stennett, Tippets. Total - 12.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared **H 418** passed, title was approved, and the bill ordered returned to the House.

H 391 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Brackett, Fulcher, Hammond, Hill, Johnson, McKague, McKenzie, Nuxoll, Pearce, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 16.

NAYS–Andreason, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Heider, Keough, LeFavour, Lodge, Mortimer, Schmidt, Stennett. Total - 16.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

A tie vote having resulted in the roll call, the President voted AYE, and declared **H 391** passed, title was approved, and the bill ordered returned to the House.

H 374 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 32.

NAYS–None.

Absent and excused–Malepeai, Werk. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared **H 374** passed, title was approved, and the bill ordered returned to the House.

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

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate adjourned at 5:30 p.m. until the hour of 10 a.m., Friday, February 24, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FORTY-SEVENTH LEGISLATIVE DAY
FRIDAY, FEBRUARY 24, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Hammond, Malepeai, and Werk, absent and formally excused by the Chair; and Senator McKenzie, absent and excused. [District 10 seat is temporarily vacant.]

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Daniel Kelley, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 23, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

February 24, 2012

The JUDICIARY AND RULES Committee reports that S 1342, S 1343, S 1344, SCR 121, and SCR 122 have been correctly printed.

DARRINGTON, Chairman

S 1342, S 1343, and S 1344 were referred to the State Affairs Committee.

SCR 121 and SCR 122 were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 23, 2012

The TRANSPORTATION Committee reports out S 1317 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HAMMOND, Chairman

There being no objection, S 1317 was referred to the Fourteenth Order of Business, General Calendar.

February 23, 2012

The TRANSPORTATION Committee reports out S 1319 with the recommendation that it do pass.

HAMMOND, Chairman

S 1319 was filed for second reading.

February 23, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out HCR 33 with the recommendation that it do pass.

CORDER, Chairman

HCR 33 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 23, 2012

The HEALTH AND WELFARE Committee reports out S 1309 with the recommendation that it do pass.

LODGE, Chairman

S 1309 was filed for second reading.

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

Messages from the House

February 23, 2012

Dear Mr. President:

I transmit herewith H 396, H 499, H 480, H 519, H 452, H 521, H 482, H 484, H 500, H 501, H 534, HCR 36, and HJM 10, which have passed the House.

ALEXANDER, Chief Clerk

H 396, H 499, H 480, H 519, H 452, H 521, H 482, H 484, H 500, H 501, H 534, HCR 36, and HJM 10 were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of Jim Rehder was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Nuxoll, seconded by Senator Stennett, the Gubernatorial appointment of Jim Rehder as a member of the Idaho Lottery Commission was confirmed by voice vote.

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

The President announced that the Judiciary and Rules Committee report relative to the Idaho State Bar appointment of Joel P. Hazel was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Nuxoll, seconded by Senator Stennett, the Idaho State Bar appointment of Joel P. Hazel as a member of the Idaho Judicial Council was confirmed by voice vote.

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

Senator McKenzie was recorded present at this order of business.

The President announced that SJM 103 was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Keough, seconded by Senator Broadsword, SJM 103 was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

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

S 1346
BY FINANCE COMMITTEE
AN ACT
RELATING TO LIVESTOCK PROCEEDS; AMENDING SECTION 25-1174, IDAHO CODE, TO PROVIDE THAT CERTAIN MONEYS THAT ESCHEAT TO THE STATE SHALL BE DEPOSITED INTO THE STATE BOARD OF EDUCATION'S MISCELLANEOUS REVENUE FUND FOR APPROPRIATION TO CERTAIN PUBLIC EDUCATION AND/OR HIGHER EDUCATION PROGRAMS AS RECOMMENDED BY THE IDAHO CATTLE FOUNDATION, INC., AND TO PROVIDE A DATE BY WHICH SUCH RECOMMENDATION SHALL BE GIVEN; AND PROVIDING AN EFFECTIVE DATE.

S 1346 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 396, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 499, H 521, and H 534, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

H 480, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 519, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 452, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 482, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 484, by Local Government Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 500 and H 501, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

HCR 36, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

HJM 10, by Health and Welfare Committee, was introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 455 and H 475, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

S 1324, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 446, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

S 1305, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

SJR 106, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1285 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–None.

Absent and excused–Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1285 passed, title was approved, and the bill ordered transmitted to the House.

S 1286 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Heider, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Nuxoll, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 27.

NAYS–Davis, Hill, Mortimer, Pearce. Total - 4.

Absent and excused–Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1286 passed, title was approved, and the bill ordered transmitted to the House.

S 1289 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–None.

Absent and excused–Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1289 passed, title was approved, and the bill ordered transmitted to the House.

S 1290 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–None.

Absent and excused–Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1290 passed, title was approved, and the bill ordered transmitted to the House.

S 1333 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Smyser, Stennett, Tippets, Toryanski, Winder. Total - 25.

NAYS–Bilyeu, Bock, Johnson, LeFavour, Schmidt, Vick. Total - 6.

Absent and excused–Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1333 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, S 1294 retained its place on the Third Reading Calendar for one legislative day.

S 1299 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–None.

Absent and excused–Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1299 passed, title was approved, and the bill ordered transmitted to the House.

S 1256 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Heider, Hill, Keough, Lodge, McKague, McKenzie, Siddoway, Smyser, Winder. Total - 17.

NAYS–Bilyeu, Bock, Corder, Goedde, Johnson, LeFavour, Malepeai, Mortimer, Nuxoll, Pearce, Schmidt, Stennett, Tippets, Toryanski, Vick, Werk. Total - 16.

Absent and excused–Hammond. Total - 1.

Paired and voting included in roll call:

AYE - Darrington	NAY - Malepeai
AYE - Davis	NAY - Werk

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1256 passed, title was approved, and the bill ordered transmitted to the House.

H 375 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–None.

Absent and excused–Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared H 375 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, H 438 retained its place on the Third Reading Calendar for one legislative day.

H 369 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–None.

Absent and excused–Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared H 369 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, H 405 retained its place on the Third Reading Calendar for one legislative day.

H 407 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–None.

Absent and excused–Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared H 407 passed, title was approved, and the bill ordered returned to the House.

H 408 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–None.

Absent and excused–Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared H 408 passed, title was approved, and the bill ordered returned to the House.

H 409 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–None.

Absent and excused–Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared H 409 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, H 469 retained its place on the Third Reading Calendar for one legislative day.

H 473 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–None.

Absent and excused–Hammond, Malepeai, Werk. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared **H 473** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, **SJR 104** was recommitted to the Resources and Environment Committee.

On request by Senator Winder, granted by unanimous consent, **Senate Joint Resolution 106** was placed at the head of the Third Reading Calendar, followed by remaining Senate bills, followed by House bills.

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

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Bock, by voice vote, the Senate adjourned at 12 noon until the hour of 10:30 a.m., Monday, February 27, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTIETH LEGISLATIVE DAY
MONDAY, FEBRUARY 27, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Cameron, absent and excused. [District 10 seat is temporarily vacant.]

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Karl Lundgren, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 24, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

February 27, 2012

The JUDICIARY AND RULES Committee reports that S 1346 has been correctly printed.

DARRINGTON, Chairman

S 1346 was referred to the Agricultural Affairs Committee.

February 24, 2012

The AGRICULTURAL AFFAIRS Committee reports out H 389 with the recommendation that it do pass.

SIDDOWAY, Chairman

H 389 was filed for second reading.

February 24, 2012

The RESOURCES AND ENVIRONMENT Committee reports out SCR 120 with the recommendation that it do pass.

PEARCE, Chairman

SCR 120 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 24, 2012

The RESOURCES AND ENVIRONMENT Committee reports out S 1321 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

PEARCE, Chairman

There being no objection, S 1321 was referred to the Fourteenth Order of Business, General Calendar.

Senator Cameron was recorded present at this order of business.

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

Messages from the Governor

February 24, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that William H. Goesling of Moscow, Idaho, was appointed as a member of the State Board of Education to serve a term commencing April 19, 2011, and expiring March 1, 2016.

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

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

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

The Gubernatorial appointment was referred to the Education Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 24, 2012

Dear Mr. President:

I transmit herewith H 574, H 489, H 457, H 459, H 461, H 525, and H 543, which have passed the House.

ALEXANDER, Chief Clerk

H 574, H 489, H 457, H 459, H 461, H 525, and H 543 were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that SCR 121 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Pearce, seconded by Senator Bair, SCR 121 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that SCR 122 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Vick, seconded by Senator Stennett, SCR 122 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that HCR 33 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Corder, seconded by Senator Johnson, HCR 33 was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

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

H 574, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

H 489, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 457, H 459, H 461, H 525, and H 543, by Resources and Conservation Committee, were introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1319, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1309, by Health and Welfare Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, S 1305 retained its place on the Third Reading Calendar for Thursday, March 1, 2012.

On request by Senator Corder, granted by unanimous consent, S 1255, as amended, was referred to the Fourteenth Order of Business, General Calendar.

SJR 106 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34. [District 10 seat is temporarily vacant.]

More than two-thirds having voted in the affirmative, the President Pro Tempore declared SJR 106 adopted, title was approved, and the resolution ordered transmitted to the House.

S 1294 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate.

On request by Senator Bock, granted by unanimous consent, S 1294 was referred to the Fourteenth Order of Business, General Calendar.

S 1324 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared S 1324 passed, title was approved, and the bill ordered transmitted to the House.

H 394 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared H 394 passed, title was approved, and the bill ordered returned to the House.

H 438 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared **H 438** passed, title was approved, and the bill ordered returned to the House.

H 405 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared **H 405** passed, title was approved, and the bill ordered returned to the House.

H 469 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS–Bock, Johnson, Malepeai, Schmidt, Stennett. Total - 5.

Absent and excused–Werk. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared **H 469** passed, title was approved, and the bill ordered returned to the House.

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

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Tuesday, February 28, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-FIRST LEGISLATIVE DAY
TUESDAY, FEBRUARY 28, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Andreason, Cameron, Lodge, and McKague, absent and excused. [District 10 seat is temporarily vacant.]

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Elisabeth Manor, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 27, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Petitions, Resolutions, and Memorials

SJM 104
BY STATE AFFAIRS COMMITTEE
A JOINT MEMORIAL
TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, all Idahoans have the right to life, liberty and the pursuit of happiness, as provided in the Declaration of Independence; and

WHEREAS, the Continental Congress of 1787 declared that "Religion, Morality and knowledge being necessary to good government and the happiness of mankind ..."; and

WHEREAS, James Madison, a key defender of religious freedom and author of the First Amendment, said "Conscience is the most sacred of all property"; and

WHEREAS, the Executive Branch of the United States government has directed the U.S. Department of Health and Human Services (HHS) to promulgate a new, "preventive services" mandate that violates the rights of conscience of a majority of U.S. citizens; and

WHEREAS, Thomas Jefferson in 1809 stated that "No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority"; and

WHEREAS, this new mandate has been written into an HHS regulation requiring private health insurance plans to cover costs of female surgical sterilization and all drugs and devices approved by the U.S. Food and Drug Administration, including contraceptives and drugs that can attack an unborn child before and after implantation in the mother's womb, in effect taking away the right to life; and

WHEREAS, under this new regulation, the United States government forces individuals and organizations to go into the marketplace and purchase a product that violates their conscience; and

WHEREAS, this should not happen in a land where free exercise of religion ranks first in the Bill of Rights; and

WHEREAS, the new HHS regulation covers all Americans and provides for only a miniscule amount of agency discretion to authorize "religious" exemptions that will exclude many religious social service agencies and health care providers and other groups that believe in the sanctity of life; and

WHEREAS, using this exemption, organizations would be free to act in accord with their religious teachings on life and procreation only if they were to stop hiring and serving those that object on religious grounds; and

WHEREAS, by implementing this regulation, the United States government appears to place pressure on institutions that consider life to be sacred, directing them to cease providing health care, education and charitable services to the general public; and

WHEREAS, the new HHS regulation fails to create a meaningful "conscience exemption" to the preventive services mandate; and

WHEREAS, this regulation underscores the need for Congress to approve the Respect for Rights of Conscience Act that would prevent mandates under the new federal health care reform law from undermining rights of conscience; and

WHEREAS, this new federal regulation applies to all religions and faiths in America that contain members who are conscientiously objecting to any mandate that violates the rights of the unborn by forcing American taxpayers to subsidize the costs of drugs and procedures under the new term "emergency contraceptive"; and

WHEREAS, regarding the HHS regulation, Cardinal-designate Timothy Dolan, Archbishop of New York and president of the U.S. Conference of Catholic Bishops, stated "In effect the president is saying we have a year to figure out how to violate our consciences. To force Americans to choose between violating their consciences and forgoing their health care is literally unconscionable .... It is as much an attack on access to health care as on religious freedom"; and

WHEREAS, the pro-life majority of Americans would be outraged to learn that their health insurance premiums must be used for these purposes.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request the President of the United States and the Congress of the United States to reverse and reject the HHS regulation so that those who sponsor, purchase and issue health

insurance plans should not be forced to violate their deeply held moral and religious convictions in order to take part in any health care system that violates their belief in the sanctity of life.

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

SCR 123
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION TO ENTER INTO AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY TO RESTRUCTURE FINANCING OF CERTAIN BONDS ISSUED TO ACQUIRE PROPERTIES ALONG BILLINGSLEY CREEK IN HAGERMAN VALLEY AND TO FACILITATE THE EXCHANGE OF PROPERTY.

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

WHEREAS, by Senate Concurrent Resolution No. 116 of the First Regular Session of the Fifty-sixth Idaho Legislature in 2001, the Department of Parks and Recreation was authorized to enter into agreements with the Idaho State Building Authority to provide financing for the acquisition of the Vardis Fisher property and other parcels along Billingsley Creek in the Hagerman Valley for the purpose of partnering with the University of Idaho in developing a key aquaculture and research facility for endangered species and development of recreation facilities;

WHEREAS, the federal government has failed to provide funding for the aquaculture and research facility;

WHEREAS, the University of Idaho has ceased its use of the aquaculture facilities on the property;

WHEREAS, the Vardis Fisher property has limited potential for recreational development;

WHEREAS, the Department of Parks and Recreation desires to exchange the Vardis Fisher property for property with greater recreational potential;

WHEREAS, the Department of Parks and Recreation is unable to exchange the Vardis Fisher property since title remains in the Idaho State Building Authority until bonds issued by the Idaho State Building Authority to finance the acquisition of the Billingsley Creek properties are paid in full;

WHEREAS, it is in the interest of the Department of Parks and Recreation to arrange for transfer of existing properties and facilities to the Idaho State Building Authority in order to accommodate the issuance of bonds to pay off the outstanding bonds related to the Billingsley Creek properties and allow the Idaho State Building Authority to transfer the title of the Billingsley Creek properties to the Department of Parks and Recreation so as to accommodate an exchange of the Vardis Fisher property; and

WHEREAS, because interest rates available for Idaho State Building Authority financing are at historic low levels, the proposed restructuring can be achieved without additional cost to the state.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature hereby authorizes and provides approval for the Department of Parks and Recreation to enter into agreement or agreements with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, for the purpose of restructuring the financing using the existing property or facilities owned by the Department of Parks and Recreation, and for the transfer of title of the Billingsley Creek properties to the Department of Parks and Recreation.

BE IT FURTHER RESOLVED that this Concurrent Resolution constitutes the authorization required by the provisions of section 67-6410, Idaho Code.

SCR 124
BY JUDICIARY AND RULES COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE IDAHO DIGITAL LEARNING ACADEMY FOR ITS ACHIEVEMENTS IN PROVIDING QUALITY ONLINE EDUCATION FOR IDAHO STUDENTS.

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

WHEREAS, the Idaho Digital Learning Academy (IDLA) is nationally recognized for its best practices in online learning and is a leader among state online programs; and

WHEREAS, the IDLA has demonstrated its ability to facilitate excellent student achievement, course quality, teacher development and has increased school district capacity; and

WHEREAS, the IDLA has developed and maintained a network of educational resources for all Idaho educators, and Idaho teachers and administrators have access to these resources, which cover a broad range of topics, including classroom instructional techniques, how to implement a blended learning environment and more; and

WHEREAS, the IDLA has presented hundreds of workshops and training seminars to local and national organizations on topics ranging from blended learning to online pedagogy to online teacher evaluations; and

WHEREAS, since 2002, the IDLA has increased the capacity and knowledge of technology staff in best practices for online implementation in 115 school districts plus another 40 charter schools; and

WHEREAS, the IDLA works with districts to ensure that technology used in online courses meets the specific requirements of Idaho school districts, and that the Academy partners with the Idaho Education Technology Association to ensure that Idaho technology directors are the first to know of technology changes; and

WHEREAS, from 2009-2010 to 2010-2011, Dual Credit courses grew by 46% and Advanced Placement courses grew by 44%; and

WHEREAS, the IDLA supports the matriculation of technical preparatory programs statewide by offering foundational courses as part of the overall course of study and, by providing these classes online, it allows districts to focus on advanced curriculum and accept a wider population into their programs; and

WHEREAS, the IDLA continuously reviews and upgrades digital content to align with Idaho standards and iNACOL online standards, and promotes student engagement through innovative multimedia; and

WHEREAS, IDLA teachers, through ongoing professional development and training, gain valuable knowledge and technical skills in online pedagogy, online course delivery, and quality content development, and IDLA teachers are often recognized as leaders in advancing education in their local schools; and

WHEREAS, the IDLA has employed more than 500 Idaho residents since its creation and IDLA purchases products and

services from local vendors and suppliers, thereby keeping IDLA money in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize the efforts of the Idaho Digital Learning Academy in establishing and providing many of the best practices in online learning and in helping Idaho students excel in their educational endeavors.

SJM 104, SCR 123, and SCR 124 were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 27, 2012

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

James C. Hammond to the State Building Authority, term to expire January 1, 2017.

MCKENZIE, Chairman

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

February 27, 2012

The STATE AFFAIRS Committee reports out S 1344 with the recommendation that it do pass.

MCKENZIE, Chairman

S 1344 was filed for second reading.

February 27, 2012

The STATE AFFAIRS Committee reports out S 1323 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, S 1323 was referred to the Fourteenth Order of Business, General Calendar.

February 27, 2012

The FINANCE Committee reports out H 574 with the recommendation that it do pass.

CAMERON, Chairman

H 574 was filed for second reading.

February 27, 2012

The JUDICIARY AND RULES Committee reports out S 1275, S 1332, and S 1340 with the recommendation that they do pass.

DARRINGTON, Chairman

S 1275, S 1332, and S 1340 were filed for second reading.

February 27, 2012

The HEALTH AND WELFARE Committee reports out S 1295 and S 1326 with the recommendation that they do pass.

LODGE, Chairman

S 1295 and S 1326 were filed for second reading.

February 27, 2012

The EDUCATION Committee reports out S 1331 with the recommendation that it do pass.

GOEDDE, Chairman

S 1331 was filed for second reading.

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

Messages from the Governor

February 27, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Jim Kempton of Albion, Idaho, was appointed as a member of the Idaho Transportation Board to serve a term commencing March 1, 2012, and expiring January 31, 2018.

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

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

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

The Gubernatorial appointment was referred to the Transportation Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

February 27, 2012

Dear Mr. President:

I transmit herewith H 546, H 536, H 481, H 472, H 513, H 503, and H 555, which have passed the House.

ALEXANDER, Chief Clerk

H 546, H 536, H 481, H 472, H 513, H 503, and H 555 were filed for first reading.

February 27, 2012

Dear Mr. President:

I transmit herewith Enrolled H 382, H 383, H 385, H 412, H 367, H 402, H 418, H 391, and H 374 for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled H 382, H 383, H 385, H 412, H 367, H 402, H 418, H 391, and H 374 and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

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

The President Pro Tempore announced that SCR 120 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Siddoway, seconded by Senator Keough, SCR 120 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

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

S 1347
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE IDAHO TRANSPORTATION BOARD; AMENDING SECTION 40-310, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE STATE TRANSPORTATION BOARD ESTABLISHING STANDARDS REGARDING THE LOCATION, DESIGN AND CONSTRUCTION OF PROVIDING ACCESS FROM PROPERTIES ADJACENT TO STATE HIGHWAYS, TO ESTABLISH PROVISIONS RELATING TO APPLICATIONS FOR CERTAIN PERMITS, TO PROVIDE FOR A DECISION ON THE RECORD, TO PROVIDE FOR FINDINGS, TO PROVIDE FOR RULES AND TO MAKE A TECHNICAL CORRECTION.

S 1348
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE MEDICAL CONSENT AND NATURAL DEATH ACT; PROVIDING A SHORT TITLE; AMENDING SECTION 39-4509, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 39-4513, IDAHO CODE, TO REVISE PROVISIONS RELATING TO HEALTH CARE PROVIDERS UNWILLING TO CONFORM TO THE DESIRES OF PATIENTS AND THOSE AUTHORIZED TO CONSENT FOR THEM; AND AMENDING SECTION 39-4514, IDAHO CODE, TO PREVENT THE DISCRIMINATORY DENIAL OF CERTAIN HEALTH CARE INCLUDING ASSISTED FEEDING OR ARTIFICIAL NUTRITION AND HYDRATION.

S 1349
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ABORTION; AMENDING SECTION 18-609, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO CERTAIN MATERIALS MADE AVAILABLE TO PHYSICIANS, HOSPITALS OR OTHER FACILITIES PROVIDING ABORTION AND ABORTION-RELATED SERVICES, TO ESTABLISH PROVISIONS RELATING TO A LIST OF HEALTH CARE PROVIDERS, FACILITIES AND CLINICS THAT OFFER TO PERFORM CERTAIN ULTRASOUNDS, TO ESTABLISH PROVISIONS RELATING TO A STATEMENT REGARDING CERTAIN ULTRASOUND IMAGING AND HEART TONE MONITORING, TO ESTABLISH PROVISIONS THAT PRIOR TO INFORMED CONSENT GIVEN BY THE PATIENT AND PRIOR TO THE ADMINISTRATION OF ANESTHESIA OR CERTAIN MEDICATIONS, THE PHYSICIAN WHO IS TO PERFORM THE ABORTION OR A QUALIFIED TECHNICIAN SHALL PERFORM AN OBSTETRIC ULTRASOUND, TO REVISE PROVISIONS RELATING TO INFORMING THE PATIENT SHE HAS THE RIGHT TO VIEW CERTAIN ULTRASOUND IMAGES, TO PROVIDE THAT THE PHYSICIAN WHO IS TO PERFORM THE ABORTION OR AN AGENT OF THE PHYSICIAN SHALL SIGN AND DATE A CERTAIN STATEMENT, TO PROVIDE LANGUAGE THAT READS SUBSTANTIALLY AS A CERTAIN STATEMENT SHOULD READ, TO PROVIDE THAT THE PATIENT SHALL INITIAL, SIGN AND DATE THE STATEMENT, TO ESTABLISH PROVISIONS RELATING TO THE PRINT OF THE STATEMENT, TO ESTABLISH PROVISIONS LIMITING MATERIAL INCLUDED IN THE STATEMENT, TO PROVIDE FOR A COPY OF THE STATEMENT, TO PROVIDE FOR A SIGNATURE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

S 1350
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1351
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING MONEYS TO PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2013; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1352
BY FINANCE COMMITTEE
AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1353
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1354
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1355
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO HIGHWAYS AND RIGHTS-OF-WAY; AMENDING SECTION 6-401, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN ACTION TO QUIET TITLE; AND AMENDING CHAPTER 2, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-211, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE EXHAUSTION OF CERTAIN PROCEDURES.

S 1356
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO HIGHWAY DISTRICTS; AMENDING SECTION 40-1309, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CORPORATE POWERS OF HIGHWAY DISTRICTS.

S 1357
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO PROPERTY TAXES; AMENDING SECTION 63-1003, IDAHO CODE, TO PROVIDE THAT A PERSONAL PROPERTY TAX LIEN ASSESSED ON A SPECIFIC PERSONAL PROPERTY SHALL HAVE PRIORITY OVER A PURCHASE MONEY SECURITY INTEREST IN ONLY THAT SPECIFIC PERSONAL PROPERTY.

S 1347, S 1348, S 1349, S 1350, S 1351, S 1352, S 1353, S 1354, S 1355, S 1356, and S 1357 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 546, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 536, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 481, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 472, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 513, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 503, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 555, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 389, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

Senator McKague was recorded present at this order of business.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1319 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Lodge. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared S 1319 passed, title was approved, and the bill ordered transmitted to the House.

S 1309 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Lodge. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared S 1309 passed, title was approved, and the bill ordered transmitted to the House.

H 417 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Lodge. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared **H 417** passed, title was approved, and the bill ordered returned to the House.

H 393, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Lodge. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared **H 393**, as amended, passed, title was approved, and the bill ordered returned to the House.

The Senate advanced to the Fourteenth Order of Business.

Senator Lodge was recorded present at this order of business.

General Calendar

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

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

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out **S 1231**, **S 1317**, **S 1255**, as amended, **S 1294**, and **S 1323**, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1231
AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 8, delete ". A"; and delete lines 9 through 22, and insert: ", which shall include, but not be limited to, a repair waiver and a hardship waiver.".

On page 3, delete lines 13 and 14, and insert: "(6) Every five (5) years beginning ~~with the implementation of the program~~ in 2013, the director shall review the air quality data and ~~determine~~ make recommendations to the legislature for its determination whether".

CORRECTION TO TITLE

On page 1, delete lines 3 and 4, and insert: "SECTION 39-116B, IDAHO CODE, TO PROVIDE FOR A REPAIR WAIVER AND A HARDSHIP WAIVER AND TO PROVIDE FOR RECOMMENDATIONS TO THE LEGISLATURE FROM THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY EVERY FIVE YEARS BEGINNING IN 2013.".

SENATE AMENDMENT TO S 1317
AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 24 through 36; and on page 2, delete lines 1 and 2, and insert:

"ROUTE	PROJECT DESCRIPTION
US-95	SH-1 to Canadian border
US-95	Garwood to Sagle
US-95	Worley to Setters
US-95	Thorn Creek to Moscow
US-95	Smokey Boulder to Hazard Creek
SH-16 Ext	South Emmett to Mesa with connection to SH-55
SH-16 Ext	I-84 to South Emmett
I-84	Caldwell to Meridian
I-84	Orchard to Isaacs Canyon
US-93	Twin Falls alternate route and new Snake River crossing
SH-75	Timmerman to Ketchum
US-20	St. Anthony to Ashton
US-30	McCammon to Soda Springs".

CORRECTION TO TITLE

On page 1, delete lines 3 through 5, and insert: "PROVIDE FOR A BRIDGE PROGRAM, TO REVISE PROVISIONS RELATING TO A LIMIT ON TOTAL CUMULATIVE DEBT SERVICE AND CERTAIN EXPENSES, TO PROVIDE THAT THE BOARD SHALL LIST AND APPROVE CERTAIN PROJECTS, TO PROVIDE FOR A STATUS UPDATE AND TO MAKE TECHNICAL CORRECTIONS.".

SENATE AMENDMENT TO S 1255, As Amended
AMENDMENT TO SECTION 1

On page 2 of the engrossed bill, delete line 39, and insert: "vide for the disclosure of records of investigations associated with actions pursuant to the provisions of chapter 16, title 16, Idaho Code, prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children except any such records regarding adoptions shall remain exempt from disclosure.".

CORRECTION TO TITLE

On page 1, in line 7, following "DISCLOSURE" delete "AND" and insert: ","; and delete lines 9 and 10, and insert: "AND WELFARE MAY PROVIDE FOR THE DISCLOSURE OF CERTAIN RECORDS AND TO PROVIDE AN EXCEPTION; AND DECLARING AN EMERGENCY.".

SENATE AMENDMENT TO S 1294

AMENDMENT TO SECTION 14

On page 15 of the printed bill, in line 45, following "July 1," delete "2007" and insert: "~~2007~~ 2012".

CORRECTION TO TITLE

On page 1, in line 37, following "EXISTING DIRECTIVES" insert: ", TO REVISE PROVISIONS RELATING TO EXISTING DIRECTIVES AND DIRECTIVES FROM OTHER STATES".

SENATE AMENDMENT TO S 1323

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 14 through 18, and insert:

"(2) ~~Notwithstanding the limitations of chapter 17, title 34, Idaho Code, e~~Each library district trustee shall be subject to recall following procedures as ~~closely as possible to the procedures described for the recall of county commissioners pursuant to~~ provided in chapter 17, title 34, Idaho Code.";

delete lines 22 through 27; and in line 28, delete "(b)" and insert:

"~~If, pursuant to section 33-2717, Idaho Code, no election was held for the trustee being recalled:~~

~~(a) The number of district electors required to sign the petition seeking a recall election must be not less than fifty (50), or twenty percent (20%) of the number of votes cast in the last trustee election held in the library district, whichever is the greater.~~

~~(b)~~".

The Committee also has S 1321 under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

S 1231, as amended, S 1317, as amended, S 1255, as amended, as amended, S 1294, as amended, and S 1323, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

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

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote the Senate recessed at 12:15 p.m. until the hour of 4:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Pro Tempore Hill presiding.

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair; and Senators Bair, Brackett, and Lodge, absent and excused. [District 10 seat is temporarily vacant.]

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

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 28, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to S 1231, S 1317, S 1255, as amended, S 1294, and S 1323 have been correctly printed.

DARRINGTON, Chairman

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

February 28, 2012

The JUDICIARY AND RULES Committee reports that S 1231, as amended, S 1317, as amended, S 1255, as amended, as amended, S 1294, as amended, and S 1323, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1231, as amended, S 1317, as amended, S 1255, as amended, as amended, S 1294, as amended, and S 1323, as amended, were filed for first reading.

Senator Brackett was recorded present at this order of business.

February 28, 2012

The AGRICULTURAL AFFAIRS Committee reports out S 1304 and S 1346 with the recommendation that they do pass.

SIDDOWAY, Chairman

S 1304 and S 1346 were filed for second reading.

Senator Lodge was recorded present at this order of business.

February 28, 2012

The JUDICIARY AND RULES Committee reports out H 449 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, H 449 was referred to the Fourteenth Order of Business, General Calendar.

February 28, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out H 419, H 466, H 467, and H 468 with the recommendation that they do pass.

ANDREASON, Chairman

H 419, H 466, H 467, and H 468 were filed for second reading.

Senator Bair was recorded present at this order of business.

February 28, 2012

The EDUCATION Committee reports out H 498 with the recommendation that it do pass.

GOEDDE, Chairman

H 498 was filed for second reading.

February 28, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 482 with the recommendation that it do pass.

CORDER, Chairman

H 482 was filed for second reading.

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

Messages from the House

February 28, 2012

Dear Mr. President:

I transmit herewith Enrolled H 375, H 369, H 407, H 408, H 409, and H 473 for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled H 375, H 369, H 407, H 408, H 409, and H 473 and ordered them returned to the House.

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

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

S 1231, as amended, and S 1317, as amended, by State Affairs Committee, were read the first time at length and filed for second reading.

S 1255, as amended, as amended, and S 1294, as amended, by Health and Welfare Committee, were read the first time at length and filed for second reading.

S 1323, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

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

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, S 1305 was placed before the Senate for consideration at this time.

S 1305 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. Senator Pearce yielded the remainder of his time to Senator Siddoway.

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

On request by Senator Siddoway, granted by unanimous consent, S 1305 was recommitted to the Resources and Environment Committee.

H 455 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared H 455 passed, title was approved, and the bill ordered returned to the House.

H 475 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nuxoll arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared H 475 passed, title was approved, and the bill ordered returned to the House.

H 446 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President Pro Tempore declared H 446 passed, title was approved, and the bill ordered returned to the House.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:20 p.m. until the hour of 10 a.m., Wednesday, February 29, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-SECOND LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 29, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Cameron and Pearce, absent and excused. [District 10 seat is temporarily vacant.]

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Joshua Smith, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 28, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

February 29, 2012

The JUDICIARY AND RULES Committee reports that **S 1347**, **S 1348**, **S 1349**, **S 1350**, **S 1351**, **S 1352**, **S 1353**, **S 1354**, **S 1355**, **S 1356**, **S 1357**, **SJM 104**, **SCR 123**, and **SCR 124** have been correctly printed.

DARRINGTON, Chairman

S 1347, **S 1355**, and **S 1356** were referred to the Transportation Committee.

S 1348 and **S 1349** were referred to the State Affairs Committee.

S 1350, **S 1351**, **S 1352**, **S 1353**, and **S 1354** were referred to the Finance Committee.

S 1357 was referred to the Local Government and Taxation Committee.

SJM 104 and **SCR 123** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Goedde, granted by unanimous consent, **SCR 124** was referred to the Education Committee.

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

Messages from the House

February 28, 2012

Dear Mr. President:

I transmit herewith **H 556**, **H 494**, **H 403**, **H 514**, **H 465**, **H 492**, **H 539**, **HCR 34**, **HCR 37**, **HCR 38**, **HCR 42**, **HCR 43**, and **HJM 8**, which have passed the House.

ALEXANDER, Chief Clerk

H 556, **H 494**, **H 403**, **H 514**, **H 465**, **H 492**, **H 539**, **HCR 34**, **HCR 37**, **HCR 38**, **HCR 42**, **HCR 43**, and **HJM 8** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Pearce was recorded present at this order of business.

The President announced that the State Affairs Committee report relative to the Gubernatorial appointment of James C. Hammond was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Bilyeu, the Gubernatorial appointment of James C. Hammond as a member of the State Building Authority was confirmed by voice vote.

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

The Senate advanced to the Eleventh Order of Business.

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

S 1358
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO BULLYING; AMENDING SECTION 18-917A, IDAHO CODE, TO PROVIDE APPLICATION OF THE SECTION TO ADDITIONAL BEHAVIOR, TO DEFINE A TERM, TO REVISE WHAT ACTION SHALL BE AN INFRACTION AND TO REPLACE DISCRETIONARY LANGUAGE WITH MANDATORY LANGUAGE; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES REGARDING GOVERNANCE OF SCHOOLS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1208B, IDAHO CODE, TO PROVIDE CERTIFICATED PERSONNEL OBLIGATIONS FOR HARASSMENT, INTIMIDATION, BULLYING AND CYBERBULLYING INFORMATION AND PROFESSIONAL DEVELOPMENT.

S 1359
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING AND TRANSFERRING MONEYS TO THE ENVIRONMENTAL REMEDIATION BASIN FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION BASIN FUND AND REQUIRING AN ANNUAL REPORT; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1360
BY FINANCE COMMITTEE
AN ACT
RELATING TO APPROPRIATIONS TO THE ENDOWMENT FUND INVESTMENT BOARD; AMENDING SECTION 1, CHAPTER 146, LAWS OF 2011, TO ADJUST THE APPROPRIATION BETWEEN EXPENSE CLASSES AND FUNDS; AMENDING SECTION 4, CHAPTER 146, LAWS OF 2011, TO AMEND LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; EXPRESSING LEGISLATIVE INTENT REGARDING THE TRANSFER OF MONEYS FROM THE EARNINGS RESERVE FUNDS TO THE INCOME FUNDS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1361
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2013; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1358, **S 1359**, **S 1360**, and **S 1361** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 556, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 494, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 403 and **H 514**, by Judiciary, Rules, and Administration Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 465 and **H 492**, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 539, by Business Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

HCR 34, by Environment, Energy, and Technology Committee, was introduced, read at length, and referred to the State Affairs Committee.

HCR 37 and **HCR 38**, by Agricultural Affairs Committee, were introduced, read at length, and referred to the Agricultural Affairs Committee.

HCR 42 and **HCR 43**, by State Affairs Committee, were introduced, read at length, and referred to the Health and Welfare Committee.

HJM 8, by Education Committee, was introduced, read at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1344, by State Affairs Committee, was read the second time at length and filed for third reading.

H 574, by Appropriations Committee, was read the second time at length and filed for third reading.

S 1275, **S 1332**, and **S 1340**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1295 and **S 1326**, by Health and Welfare Committee, were read the second time at length and filed for third reading.

S 1331, by Finance Committee, was read the second time at length and filed for third reading.

S 1304, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

S 1346, by Finance Committee, was read the second time at length and filed for third reading.

H 419, **H 466**, **H 467**, and **H 468**, by Business Committee, were read the second time at length and filed for third reading.

H 498, by Education Committee, was read the second time at length and filed for third reading.

H 482, by Local Government Committee, was read the second time at length and filed for third reading.

S 1231, as amended, and **S 1317**, as amended, by State Affairs Committee, were read the second time at length and filed for third reading.

S 1255, as amended, as amended, and **S 1294**, as amended, by Health and Welfare Committee, were read the second time at length and filed for third reading.

S 1323, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Cameron was recorded present at this order of business.

H 389 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared **H 389** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Third Reading Calendar was reordered placing **S 1231**, as amended, **S 1317**, as amended, **S 1255**, as amended, as amended, **S 1294**, as amended, and **S 1323**, as amended at the head of the calendar, followed by remaining Senate bills, followed by House bills.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 10:35 a.m. until the hour of 10 a.m., Thursday, March 1, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-THIRD LEGISLATIVE DAY
THURSDAY, MARCH 1, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Goedde, absent and formally excused by the Chair; and Senators Andreason, Bair, Cameron, Hammond, and Werk, absent and excused. [District 10 seat is temporarily vacant.]

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Kyle Son, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 29, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Werk and Hammond were recorded present at this order of business.

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

Petitions, Resolutions, and Memorials

SCR 125
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION
STATING THE FINDINGS OF THE LEGISLATURE AND ENDORSING AND ENCOURAGING GOVERNOR C.L. "BUTCH" OTTER IN HIS EFFORTS MOVING FORWARD WITH THE GOVERNOR'S SAGE-GROUSE TASK FORCE.

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

WHEREAS, in March of 2010, the U.S. Fish and Wildlife Service determined that listing greater sage-grouse as a threatened or endangered species under the federal Endangered Species Act ("ESA") was warranted, but precluded by higher priority listing actions. Sage-grouse are now classified as "warranted but precluded"; and

WHEREAS, Governor C.L. "Butch" Otter has emphasized the great need to conserve the species and its habitat while maintaining other multiple uses of Idaho's public lands; and

WHEREAS, the U.S. Fish and Wildlife Service will be required to reevaluate the status of the species throughout its eleven-state western range by September 30, 2015; and

WHEREAS, Governor Otter has acknowledged this timeline provides Idaho an opportunity to continue and improve the good work Idaho has already been doing towards precluding the need to list the species. The Governor has noted that, over the past ten years, Idaho has developed a Sage-Grouse Conservation Plan, and funding has been provided for the twelve Sage-Grouse Local Working Groups to provide on-the-ground conservation measures. The Governor states that through this work we have halted the decline and are now seeing a gradual increase in some of Idaho's sage-grouse populations; and

WHEREAS, Governor Otter desires to ensure that Idaho has a sound, science-based plan that will provide for the bird's sustainability in Idaho, preclude a listing under the ESA, assure predictable uses of Idaho's public lands and enable Idaho citizens to participate in the process. With those goals in mind, Governor Otter will be forming a Governor's Task Force on Idaho Sage-Grouse; and

WHEREAS, Governor Otter has established specific goals for the Idaho plan, which goals include the drafting of a plan for the greater sage-grouse to exempt the state from compliance with the National Bureau of Land Management's Instruction Memorandum guidance, to provide a mechanism to preclude the need to list the species under the ESA, and in the event of listing, to minimize the impact to and provide regulatory certainty for, the use of permitted and lawful activities on public land; and

WHEREAS, Governor Otter has also established objectives of the task force in development of a plan that is biologically-driven, legally defensible and politically palatable, centered on conserving the species and its habitat while maintaining predictable levels of land use and the result of input from a diverse group of stakeholders. Additional objectives will include the ability of the plan to be incorporated into the Bureau of Land Management's Resource Management Plans (RMPs) and the U.S. Forest Service's Land Management Plans (LMPs) consistent with the requirements of the National Environmental Policy Act (NEPA), calibrated to meet the "adequate regulatory mechanism" standard under the ESA, and built on, to the extent possible, the great efforts provided by local sage-grouse working group plans and the current 2006 statewide plan for the species. The task force would also request and seek pertinent scientific information and technical expertise to inform the task force's deliberations regarding key sage-grouse habitat.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we endorse and encourage Governor C.L. "Butch" Otter in his efforts moving forward expeditiously with the Governor's Task Force on Idaho Sage-Grouse and request that the Governor report to the Pro Tempore of the Senate and the Speaker of the House of Representatives upon completion of the plan and to report on the work and progress of the task force to the 1st Regular Session of the 62nd Idaho Legislature.

BE IT FURTHER RESOLVED that we encourage the Governor's coordinated involvement of state agencies and offices with jurisdiction significantly affecting sage-grouse including, but not limited to, the Idaho Department of Fish and Game, the Idaho State Department of Agriculture, the Department of Lands, the Department of Parks and Recreation, the Office of Energy Resources and the Office of Species Conservation.

BE IT FURTHER RESOLVED that we encourage the coordinated involvement with neighboring states in their response to the Bureau of Land Management and the U.S. Forest Service guidance and policy proposals. We further request

that the Governor consider the appropriate use of the state's Constitutional Defense Fund to defend the state's interest in the management of its resources, including both its lands and its wildlife. The Legislature also encourages Attorney General Lawrence G. Wasden and the Office of the Governor to continue vigorous defense of Idaho's interests by actively intervening in federal litigation affecting sage-grouse.

SCR 126
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES UNDER ARTICLE V OF THE CONSTITUTION OF THE UNITED STATES FOR CALLING A CONVENTION FOR PROPOSING AMENDMENTS TO THE UNITED STATES CONSTITUTION LIMITED TO SPECIFIC SUBJECTS.

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

WHEREAS, the Legislature of the State of Idaho hereby makes Application to the Congress of the United States as follows:

SECTION 1. The Legislature of the State of Idaho hereby makes Application to the Congress of the United States under the provisions of Article V of the Constitution of the United States, for the call of a convention for proposing amendments to the United States Constitution.

SECTION 2. This Application is for a convention limited to considering and proposing amendments to the Constitution of the United States on the following subjects:

1. Improving the fiscal management of the federal government by doing any combination of any or all of the following:

(a) Imposing requirements, with any stated conditions and/or exceptions, that federal expenditures during a fixed time period not exceed federal revenues or anticipated revenues during that time period;

(b) Imposing either or both of the following:

(i) Prohibitions on the amount and/or other aspects of the federal debt.

(ii) Limits on the amount and/or other aspects of the federal debt.

(c) Imposing limits with any stated requirements and/or conditions on federal expenditures, revenue, and/or taxes or any combination of any or all of these.

2. Improving the legislative process by requiring any combination of any or all of the following:

(a) That all bills, orders, votes, and resolutions introduced in and passed by Congress contain only a single subject.

(b) A minimum time period before passage for bills, orders, votes and resolutions to be reviewed by members of Congress and members of the general public.

3. Restraining Congress from exercising its power beyond the defined, limited, and enumerated powers set forth in the Constitution by doing any combination of any or all of the following:

(a) Prohibiting Congress from employing its spending power to regulate activities of any state, subdivision of any state, or any official thereof, unless the federal government fully funds the cost of compliance.

(b) Prohibiting Congress, with stated conditions and/or exceptions, from exercising its powers under Article I, Section 8, Clause 3 (the "Commerce Clause") to do the following:

(i) To mandate or regulate activities and/or conduct of primarily an intrastate nature or having primarily an intrastate effect.

(ii) To mandate non-extant conduct or activities thereby restricting such power to regulation of existing conduct or activities.

(iii) To own, manage, or regulate any and/or all wildlife located in any state without the express consent of the state in which such wildlife is located.

4. Restoring the balance to federalism by providing that the legislatures of two thirds of the states can repeal any federal law or regulation.

5. Re-enforcing the right to bear arms as a fundamental right of every citizen of the United States and that the exercise of this right, with any stated conditions and/or exceptions, shall not be subject to licensure, registration, or taxation.

6. Eliminating and/or curtailing, with any stated conditions and/or exceptions, any and/or all of the benefits and pensions, present and/or past, provided by the federal government to members of Congress.

7. Eliminating and/or curtailing, with any stated conditions and/or exceptions, any and/or all federal lobbying activities of members of Congress for a period of time after they leave office.

WHEREAS, this Application shall be deemed an Application for a convention under the provisions of Article V of the Constitution of the United States to address each and/or any of the subjects in Section 2. For purposes of the determining whether two thirds of the states have applied for such a convention addressing any subjects in Section 2. of this Application, the subjects set forth in this Application are severable and any said subject is to be aggregated with any like subject in any applications of any other state legislatures for the purpose of calling such a convention.

WHEREAS, this is a continuing Application and remains in effect until rescission by any sitting session of the legislature of this state. This Application does not constitute a recognition that any particular activity or activities currently undertaken by the federal government is or are authorized by the Constitution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Secretary of State is hereby directed to transmit copies of this Application to the President and Secretary of the United States Senate, the Speaker and Clerk of the House of Representatives of the United States Congress, the Archivist of the United States, and copies to the members of the said Senate and House of Representatives from this State; also to transmit copies hereof to the presiding officers of each of the legislative chambers in the several states, requesting their cooperation.

SJM 105
BY STATE AFFAIRS COMMITTEE
A JOINT MEMORIAL
TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, the failure of Congress to reexamine, reform and reauthorize our nation's major environmental laws, particularly the Endangered Species Act and the National Environmental Policy Act, has resulted in a court takeover of species and public land management responsibilities; and

WHEREAS, Congress has failed to reclaim its constitutional role over the management of species and public lands from overzealous federal agencies and an activist federal judiciary; and

WHEREAS, the federal Equal Access to Justice Act continues to authorize the expenditure of countless taxpayer funds to pay attorney's fees for the management of federal public lands and species through the courts; and

WHEREAS, the same organizations that receive taxpayer funds for lawsuits via the Equal Access to Justice Act are forcing federal agencies, through the courts, to vastly expand the number of protected species and habitats regardless of whether a species has been added to the federal listing for Endangered or Threatened Species or is deserving of such protection; and

WHEREAS, the listing, or potential listing, of species including wolves, sage grouse and slickspot peppergrass pose a direct threat to the economic livelihood of ranchers across the State of Idaho; and

WHEREAS, the vast expansion of listed species has the potential to cause immeasurable financial harm to the economy of Idaho and severely curtail recreational opportunities across the state; and

WHEREAS, additional federal laws such as the National Wildlife Refuge System Improvement Act are causing increased and unnecessary regulatory burdens on local communities, resource users, recreationalists and the economy of host regions; and

WHEREAS, the U.S. Fish and Wildlife Service is considering dramatic new regulatory constraints on the enjoyment of man-made water bodies such as Lake Lowell and Lake Walcott; and

WHEREAS, the U.S. Fish and Wildlife Service is considering new regulations and constraints on hundreds of thousands of acres in Boundary and Bonner Counties for caribou without adequate scientific justification; and

WHEREAS, federal authorization for the Endangered Species Act expired on October 1, 1992; and

WHEREAS, federal, state and local governments are enjoined in constitutional duty and fiduciary responsibility to provide all available remedies to protect the economy, customs, culture, public safety and public health of the citizenry; and

WHEREAS, Idaho's federal legislators have long recognized and championed reforms to the Endangered Species Act, the National Environmental Policy Act and the Equal Access to Justice Act that would limit the role of the courts in the management of species and public lands and recognize the important role that states and local units of government should play in species and land management decisions.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge Congress to reexamine, reform and reauthorize the Endangered Species Act, the National Environmental Policy Act, the Equal Access to Justice Act and any other federal law that disrespects the role of states and local governments in land management decisions and leads to costly and frivolous lawsuits that strip authority from Congress and place it in the hands of the judiciary.

BE IT FURTHER RESOLVED that the Senate and the House of Representatives of Idaho call on the President of the United States of America to forcefully direct his federal land management agencies to utilize free market principles such as cost-benefit analysis and peer review of the science involved in their decision making and respect the concept of multiple use in the management of federal lands.

BE IT FURTHER RESOLVED that the Senate and the House of Representatives of Idaho call on our congressional delegation to urge all federal land management agencies to use their discretionary authority to maximize the role and influence of local communities in federal land management decisions.

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

SCR 125, **SCR 126**, and **SJM 105** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 1, 2012

The JUDICIARY AND RULES Committee reports that **S 1358**, **S 1359**, **S 1360**, and **S 1361** have been correctly printed.

DARRINGTON, Chairman

S 1358 was referred to the Judiciary and Rules Committee.

S 1359, **S 1360**, and **S 1361** were referred to the Finance Committee.

February 29, 2012

The HEALTH AND WELFARE Committee reports out **S 1293** with the recommendation that it do pass.

LODGE, Chairman

S 1293 was filed for second reading.

February 29, 2012

The FINANCE Committee reports out **S 1350**, **S 1351**, **S 1352**, **S 1353**, and **S 1354** with the recommendation that they do pass.

CAMERON, Chairman

S 1350, **S 1351**, **S 1352**, **S 1353**, and **S 1354** were filed for second reading.

February 29, 2012

The JUDICIARY AND RULES Committee reports out **H 484**, **S 1338**, and **S 1341** with the recommendation that they do pass.

DARRINGTON, Chairman

H 484, **S 1338**, and **S 1341** were filed for second reading.

February 29, 2012

The JUDICIARY AND RULES Committee reports out **S 1337** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, S 1337 was referred to the Fourteenth Order of Business, General Calendar.

February 29, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out S 1357 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

CORDER, Chairman

There being no objection, S 1357 was referred to the Fourteenth Order of Business, General Calendar.

February 29, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 489 and H 517 with the recommendation that they do pass.

CORDER, Chairman

H 489 and H 517 were filed for second reading.

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

Messages from the House

Senator Cameron was recorded present at this order of business.

February 29, 2012

Dear Mr. President:

I transmit herewith H 541, 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 439, as amended, H 522, as amended, H 520, as amended, H 540, as amended, H 512, as amended, H 502, as amended, H 564, as amended, and HCR 39, which have passed the House.

ALEXANDER, Chief Clerk

H 541, 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 439, as amended, H 522, as amended, H 520, as amended, H 540, as amended, H 512, as amended, H 502, as amended, H 564, as amended, and HCR 39 were filed for first reading.

February 29, 2012

Dear Mr. President:

I transmit herewith Enrolled HCR 33, H 394, H 438, H 405, and H 469 for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled HCR 33, H 394, H 438, H 405, and H 469 and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senators Andreason and Bair were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, SCR 123 was placed before the Senate for final consideration at this time.

The President announced that SCR 123 was before the Senate for final consideration.

Moved by Senator Winder, seconded by Senator Stennett, that SCR 123 be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared SCR 123 adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced that SJM 104 was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Nuxoll, seconded by Senator Fulcher, SJM 104 was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

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

S 1362
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO AN APPLICATION OF THE STATE OF IDAHO UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION FOR A CONVENTION FOR PROPOSING AMENDMENTS TO THE UNITED STATES CONSTITUTION; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 93, TITLE 67, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR THE APPOINTMENT OF DELEGATES TO THE CONVENTION, TO PROVIDE FOR THE INSTRUCTION TO, SCOPE AND LIMITATION OF AUTHORITY OF, AND COMPENSATION OF SAID DELEGATES, TO PROVIDE DUTIES OF THE SECRETARY OF STATE AND TO PROVIDE A CITATION.

S 1363
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO UNCLAIMED PROPERTY; AMENDING SECTION 14-524, IDAHO CODE, TO ALLOW FOR DONATION OF ANY PROPERTY, PROCEEDS, INTEREST AND OTHER SUMS PAYABLE UNDER THE UNCLAIMED PROPERTY ACT TO CERTAIN ACCOUNTS AND FUNDS.

S 1364
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 61-542, IDAHO CODE, TO DEFINE THE AUTHORITY OF THE PUBLIC UTILITIES COMMISSION AND ITS JURISDICTION OVER THE ENVIRONMENTAL ATTRIBUTES OF PUBLIC UTILITY REGULATORY POLICIES ACT QUALIFYING FACILITIES AND TO PROVIDE FOR USE AND IMPLEMENTATION OF ENVIRONMENTAL ATTRIBUTES; AND DECLARING AN EMERGENCY.

S 1365
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO UNCLAIMED PROPERTY AND THE PUBLIC RECORDS ACT; AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE THAT PERSONAL INFORMATION RELATED TO UNCLAIMED PROPERTY IS EXEMPT FROM DISCLOSURE; AND AMENDING SECTION 9-340F, IDAHO CODE, TO PROVIDE THAT THE AUDIT METHODOLOGY OF THE UNCLAIMED PROPERTY PROGRAM IS EXEMPT FROM DISCLOSURE.

S 1366
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5220, IDAHO CODE, TO PROVIDE STATUTORY PROCEDURES FOR NEGOTIATED RULEMAKING; AMENDING SECTION 67-5221, IDAHO CODE, TO REVISE NOTICE FOR NEGOTIATED RULEMAKING, TO PROVIDE FOR AN AGENCY TO POST NOTICE OF RULEMAKING ONTO ITS WEBSITE IF THE AGENCY HAS A WEBSITE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

S 1367
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1368
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE OFFICE OF THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING APPROPRIATION OBJECT TRANSFER LIMITATIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1369
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO THE DIRECTORY OF NEW HIRES; AMENDING CHAPTER 16, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1608, IDAHO CODE, TO PROVIDE A CIVIL PENALTY FOR EMPLOYERS FAILING TO REPORT THE HIRING OR REHIRING OF EMPLOYEES TO THE DEPARTMENT OF LABOR.

S 1370
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO THE CONTROL OF VENEREAL DISEASES; AMENDING SECTION 39-601, IDAHO CODE, TO REVISE THE ENUMERATED VENEREAL DISEASES; AND AMENDING SECTION 39-604, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXAMINATION OF CERTAIN CONFINED PERSONS FOR VENEREAL DISEASES, TO REMOVE THE REQUIREMENT THAT ALL PERSONS CHARGED WITH DRUG RELATED CHARGES SHALL BE TESTED FOR THE ENUMERATED VENEREAL DISEASES AND TO REVISE PROVISIONS THAT REQUIRE CERTAIN PERSONS TO BE TESTED FOR CERTAIN VENEREAL DISEASES.

S 1362, **S 1363**, **S 1364**, **S 1365**, **S 1366**, **S 1367**, **S 1368**, **S 1369**, and **S 1370** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 541, by Business Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 386, as amended, and **H 564**, as amended, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

H 488, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 491, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 479, as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 507, as amended, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 485, as amended, by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 511, as amended, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 439, as amended, and **H 502**, as amended, by Health and Welfare Committee, were introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 522, as amended, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 520, as amended, by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 540, as amended, by Business Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 512, as amended, by Agricultural Affairs Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

HCR 39, by Education Committee, was introduced, read at length, and referred to the Education Committee.

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

Third Reading of Bills

S 1231, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–Andreason. Total - 1.

Absent and excused–Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1231, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1317, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bock, Brackett, Broadsword, Cameron, Darrington, Fulcher, Hammond, Heider, Keough, Lodge, Malepeai, McKague, McKenzie, Smyser, Stennett, Toryanski, Werk, Winder. Total - 19.

NAYS–Bair, Bilyeu, Corder, Davis, Hill, Johnson, LeFavour, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Tippets, Vick. Total - 14.

Absent and excused–Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1317, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1255, as amended, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–LeFavour. Total - 1.

Absent and excused–Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1255, as amended, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1294, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1294, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1323, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1323, as amended, passed, title was approved, and the bill ordered transmitted to the House.

S 1344 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde. Total - 1.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1344 passed, title was approved, and the bill ordered transmitted to the House.

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

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote the Senate recessed at 12 noon until the hour of 4:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Andreason and Goedde, absent and formally excused by the Chair; and Senators Bair, Brackett, Cameron, Fulcher, Pearce, and Tippets, absent and excused. [District 10 seat is temporarily vacant.]

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

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

Third Reading of Bills

Senators Bair, Brackett, Cameron, Fulcher, and Tippets were recorded present at this order of business.

S 1275 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS–None.

Absent and excused–Andreason, Goedde, Pearce. Total - 3.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1275 passed, title was approved, and the bill ordered transmitted to the House.

Senator Pearce was recorded present at this order of business.

S 1332 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, Goedde. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1332 passed, title was approved, and the bill ordered transmitted to the House.

S 1340 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, Goedde. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared S 1340 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Hammond, granted by unanimous consent, S 1295 retained its place on the Third Reading Calendar for Monday, March 5, 2012.

On request by Senator Davis, granted by unanimous consent, S 1326 retained its place on the Third Reading Calendar for one legislative day.

S 1331 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, Goedde. Total - 2.

Total - 34. [District 10 seat is temporarily vacant.]

Whereupon the President declared **S 1331** passed, title was approved, and the bill ordered transmitted to the House.

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

Messages from the Governor

March 1, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have appointed Jim Rice of Caldwell, Idaho, to the office of State Senator for Legislative District 10. The appointment is effective March 1, 2012.

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

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO
CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents, that pursuant to the provisions of Section 59-904A, *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 Senate.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by virtue of the authority vested in me do hereby appoint Jim Rice of Caldwell, Idaho, to the office of State Senator, District 10, Canyon, State of Idaho, for a term commencing on March 1, 2012, 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 First 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/ BY THE GOVERNOR C.L. "BUTCH" OTTER
/s/ SECRETARY OF STATE BEN T. YSURSA

The correspondence and Certificate of Appointment were ordered filed in the office of the Secretary of the Senate.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:40 p.m. until the hour of 10 a.m., Friday, March 2, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-FOURTH LEGISLATIVE DAY
FRIDAY, MARCH 2, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ben Stringham, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 1, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

March 2, 2012

The JUDICIARY AND RULES Committee reports that **S 1362**, **S 1363**, **S 1364**, **S 1365**, **S 1366**, **S 1367**, **S 1368**, **S 1369**, **S 1370**, **SCR 125**, **SCR 126**, and **SJM 105** have been correctly printed.

DARRINGTON, Chairman

S 1362, **S 1363**, **S 1364**, **S 1365**, and **S 1366** were referred to the State Affairs Committee.

S 1367 and **S 1368** were referred to the Finance Committee.

S 1369 was referred to the Commerce and Human Resources Committee.

S 1370 was referred to the Judiciary and Rules Committee.

SCR 125 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator McKenzie, granted by unanimous consent, **SCR 126** was referred to the State Affairs Committee.

SJM 105 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 1, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out **H 465**, **H 492**, and **H 546** with the recommendation that they do pass.

ANDREASON, Chairman

H 465, **H 492**, and **H 546** were filed for second reading.

March 1, 2012

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

J. Kirk Sullivan to the Public Employee Retirement System of Idaho Board, term to expire July 1, 2016.

ANDREASON, Chairman

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

March 1, 2012

The EDUCATION Committee reports out **H 499**, **H 521**, and **H 534** with the recommendation that they do pass.

GOEDDE, Chairman

H 499, **H 521**, and **H 534** were filed for second reading.

March 1, 2012

The HEALTH AND WELFARE Committee reports out **H 441**, **H 442**, **H 500**, and **H 501** with the recommendation that they do pass.

LODGE, Chairman

H 441, **H 442**, **H 500**, and **H 501** were filed for second reading.

March 1, 2012

The TRANSPORTATION Committee reports out **H 472** with the recommendation that it do pass.

HAMMOND, Chairman

H 472 was filed for second reading.

March 1, 2012

The TRANSPORTATION Committee reports out **S 1356** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HAMMOND, Chairman

There being no objection, **S 1356** was referred to the Fourteenth Order of Business, General Calendar.

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

Messages from the House

March 1, 2012

Dear Mr. President:

I transmit herewith H 598, H 579, H 420, H 421, H 422, and H 563, which have passed the House.

ALEXANDER, Chief Clerk

H 598, H 579, H 420, H 421, H 422, and H 563 were filed for first reading.

March 1, 2012

Dear Mr. President:

I transmit herewith Enrolled H 417, H 393, as amended, H 455, H 475, H 446, and H 358, as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled H 417, H 393, as amended, H 455, H 475, H 446, and H 358, as amended in the Senate, and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, the seats as currently occupied were permanently assigned to the Senators for the remainder of the Second Regular Session of the Sixty-first Idaho Legislature.

On request by Senator Davis, granted by unanimous consent, Senator Darrington will serve on the State Affairs Committee and Senator Rice will serve on the Transportation Committee and Local Government and Taxation Committee for the remainder of the Second Regular Session of the Sixty-first Idaho Legislature.

The Senate advanced to the Eleventh Order of Business.

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

S 1371
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO PRIMARY ELECTION BALLOTS; AMENDING SECTION 34-904, IDAHO CODE, TO REVISE THE CONTENTS OF A PRIMARY ELECTION BALLOT; AND DECLARING AN EMERGENCY.

S 1371 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 598, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 579, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 420, H 421, and H 422, by Business Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 563, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

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

Reports of Standing Committees

March 2, 2012

The JUDICIARY AND RULES Committee reports that S 1371 has been correctly printed.

DARRINGTON, Chairman

S 1371 was referred to the State Affairs Committee.

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

Second Reading of Bills

S 1293, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1350, S 1351, S 1352, S 1353, and S 1354, by Finance Committee, were read the second time at length and filed for third reading.

H 484, by Local Government Committee, was read the second time at length and filed for third reading.

S 1338 and S 1341, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

H 489 and H 517, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Werk was recorded present at this order of business.

S 1326 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared S 1326 passed, title was approved, and the bill ordered transmitted to the House.

S 1304 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 26.

NAYS–Davis, Fulcher, Nuxoll, Pearce, Vick, Winder. Total - 6.

Absent and excused–Andreason, Goedde, LeFavour. Total - 3.

Total - 35.

Whereupon the President declared S 1304 passed, title was approved, and the bill ordered transmitted to the House.

S 1346 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared S 1346 passed, title was approved, and the bill ordered transmitted to the House.

H 574 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared H 574 passed, title was approved, and the bill ordered returned to the House.

H 419 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared H 419 passed, title was approved, and the bill ordered returned to the House.

H 466 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared H 466 passed, title was approved, and the bill ordered returned to the House.

H 467 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared H 467 passed, title was approved, and the bill ordered returned to the House.

H 468 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared **H 468** passed, title was approved, and the bill ordered returned to the House.

H 498 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde, LeFavour. Total - 2.

Total - 35.

Whereupon the President declared **H 498** passed, title was approved, and the bill ordered returned to the House.

H 482 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Goedde, LeFavour. Total - 2.

Total - 35

Whereupon the President declared **H 482** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Fulcher, granted by unanimous consent, the Third Reading Calendar was reordered placing Senate non Finance Committee bills at the head of the calendar, followed by Senate Finance Committee bills, followed by House bills.

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

Reports of Standing Committees

March 2, 2012

The STATE AFFAIRS Committee reports out **S 1336** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, **S 1336** was referred to the Fourteenth Order of Business, General Calendar.

March 2, 2012

The STATE AFFAIRS Committee reports out **S 1371** with the recommendation that it do pass.

MCKENZIE, Chairman

S 1371 was filed for second reading.

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

Miscellaneous Business

On motion by Senator Fulcher, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:20 a.m. until the hour of 10 a.m., Monday, March 5, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-SEVENTH LEGISLATIVE DAY
MONDAY, MARCH 5, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Heider, Keough, LeFavour, McKague, Mortimer, and Toryanski, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Sarah Webster, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 2, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Petitions, Resolutions, and Memorials

Senators Broadsword, Toryanski, and Bair were recorded present at this order of business.

SCR 127
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND INSTRUCTING THE INTERIM COMMITTEE ON ENERGY, ENVIRONMENT AND TECHNOLOGY TO STUDY THE EFFECTS OF WIND FARMS IN IDAHO AND THE OWNERSHIP OF ENVIRONMENTAL ATTRIBUTES OF QUALIFYING FACILITIES.

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

WHEREAS, Idaho has, in the past few years, experienced significant growth in the number of wind and other renewable energy projects built or under development in Idaho; and

WHEREAS, there are economic, social and environmental impacts of wind energy development on the State of Idaho and its citizens that need further exploration by the Legislature; and

WHEREAS, renewable qualifying facilities under the Public Utility Regulatory Policy Act of 1978 have certain environmental attributes that have a monetary value to the owner thereof, related to the green tags, clean energy credits, renewable energy credits or renewable energy certificates, and the avoidance of emissions of pollutants from carbon-based forms of energy production; and

WHEREAS, there are important policy issues for the State of Idaho involved in the question of whether the environmental attributes of power produced by a renewable qualifying facility should be transferred to a public utility, without consideration, when the utility purchases the qualifying facility power at avoided cost, or whether environmental attributes should remain separately owned and transferable by the qualifying facility; and

WHEREAS, the Legislative Council Interim Committee on Energy, Environment and Technology has the technical expertise and experience to investigate, determine and report to the 2013 Idaho Legislature on the economic, social and environmental impacts of the wind industry on the State of Idaho; and

WHEREAS, the Legislative Council Interim Committee on Energy, Environment and Technology has the technical expertise and experience to investigate, determine and report to the 2013 Idaho Legislature on the question of whether power sold by a renewable qualifying facility to a utility at avoided cost should also transfer to a public utility, without consideration, the environmental attributes of that qualifying facility, or whether such environmental attributes should be retained by the qualifying facility.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council Interim Committee on Energy, Environment and Technology shall investigate the economic, social and environmental impacts of wind energy development on the State of Idaho and its citizens, and report back to the 2013 Legislature its findings.

BE IT FURTHER RESOLVED that the Legislative Council Interim Committee on Energy, Environment and Technology shall investigate whether power sold by a renewable qualifying facility to a utility at avoided cost should also transfer to a public utility, without consideration, the environmental attributes of that qualifying facility, or whether such environmental attributes should be retained by the qualifying facility.

BE IT FURTHER RESOLVED that the Legislative Council Interim Committee on Energy, Environment and Technology shall seek the assistance of the Idaho Office of Energy Resources, the Idaho Public Utilities Commission, the Northwest Power Planning and Conservation Council and members of the public, in general, in conducting its investigation of the economic, social and environmental impacts of the wind industry, in determining the appropriate ownership of environmental attributes, and in preparing its report thereon.

SCR 128
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH STATED EXCEPTIONS, AND REJECTING AGENCY RULES THAT IMPOSE A FEE OR CHARGE THAT ARE NOT APPROVED BY THIS OR BY SEPARATE CONCURRENT RESOLUTION.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that

impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

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

WHEREAS, the Legislature finds that a certain rule docket of the Bureau of Occupational Licenses, Rules of the Idaho Driving Businesses Licensure Board, is not consistent with legislative intent; and

WHEREAS, the Legislature finds that a certain rule docket of the Division of Building Safety, Rules Governing Continuing Education Requirements, is not consistent with legislative intent; and

WHEREAS, the Legislature finds that a certain rule docket of the Division of Building Safety, Rules Governing Plumbing Safety Licensing, is not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2012 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

> IDAPA 24.25.01, Bureau of Occupational Licenses, Rules of the Idaho Driving Businesses Licensure Board, adopted as a pending fee rule under Docket Number 24-2501-1101, the entire rulemaking docket;
>
> IDAPA 07.01.07, Division of Building Safety, Rules Governing Continuing Education Requirements, adopted as a pending fee rule under Docket Number 07-0107-1101, the entire rulemaking docket; and
>
> IDAPA 07.02.05, Division of Building Safety, Rules Governing Plumbing Safety Licensing, adopted as a pending fee rule under Docket Number 07-0205-1101, the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 24.25.01, Bureau of Occupational Licenses, Rules of the Idaho Driving Businesses Licensure Board, adopted as a pending fee rule under Docket Number 24-2501-1101, the entire rulemaking docket; IDAPA 07.01.07, Division of Building Safety, Rules Governing Continuing Education Requirements, adopted as a pending fee rule under Docket Number 07-0107-1101, the entire rulemaking docket; and IDAPA 07.02.05, Division of Building Safety, Rules Governing Plumbing Safety Licensing, adopted as a pending fee rule under Docket Number 07-0205-1101, the entire rulemaking docket, are hereby rejected and not approved, and thereby pursuant to Sections 67-5224 and 67-5291, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

SCR 129
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE, WITH STATED EXCEPTIONS.

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

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2012 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved, with the exception of the following enumerated temporary rules:

> IDAPA 16.03.09, Department of Health and Welfare, Medicaid Basic Plan Benefits, adopted as a temporary rule under Docket Number 16-0309-1201, the entire rulemaking docket; and
>
> IDAPA 26.01.36, Department of Parks and Recreation, Rules Governing the Winter Recreational Parking Permit Program, adopted as a temporary rule under Docket Number 26-0136-1101, the entire rulemaking docket.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Sixty-second Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2012 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Sixty-first Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

SCR 127, SCR 128, and SCR 129 were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

Senators McKague and Bilyeu were recorded present at this order of business.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 2, 2012

The FINANCE Committee reports out S 1359, S 1360, S 1361, S 1367, and S 1368 with the recommendation that they do pass.

CAMERON, Chairman

S 1359, S 1360, S 1361, S 1367, and S 1368 were filed for second reading.

March 5, 2012

The RESOURCES AND ENVIRONMENT Committee reports out H 379, H 460, H 462, H 463, H 464, and H 526 with the recommendation that they do pass.

PEARCE, Chairman

H 379, H 460, H 462, H 463, H 464, and H 526 were filed for second reading.

March 5, 2012

The STATE AFFAIRS Committee reports out HCR 34, S 1335, S 1343, S 1363, and S 1365 with the recommendation that they do pass.

MCKENZIE, Chairman

HCR 34 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

S 1335, S 1343, S 1363, and S 1365 were filed for second reading.

Senator Keough was recorded present at this order of business.

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

Messages from the House

March 2, 2012

Dear Mr. President:

I transmit herewith H 600, H 601, H 602, and H 558, which have passed the House.

ALEXANDER, Chief Clerk

H 600, H 601, H 602, and H 558 were filed for first reading.

March 2, 2012

Dear Mr. President:

I transmit herewith Enrolled H 389 for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled H 389 and ordered it returned to the House.

Senator Andreason was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

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

The President Pro Tempore announced that SCR 125 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Brackett, seconded by Senator Davis, SCR 125 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that SJM 105 was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Lodge, seconded by Senator Rice, SJM 105 was adopted by voice voice vote, title was approved, and the memorial ordered transmitted to the House.

The President Pro Tempore announced that the Commerce and Human Resources Committee report relative to the Gubernatorial appointment of J. Kirk Sullivan was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Andreason, seconded by Senator Malepeai, the Gubernatorial appointment of J. Kirk Sullivan as a member of the Public Employee Retirement System of Idaho Board was confirmed by voice vote.

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

The Senate advanced to the Eleventh Order of Business.

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

S 1372
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO PROCUREMENT; AMENDING SECTION 67-2805, IDAHO CODE, TO REVISE PROCEDURES FOR PROCUREMENT OF PUBLIC WORKS CONSTRUCTION BY A POLITICAL SUBDIVISION; AND AMENDING SECTION 67-2806, IDAHO CODE, TO REVISE PROCEDURES FOR PROCURING SERVICES OR PERSONAL PROPERTY BY A POLITICAL SUBDIVISION.

S 1373
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO LABOR; AMENDING SECTION 44-2007, IDAHO CODE, TO PROVIDE AN EXCEPTION TO APPLICABILITY OF CERTAIN PENALTY PROVISIONS; AMENDING SECTION 44-2008, IDAHO CODE, TO PROVIDE AN EXCEPTION TO APPLICABILITY OF CERTAIN CIVIL REMEDIES AND TO MAKE A TECHNICAL

CORRECTION; AND AMENDING CHAPTER 28, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2809, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR THE "OPEN ACCESS TO WORK ACT," TO DEFINE TERMS, TO PROVIDE THAT THE STATE AND POLITICAL SUBDIVISIONS THAT CONTRACT FOR CERTAIN PUBLIC WORKS SHALL NOT REQUIRE CONTRACTORS, SUBCONTRACTORS, MATERIAL SUPPLIERS AND CARRIERS ENGAGED IN SPECIFIED ACTIVITIES ASSOCIATED WITH PUBLIC WORKS TO PAY THEIR EMPLOYEES A PREDETERMINED AMOUNT OF WAGES OR WAGE RATE OR A TYPE, AMOUNT OR RATE OF EMPLOYEE BENEFITS, TO PROVIDE THAT SPECIFIED PROVISIONS SHALL NOT APPLY UNDER CERTAIN CIRCUMSTANCES, TO PROHIBIT CERTAIN PROVISIONS IN BID DOCUMENTS, SPECIFICATIONS, PROJECT AGREEMENTS AND OTHER CONTROLLING DOCUMENTS FOR PUBLIC WORKS CONSTRUCTION CONTRACTS AND TO PROHIBIT CERTAIN CONDUCT, TO PROVIDE THAT SPECIFIED PROVISIONS DO NOT PROHIBIT THE VOLUNTARY ENTRY INTO CERTAIN AGREEMENTS, TO PROVIDE FOR STANDING BY INTERESTED PARTIES, TO PROVIDE FOR THE AWARD OF ATTORNEY'S FEES AND COSTS, TO PROVIDE FOR APPLICABILITY OF SPECIFIED PROVISIONS, TO PROVIDE THAT SPECIFIED PROVISIONS DO NOT PROHIBIT OR INTERFERE WITH RIGHTS OF EMPLOYERS OR OTHER PARTIES TO ENTER INTO AGREEMENTS OR ENGAGE IN ACTIVITIES PROTECTED BY THE NATIONAL LABOR RELATIONS ACT AND TO PROVIDE FOR SEVERABILITY.

S 1374
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO HORSE RACING; AMENDING SECTION 54-2502, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 54-2505, IDAHO CODE, TO REVISE A CODE REFERENCE; AND AMENDING SECTION 54-2512, IDAHO CODE, TO PROVIDE FOR WAGERING ON HISTORICAL HORSE RACES.

S 1375
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1376
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1377
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1378
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO FLOODPLAIN ZONING ORDINANCES; AMENDING SECTION 46-1022, IDAHO CODE, TO PROVIDE THAT FLOODPLAIN ZONING ORDINANCES SHALL NOT REGULATE OR REQUIRE PERMITTING FOR CERTAIN ACTIVITIES RELATING TO IRRIGATION AND DRAINAGE WORKS PERFORMED OR AUTHORIZED BY THE OWNER OR OPERATOR OR FOR SPECIFIED ACTIVITIES RELATING TO CERTAIN IRRIGATION DELIVERY AND DRAINAGE SYSTEMS THAT ARE PERFORMED BY AN IRRIGATION DISTRICT, CANAL COMPANY, LATERAL DITCH WATER USERS' ASSOCIATION, DRAINAGE DISTRICT, OR OTHER LEGAL ENTITY THAT OWNS AND/OR OPERATES THE IRRIGATION DELIVERY SYSTEM OR DRAINAGE SYSTEM IN ACCORDANCE WITH SPECIFIED LAW; AND DECLARING AN EMERGENCY.

S 1379
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO CITY IRRIGATION SYSTEMS; AMENDING SECTION 50-1801, IDAHO CODE, TO PROHIBIT SPECIFIED ACQUISITIONS THROUGH THE POWER OF EMINENT DOMAIN, TO AUTHORIZE CITIES TO ESTABLISH AND EXTEND CITY IRRIGATION SYSTEMS IN CERTAIN AREAS OF CITY IMPACT AND TO MAKE A TECHNICAL CORRECTION.

S 1372, **S 1373**, **S 1374**, **S 1375**, **S 1376**, **S 1377**, **S 1378**, and **S 1379** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 600, **H 601**, and **H 602**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 558, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 465 and **H 492**, by Business Committee, were read the second time at length and filed for third reading.

H 546, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 499, **H 521**, and **H 534**, by Education Committee, were read the second time at length and filed for third reading.

H 441, H 442, H 500, and H 501, by Health and Welfare Committee, were read the second time at length and filed for third reading.

H 472, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

S 1371, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Motion to Suspend Rules

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

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 33.

NAYS–None.

Absent and excused–Andreason, Winder. Total - 2.

Total - 35.

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

S 1371 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick. Total - 32.

NAYS–None.

Absent and excused–Cameron, Werk, Winder. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared S 1371 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Hammond, granted by unanimous consent, S 1295 was referred to the Fourteenth Order of Business, General Calendar.

S 1293 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Cameron. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared S 1293 passed, title was approved, and the bill ordered transmitted to the House.

S 1338 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared S 1338 passed, title was approved, and the bill ordered transmitted to the House.

President Little assumed the Chair.

S 1341 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bock arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1341 passed, title was approved, and the bill ordered transmitted to the House.

S 1350 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **S 1350** passed, title was approved, and the bill ordered transmitted to the House.

S 1351 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **S 1351** passed, title was approved, and the bill ordered transmitted to the House.

S 1352 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **S 1352** passed, title was approved, and the bill ordered transmitted to the House.

S 1353 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **S 1353** passed, title was approved, and the bill ordered transmitted to the House.

S 1354 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **S 1354** passed, title was approved, and the bill ordered transmitted to the House.

H 484 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 484** passed, title was approved, and the bill ordered returned to the House.

H 489 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 489** passed, title was approved, and the bill ordered returned to the House.

H 517 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 517** passed, title was approved, and the bill ordered returned to the House.

The Senate advanced to the Fourteenth Order of Business.

Moved by Senator Darrington, seconded by Senator Davis, that **H 449** be recommitted to the Judiciary and Rules Committee. The question being, "Shall the motion prevail?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–LeFavour, Malepeai, Schmidt, Werk. Total - 4.

Total - 35.

Whereupon the President declared that the motion prevailed and **H 449** was recommitted to the Judiciary and Rules Committee.

General Calendar

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

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

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out **S 1321**, **S 1337**, **S 1356**, and **S 1336**, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1321
AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 36 through 42, and insert: "feeding account. Moneys in this account shall be used exclusively for the purposes of actual supplemental winter feeding of ~~and rehabilitation of winter range for~~ antelope, elk and deer. Moneys shall be used solely for the purchase of blocks, pellets and hay for such winter feeding purposes and/or for the purchase of seed or other material that can be shown to directly provide feed or forage for the winter feeding of antelope, elk and deer. The balance of moneys realized from this source may be used for the control of".

On page 2, delete lines 1 through 4, and insert: "depredation of private property by antelope, elk and deer and control of predators affecting antelope, elk and deer. Moneys in the feeding account shall not be used for any".

CORRECTION TO TITLE

On page 1, delete lines 4 and 5, and insert: "TO REMOVE A CONDITION RELATING TO THE USE OF MONEYS IN THE FEEDING ACCOUNT AND".

SENATE AMENDMENT TO S 1337
AMENDMENT TO SECTION 2

On page 3 of the printed bill, in line 46, delete "~~he knowingly~~ the person" and insert: "he knowingly and willfully"; and delete lines 47 through 50, and insert:

"(a) Possesses or accesses through any means including, but not limited to, the internet, any sexually exploitative material; or

(b) Causes, induces~~,~~ or permits a child to engage in, or be used for, any explicit sexual conduct for the purpose of producing or making sexually exploitative material; or".

On page 4, delete lines 1 through 7, and insert:

"(~~b~~c) Promotes, p~~P~~repares, ~~arranges for,~~ publishes, produces, ~~promotes,~~ makes, ~~sells,~~ finances, offers, exhibits~~,~~ or advertises~~, deals in, possesses, or distributes~~ any sexually exploitative material; or";

also on page 4, in line 8, delete "(c)" and insert: "(d)"; also in line 8, delete "Knowingly distributes" and insert: "Distributes"; in line 21, following "(b)" insert: "~~,~~"; and in line 22, delete "and (2)" and following "(c)" insert: "and (d)".

CORRECTION TO TITLE

On page 1, in line 5, delete "AND" and insert: ","; and in line 7, following "TIES" insert: "AND TO MAKE A TECHNICAL CORRECTION".

SENATE AMENDMENT TO S 1356
AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 40, following "an amount not less than the" insert: "current".

SENATE AMENDMENT TO S 1336
AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 47 through 50, and insert:

"(c) The presumption created in this subsection may be rebutted by medical evidence presented to the Idaho industrial commission showing that the firefighter's disease was not proximately caused by his or her duties of employment. If the presumption is rebutted by medical evidence then the firefighter or the beneficiaries must prove that the firefighter's disease was caused by his or her duties of employment.".

The Committee also has **S 1357** under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

S 1321, as amended, **S 1337**, as amended, **S 1356**, as amended, and **S 1336**, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

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

Reports of Standing Committees

March 5, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1321**, **S 1337**, **S 1356**, and **S 1336** have been correctly printed.

DARRINGTON, Chairman

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

March 5, 2012

The JUDICIARY AND RULES Committee reports that **S 1321**, as amended, **S 1337**, as amended, **S 1356**, as amended, and **S 1336**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1321, as amended, **S 1337**, as amended, **S 1356**, as amended, and **S 1336**, as amended, were filed for first reading.

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

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

S 1321, as amended, by Resources and Environment Committee, was read the first time at length and filed for second reading.

S 1337, as amended, and **S 1356**, as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

S 1336, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Tuesday, March 6, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-EIGHTH LEGISLATIVE DAY
TUESDAY, MARCH 6, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Darrington, LeFavour, and Lodge, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Alexa Woodland, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 5, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Darrington was recorded present at this order of business.

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

Reports of Standing Committees

Senator Lodge was recorded present at this order of business.

March 6, 2012

The JUDICIARY AND RULES Committee reports that **S 1372**, **S 1373**, **S 1374**, **S 1375**, **S 1376**, **S 1377**, **S 1378**, **S 1379**, **SCR 127**, **SCR 128**, and **SCR 129** have been correctly printed.

DARRINGTON, Chairman

S 1372, **S 1373**, **S 1374**, and **S 1379** were referred to the State Affairs Committee.

S 1375, **S 1376**, and **S 1377** were referred to the Finance Committee.

S 1378 was referred to the Resources and Environment Committee.

SCR 127, **SCR 128**, and **SCR 129** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 5, 2012

The FINANCE Committee reports out **H 600**, **H 601**, and **H 602** with the recommendation that they do pass.

CAMERON, Chairman

H 600, **H 601**, and **H 602** were filed for second reading.

March 5, 2012

The RESOURCES AND ENVIRONMENT Committee reports out **H 457**, **H 459**, **H 461**, **H 525**, **H 543**, **S 1271**, and **S 1282** with the recommendation that they do pass.

PEARCE, Chairman

H 457, **H 459**, **H 461**, **H 525**, **H 543**, **S 1271**, and **S 1282** were filed for second reading.

March 5, 2012

The JUDICIARY AND RULES Committee reports out **H 497** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 497** was referred to the Fourteenth Order of Business, General Calendar.

March 5, 2012

The JUDICIARY AND RULES Committee reports out **H 403** with the recommendation that it do pass.

DARRINGTON, Chairman

H 403 was filed for second reading.

March 5, 2012

The EDUCATION Committee reports out **H 481**, **H 556**, and **SCR 124** with the recommendation that they do pass.

GOEDDE, Chairman

H 481 and **H 556** were filed for second reading.

SCR 124 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

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

Messages from the Governor

March 5, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Curt Fransen of Garden City, Idaho, was appointed Director of the Department of Environmental Quality to serve a term commencing February 24, 2012, and continuing at the pleasure of the Governor.

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

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

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

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

The Senate advanced to the Ninth Order of Business.

Messages from the House

Senator LeFavour was recorded present at this order of business.

March 5, 2012

Dear Mr. President:

I transmit herewith **H 569**, **H 570**, **H 577**, **H 553**, **H 575**, **H 588**, **H 590**, **H 615**, **H 616**, **H 617**, **H 618**, **H 595**, **H 495**, **H 549**, **H 550**, **H 523**, as amended, **HCR 46**, **HCR 48**, and **HCR 40**, as amended, which have passed the House.

ALEXANDER, Chief Clerk

H 569, **H 570**, **H 577**, **H 553**, **H 575**, **H 588**, **H 590**, **H 615**, **H 616**, **H 617**, **H 618**, **H 595**, **H 495**, **H 549**, **H 550**, **H 523**, as amended, **HCR 46**, **HCR 48**, and **HCR 40**, as amended, were filed for first reading.

March 6, 2012

Dear Mr. President:

I transmit herewith Enrolled **H 574**, **H 419**, **H 466**, **H 467**, **H 468**, **H 498**, and **H 482** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 574**, **H 419**, **H 466**, **H 467**, **H 468**, **H 498**, and **H 482** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that **HCR 34** was before the Senate for final consideration.

Moved by Senator McKenzie, seconded by Senator Werk, that **HCR 34** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Brackett. Total - 1.

Total - 35.

Whereupon the President declared **HCR 34** adopted, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

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

S 1380
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO CHILD CUSTODY; AMENDING CHAPTER 7, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-720, IDAHO CODE, TO PROVIDE A PROCEDURE FOR THE COURT IN THE EVENT A PETITION FOR MODIFICATION OF A CHILD CUSTODY ORDER IS FILED WHERE THE ACTION MAY BE SUBJECT TO THE SERVICEMEMBERS CIVIL RELIEF ACT, TO PROVIDE THAT IN THOSE ACTIONS WHERE THE ACT DOES APPLY, THE COURT MAY ONLY TEMPORARILY MODIFY THE EXISTING CHILD CUSTODY ORDER DURING THE PERIOD OF DEPLOYMENT, TO PROVIDE FOR EXPIRATION OF SUCH TEMPORARY ORDER, TO PROVIDE FOR EXPEDITED HEARINGS, TO PROVIDE FOR THE PRESENTATION OF TESTIMONY AND EVIDENCE BY ELECTRONIC MEANS IN CERTAIN ACTIONS AND TO DEFINE TERMS.

S 1381
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2013; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS.

S 1382
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1380, **S 1381**, and **S 1382** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 569, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 570, by State Affairs Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 577, **H 553**, and **H 575**, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 588 and **H 590**, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

H 615, **H 616**, **H 617**, and **H 618**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 595, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 495, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 549 and H 550, by State Affairs Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 523, as amended, by Commerce and Human Resources Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

HCR 46, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

HCR 48, by Education Committee, was introduced, read at length, and referred to the Education Committee.

HCR 40, as amended, by Education Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1359, S 1360, S 1361, S 1367, and S 1368, by Finance Committee, were read the second time at length and filed for third reading.

H 379, H 460, H 462, H 463, H 464, and H 526, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

S 1335, S 1343, S 1363, and S 1365, by State Affairs Committee, were read the second time at length and filed for third reading.

S 1321, as amended, by Resources and Environment Committee, was read the second time at length and filed for third reading.

S 1337, as amended, and S 1356, as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1336, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 465 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 33.

NAYS–None.

Absent and excused–Brackett, Winder. Total - 2.

Total - 35.

Whereupon the President declared H 465 passed, title was approved, and the bill ordered returned to the House.

H 492 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 33.

NAYS–None.

Absent and excused–Brackett, Winder. Total - 2.

Total - 35.

Whereupon the President declared H 492 passed, title was approved, and the bill ordered returned to the House.

H 546 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Cameron and Goedde arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Mortimer, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 30.

NAYS–McKague, Nuxoll, Pearce, Vick. Total - 4.

Absent and excused–Winder. Total - 1.

Total - 35.

Whereupon the President declared H 546 passed, title was approved, and the bill ordered returned to the House.

H 499 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

Whereupon the President declared H 499 passed, title was approved, and the bill ordered returned to the House.

H 521 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

Whereupon the President declared H 521 passed, title was approved, and the bill ordered returned to the House.

H 534 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

Whereupon the President declared H 534 passed, title was approved, and the bill ordered returned to the House.

H 441 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

Whereupon the President declared H 441 passed, title was approved, and the bill ordered returned to the House.

H 442 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

Whereupon the President declared H 442 passed, title was approved, and the bill ordered returned to the House.

H 500 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

Whereupon the President declared H 500 passed, title was approved, and the bill ordered returned to the House.

H 501 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

Whereupon the President declared H 501 passed, title was approved, and the bill ordered returned to the House.

H 472 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Johnson, Keough, LeFavour, Lodge, McKague, Nuxoll, Rice, Schmidt, Smyser, Tippets. Total - 22.

NAYS–Bock, Corder, Hill, Malepeai, McKenzie, Mortimer, Siddoway, Stennett, Werk. Total - 9.

Absent and excused–Pearce, Toryanski, Vick, Winder. Total - 4.

Total - 35.

Whereupon the President declared H 472 passed, title was approved, and the bill ordered returned to the House.

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate consideration of S 1337, as amended, be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that S 1337, as amended, was before the Senate for final consideration.

S 1337, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Werk. Total - 31.

NAYS–None.

Absent and excused–Pearce, Toryanski, Vick, Winder. Total - 4.

Total - 35.

Whereupon the President declared S 1337, as amended, passed, title was approved, and the bill ordered transmitted to the House.

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate consideration of S 1356, as amended, be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that S 1356, as amended, was before the Senate for final consideration.

S 1356, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

Whereupon the President declared S 1356, as amended, passed, title was approved, and the bill ordered transmitted to the House.

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate consideration of S 1335 be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that S 1335 was before the Senate for final consideration.

S 1335 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

Whereupon the President declared S 1335 passed, title was approved, and the bill ordered transmitted to the House.

Having voted on the prevailing side by which S 1337, as amended, passed the Senate, Senator Davis served notice that he may on this or the next legislative day move for reconsideration of the vote.

S 1337, as amended, was ordered held at the Secretary's desk.

Moved by Senator Fulcher, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate consideration of S 1343 be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that S 1343 was before the Senate for final consideration.

S 1343 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 33.

NAYS–None.

Absent and excused–Vick, Winder. Total - 2.

Total - 35.

Whereupon the President declared S 1343 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Third Reading Calendar was reordered placing all Senate bills as amended in the Senate at the head of the calendar, followed by Senate non Finance Committee bills, followed by Senate Finance Committee bills, followed by House bills.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11 a.m., Wednesday, March 7, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

FIFTY-NINTH LEGISLATIVE DAY
WEDNESDAY, MARCH 7, 2012

Senate Chamber

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

Roll call showed all members present except Senator Malepeai, absent and formally excused by the Chair; and President Pro Tempore Hill and Senators Bair, Bilyeu, Brackett, Broadsword, Cameron, Heider, Keough, LeFavour, Mortimer, and Toryanski, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Alexa Woodland, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 6, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

President Pro Tempore Hill was recorded present at this order of business.

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

Petitions, Resolutions, and Memorials

SR 104
BY STATE AFFAIRS COMMITTEE
A SENATE RESOLUTION
RECOGNIZING THE SUCCESS AND ACHIEVEMENT OF ARIANE DRAKE OF POCATELLO AND EMILY KLADAR OF HAYDEN LAKE, RECIPIENTS OF PRUDENTIAL SPIRIT OF COMMUNITY AWARDS.

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

WHEREAS, the Senate recognizes the success and achievement of Ariane Drake, of Pocatello, and Emily Kladar, of Hayden Lake, who have achieved national recognition of exemplary volunteer service by receiving 2012 Prudential Spirit of Community Awards; and

WHEREAS, this prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, Ariane Drake, a student at Century High School in Pocatello, earned this award by giving generously of her time and energy to raise nearly $30,000 to buy land and construct a new building for a school in Uganda and to pay for students' tuition fees; and

WHEREAS, Emily Kladar, a sixth-grader at Canfield Middle School in Coeur d'Alene, created a nonprofit charity with her sister that has raised more than $60,000 to benefit the families of children needing heart surgery by selling dish towels with their designed logo that reads: "Kids Helping Kids Fix Broken Hearts."

WHEREAS, the success of the State of Idaho, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Ariane Drake and Emily Kladar who use their considerable talents and resources to serve others.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixty-first Idaho Legislature, that we hereby congratulate and honor Ariane Drake and Emily Kladar as recipients of Prudential Spirit of Community Awards, recognize their outstanding record of volunteer service, peer leadership and community spirit and extend best wishes for their continued success and achievement.

SR 104 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 7, 2012

The JUDICIARY AND RULES Committee reports that **S 1380**, **S 1381**, and **S 1382** have been correctly printed.

DARRINGTON, Chairman

S 1380 was referred to the Judiciary and Rules Committee.

S 1381 and **S 1382** were referred to the Finance Committee.

March 6, 2012

The AGRICULTURAL AFFAIRS Committee reports out **H 512**, as amended, **H 513**, and **HCR 37** with the recommendation that they do pass.

SIDDOWAY, Chairman

H 512, as amended, and **H 513** were filed for second reading.

HCR 37 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 6, 2012

The FINANCE Committee reports out **H 615**, **H 616**, **H 617**, **H 618**, **S 1375**, **S 1376**, and **S 1377** with the recommendation that they do pass.

CAMERON, Chairman

H 615, **H 616**, **H 617**, **H 618**, **S 1375**, **S 1376**, and **S 1377** were filed for second reading.

March 6, 2012

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

Jim Kempton to the Idaho Transportation Board, term to expire January 31, 2018.

HAMMOND, Chairman

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

March 6, 2012

The TRANSPORTATION Committee reports out H 540, as amended, with the recommendation that it do pass.

HAMMOND, Chairman

H 540, as amended, was filed for second reading.

March 6, 2012

The JUDICIARY AND RULES Committee reports out S 1339 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, S 1339 was referred to the Fourteenth Order of Business, General Calendar.

March 7, 2012

The STATE AFFAIRS Committee reports out H 516, S 1330, S 1366, and HCR 36 with the recommendation that they do pass.

MCKENZIE, Chairman

H 516, S 1330, and S 1366 were filed for second reading.

HCR 36 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

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

Messages from the House

March 6, 2012

Dear Mr. President:

I transmit herewith H 621, H 622, H 518, H 572, H 582, H 591, H 593, H 604, and H 496, which have passed the House.

ALEXANDER, Chief Clerk

H 621, H 622, H 518, H 572, H 582, H 591, H 593, H 604, and H 496 were filed for first reading.

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

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

S 1383
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO THE MAINTENANCE AND REPAIR OF DITCHES, CANALS AND CONDUITS; AMENDING SECTION 42-1203, IDAHO CODE, TO PROVIDE THAT SPECIFIED DUTIES RELATING TO DITCHES, CANALS AND CONDUITS REQUIRE REASONABLE CARE ONLY AND DO NOT IMPOSE STRICT LIABILITY OR ENLARGE LIABILITY OF OWNERS AND TO PROVIDE THAT OWNERS SHALL NOT BE LIABLE FOR SPECIFIED DAMAGES OR INJURIES; AND AMENDING SECTION 42-1204, IDAHO CODE, TO PROVIDE THAT SPECIFIED DUTIES RELATING TO DITCHES, CANALS, WORKS AND AQUEDUCTS REQUIRE REASONABLE CARE ONLY AND DO NOT IMPOSE STRICT LIABILITY OR ENLARGE LIABILITY OF OWNERS, TO PROVIDE THAT OWNERS AND CONSTRUCTORS SHALL NOT BE LIABLE FOR SPECIFIED DAMAGES OR INJURIES AND TO PROVIDE THAT SPECIFIED LAW SHALL NOT BE CONSTRUED TO IMPAIR ANY DEFENSE THAT AN OWNER OR CONSTRUCTOR OF A DITCH, CANAL, WORKS OR OTHER AQUEDUCT MAY ASSERT IN A CIVIL ACTION.

S 1383 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senator Heider was recorded present at this order of business.

H 621 and H 622, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 518 and H 591, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 572, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 582 and H 593, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 604, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 496, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Senator Brackett was recorded present at this order of business.

On request by Senator Tippets, granted by unanimous consent, H 457 was referred to the Fourteenth Order of Business, General Calendar.

Senators Bair, Mortimer, Bilyeu, and Keough were recorded present at this order of business.

H 600, H 601, and H 602, by Appropriations Committee, were read the second time at length and filed for third reading.

H 459, H 461, H 525, and H 543, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

S 1271 and S 1282, by Resources and Environment Committee, were read the second time at length and filed for third reading.

H 403, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

H 481 and H 556, by Education Committee, were read the second time at length and filed for third reading.

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

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, SCR 127, SCR 128, and SCR 129 retained their place on the calendar for Thursday, March 8, 2012.

Senators Broadsword, Cameron, and LeFavour were recorded present at this order of business.

The President announced that SCR 124 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Goedde, seconded by Senator Stennett, SCR 124 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

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

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, S 1321, as amended, retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, S 1336, as amended, retained its place on the Third Reading Calendar for one legislative day.

S 1363 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Malepeai, McKenzie. Total - 2.

Total - 35.

Whereupon the President declared S 1363 passed, title was approved, and the bill ordered transmitted to the House.

S 1365 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Malepeai, McKenzie. Total - 2.

Total - 35.

Whereupon the President declared S 1365 passed, title was approved, and the bill ordered transmitted to the House.

S 1359 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Malepeai, McKenzie. Total - 2.

Total - 35.

Whereupon the President declared S 1359 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Mortimer, granted by unanimous consent, S 1360 retained its place on the Third Reading Calendar for one legislative day.

S 1361 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Malepeai, McKenzie. Total - 2.

Total - 35.

Whereupon the President declared S 1361 passed, title was approved, and the bill ordered transmitted to the House.

S 1367 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Malepeai, McKenzie. Total - 2.

Total - 35.

Whereupon the President declared **S 1367** passed, title was approved, and the bill ordered transmitted to the House.

S 1368 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Keough, LeFavour, Lodge, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Johnson, Malepeai, McKenzie. Total - 3.

Total - 35.

Whereupon the President declared **S 1368** passed, title was approved, and the bill ordered transmitted to the House.

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

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Bock, by voice vote, the Senate adjourned at 12 noon until the hour of 10 a.m., Thursday, March 8, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTIETH LEGISLATIVE DAY
THURSDAY, MARCH 8, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Davis and Malepeai, absent and formally excused by the Chair; and Senators Darrington, McKague, and Smyser, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Jamie Bush, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 7, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Petitions, Resolutions, and Memorials

Senators Darrington and Smyser were recorded present at this order of business.

SCR 130
BY JUDICIARY AND RULES COMMITTEE
A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND RECOGNIZING THE ACHIEVEMENTS OF THE UNION PACIFIC RAILROAD ON ITS 150TH ANNIVERSARY.

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

WHEREAS, President Abraham Lincoln signed the Pacific Railway Act on July 1, 1862, creating the original Union Pacific Railroad; and

WHEREAS, the Oregon Short Line, a Union Pacific Railroad subsidiary, entered Idaho in 1882, eventually consolidating with the Utah Northern Railroad and the Utah Central Railroad, then merging into the Union Pacific Railroad in 1898; and

WHEREAS, the Union Pacific Railroad is the principal operating company of Union Pacific Corporation, linking the twenty-three states in the western two-thirds of the country by rail and providing freight solutions and logistics expertise to the global supply chain; and

WHEREAS, the Union Pacific Railroad has 849 miles of Idaho track traversing many communities in the state and serving Idaho's agriculture, phosphate and forest products industries; and

WHEREAS, Northern and Southern Idaho are home to two of Union Pacific's main transcontinental arteries; and

WHEREAS, Pocatello and Nampa are both important hubs of branch lines and important terminals for Union Pacific in Idaho; and

WHEREAS, Union Pacific has 950 employees in Idaho with an annual payroll of $73.7 million; and

WHEREAS, Union Pacific has made more than $45 million in capital investments in Idaho over the last two years and has provided more than $275,000 to charitable organizations in the state; and

WHEREAS, July 1, 2012, is the 150th anniversary of the Union Pacific Railroad.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that the achievements of the Union Pacific Railroad and its service to the people of the State of Idaho be recognized in this year of its 150th anniversary.

BE IT FURTHER RESOLVED that the Secretary of the Senate shall deliver a copy of this Resolution to the Union Pacific Railroad.

SCR 130 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 8, 2012

The JUDICIARY AND RULES Committee reports that **S 1383** and **SR 104** have been correctly printed.

DARRINGTON, Chairman

S 1383 was referred to the State Affairs Committee.

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

March 7, 2012

The RESOURCES AND ENVIRONMENT Committee reports out **H 396**, **H 397**, **H 399**, **H 400**, and **H 401** with the recommendation that they do pass.

PEARCE, Chairman

H 396, **H 397**, **H 399**, **H 400**, and **H 401** were filed for second reading.

March 7, 2012

The JUDICIARY AND RULES Committee reports out **S 1370** with the recommendation that it do pass.

DARRINGTON, Chairman

S 1370 was filed for second reading.

March 7, 2012

The JUDICIARY AND RULES Committee reports out S 1358 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, S 1358 was referred to the Fourteenth Order of Business, General Calendar.

March 7, 2012

The FINANCE Committee reports out H 621, H 622, S 1381, and S 1382 with the recommendation that they do pass.

CAMERON, Chairman

H 621, H 622, S 1381, and S 1382 were filed for second reading.

March 7, 2012

The EDUCATION Committee reports out H 579 with the recommendation that it do pass.

GOEDDE, Chairman

H 579 was filed for second reading.

March 7, 2012

The EDUCATION Committee reports out HCR 39 and HJM 8 with the recommendation that they do pass.

GOEDDE, Chairman

HCR 39 and HJM 8 were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 7, 2012

The EDUCATION Committee reports out H 426 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, H 426 was referred to the Fourteenth Order of Business, General Calendar.

March 7, 2012

The HEALTH AND WELFARE Committee reports out H 541 with the recommendation that it do pass.

LODGE, Chairman

H 541 was filed for second reading.

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

Messages from the Governor

March 6, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Milford Terrell of Eagle, Idaho, was appointed as a member of the State Board of Education to serve a term commencing March 1, 2012, and expiring March 1, 2017.

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

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

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

The Gubernatorial appointment was referred to the Education Committee.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 7, 2012

Dear Mr. President:

I transmit herewith H 440, H 576, H 599, H 562, as amended, and HCR 44, which have passed the House.

ALEXANDER, Chief Clerk

H 440, H 576, H 599, H 562, as amended, and HCR 44 were filed for first reading.

March 7, 2012

Dear Mr. President:

I transmit herewith Enrolled H 484, H 489, and H 517 for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled H 484, H 489, and H 517 and ordered them returned to the House.

March 7, 2012

Dear Mr. President:

I return herewith S 1333, which has passed the House.

ALEXANDER, Chief Clerk

S 1333 was referred to the Judiciary and Rules Committee for enrolling.

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

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

S 1384
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2013; APPROPRIATING REED ACT MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1385
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO CHALLENGES TO APPORTIONMENT PLANS; AMENDING CHAPTER 15, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1509, IDAHO CODE, TO PROVIDE THAT WITHIN THE TIME AND IN THE MANNER PRESCRIBED BY RULE OF THE SUPREME COURT, ANY REGISTERED VOTER, INCORPORATED CITY OR COUNTY IN THIS STATE MAY APPEAL TO THE SUPREME COURT A CONGRESSIONAL OR LEGISLATIVE REDISTRICTING PLAN ADOPTED BY THE REAPPORTIONMENT COMMISSION AND TO PROVIDE DUTIES OF THE COMMISSION; AND AMENDING CHAPTER 15, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1510, IDAHO CODE, TO PROVIDE THAT PRIOR TO OCTOBER 1 OF A YEAR ENDING IN ONE, IN WHICH A NEW FEDERAL CENSUS IS AVAILABLE, ANY REGISTERED VOTER, INCORPORATED CITY OR COUNTY IN THIS STATE MAY CHALLENGE AN EXISTING LEGISLATIVE APPORTIONMENT BASED UPON THE NEW FEDERAL CENSUS BY FILING A PETITION IN THE SUPREME COURT INVOKING ITS ORIGINAL JURISDICTION IN SUCH MANNER AS PRESCRIBED BY RULE OF THE SUPREME COURT.

S 1384 and **S 1385** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 440, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 576 and **H 599**, by State Affairs Committee, were introduced, read the first time at length, and referred to the State Affairs Committee.

H 562, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

HCR 44, by State Affairs Committee, was introduced, read at length, and referred to the Health and Welfare Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 512, as amended, and **H 513**, by Agricultural Affairs Committee, were read the second time at length and filed for third reading.

H 615, **H 616**, **H 617**, and **H 618**, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1375, **S 1376**, and **S 1377**, by Finance Committee, were read the second time at length and filed for third reading.

H 540, as amended, by Business Committee, was read the second time at length and filed for third reading.

H 516, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1330 and **S 1366**, by State Affairs Committee, were read the second time at length and filed for third reading.

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

Motions and Resolutions

On request by Senator McKenzie, granted by unanimous consent, **SCR 127** retained its place on the calendar for Friday, March 9, 2012.

The President announced that **SCR 128** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McKenzie, seconded by Senator Stennett, **SCR 128** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 129** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McKenzie, seconded by Senator Stennett, **SCR 129** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

Senator McKague was recorded present at this order of business.

The President announced that **HCR 37** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Siddoway, seconded by Senator Nuxoll, **HCR 37** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

On request by Senator Fulcher, granted by unanimous consent, **HCR 36** retained its place on the calendar for Friday, March 9, 2012.

The President announced that the Transportation Committee report relative to the Gubernatorial appointment of Jim Kempton was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Cameron, seconded by Senator Werk, the Gubernatorial appointment of Jim Kempton as a member of the Idaho Transportation Board was confirmed by voice vote.

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

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

Third Reading of Bills

S 1321, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Brackett, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 25.

NAYS–Andreason, Bilyeu, Bock, Broadsword, LeFavour, Schmidt, Stennett, Werk. Total - 8.

Absent and excused–Davis, Malepeai. Total - 2.

Total - 35.

Whereupon the President declared S 1321, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, S 1336, as amended, retained its place on the Third Reading Calendar for Monday, March 12, 2012.

On request by Senator Winder, granted by unanimous consent, S 1360 retained its place on the Third Reading Calendar for one legislative day.

Having voted on the prevailing side by which S 1321, as amended, passed the Senate, Senator Winder served notice that he may on this or the next legislative day move for reconsideration of the vote.

S 1321, as amended, was ordered held at the Secretary's desk.

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

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

Reports of Standing Committees

On motion by Senator Winder, seconded by Senator Bock, by voice vote, the Senate recessed at 11:15 a.m. until the hour of 4:15 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 4:15 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Andreason, Davis and Malepeai, absent and formally excused by the Chair; and Senators Bilyeu, Corder, Goedde, Heider, and Werk, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 8, 2012

The JUDICIARY AND RULES Committee reports that S 1333 has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled S 1333 and ordered it transmitted to the House for the signature of the Speaker.

Senator Goedde was recorded present at this order of business.

March 8, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out H 420, H 421, H 422, H 523, as amended, H 598, and S 1369 with the recommendation that they do pass.

ANDREASON, Chairman

H 420, H 421, H 422, H 523, as amended, H 598, and S 1369 were filed for second reading.

March 8, 2012

The TRANSPORTATION Committee reports out H 511, as amended, with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

HAMMOND, Chairman

There being no objection, H 511, as amended, was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Winder, granted by unanimous consent, the following typographical correction was made to S 1321, as amended, pursuant to Senate Rule 9(F):

On Page 2 of the engrossed bill, line 11, conservation was changed to environment and line 12 environment was changed to conservation.

Whereupon the President ordered the bill transmitted to the House.

Senators Bilyeu, Corder, and Werk were recorded present at this order of business.

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

Third Reading of Bills

S 1271 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS–None.

Absent and excused–Andreason, Davis, Heider, Malepeai. Total - 4.

Total - 35.

Whereupon the President declared S 1271 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, S 1282 retained its place on the Third Reading Calendar for one legislative day.

S 1375 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS–None.

Absent and excused–Andreason, Davis, Heider, Malepeai. Total - 4.

Total - 35.

Whereupon the President declared S 1375 passed, title was approved, and the bill ordered transmitted to the House.

Senator Heider was recorded present at this order of business.

On request by Senator Winder, granted by unanimous consent, H 464 retained its place on the Third Reading Calendar for one legislative day.

H 379 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, Davis, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared H 379 passed, title was approved, and the bill ordered returned to the House.

H 460 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, Davis, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared H 460 passed, title was approved, and the bill ordered returned to the House.

H 462 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, Davis, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared H 462 passed, title was approved, and the bill ordered returned to the House.

H 463 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, Davis, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared H 463 passed, title was approved, and the bill ordered returned to the House.

H 526 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 27.

NAYS–Bock, LeFavour, Schmidt, Stennett, Werk. Total - 5.

Absent and excused–Andreason, Davis, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared H 526 passed, title was approved, and the bill ordered returned to the House.

H 600 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, Davis, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared **H 600** passed, title was approved, and the bill ordered returned to the House.

H 601 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, Davis, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared **H 601** passed, title was approved, and the bill ordered returned to the House.

H 602 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, Davis, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared **H 602** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Winder, granted by unanimous consent, **H 464** was placed at the head of the Third Reading Calendar, followed by all Senate bills, followed by all remaining House bills.

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

Miscellaneous Business

On motion by Senator Winder, seconded by Senator Bock, by voice vote, the Senate adjourned at 5:30 p.m. until the hour of 10 a.m., Friday, March 9, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-FIRST LEGISLATIVE DAY
FRIDAY, MARCH 9, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Davis and Malepeai, absent and formally excused by the Chair; and Senators Cameron, Lodge, and McKague, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Nathan Chelson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 8, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

March 9, 2012

The JUDICIARY AND RULES Committee reports that **S 1384**, **S 1385**, and **SCR 130** have been correctly printed.

DARRINGTON, Chairman

S 1384 was referred to the Finance Committee.

S 1385 was referred to the State Affairs Committee.

SCR 130 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senator Lodge was recorded present at this order of business.

March 8, 2012

The EDUCATION Committee reports out **HCR 48** with the recommendation that it do pass.

GOEDDE, Chairman

HCR 48 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 8, 2012

The HEALTH AND WELFARE Committee reports out **H 503** and **H 558** with the recommendation that they do pass.

LODGE, Chairman

H 503 and **H 558** were filed for second reading.

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

Messages from the House

March 8, 2012

Dear Mr. President:

I transmit herewith **H 608**, **H 635**, **H 636**, **H 638**, **H 609**, **H 583**, and **H 587**, as amended, which have passed the House.

ALEXANDER, Chief Clerk

H 608, **H 635**, **H 636**, **H 638**, **H 609**, **H 583**, and **H 587**, as amended, were filed for first reading.

March 8, 2012

Dear Mr. President:

I transmit herewith 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** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed 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 ordered them returned to the House.

Senator McKague was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator McKenzie, granted by unanimous consent, **SCR 127** was referred to the State Affairs Committee.

Senator Cameron was recorded present at this order of business.

The President announced that **HCR 36** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Fulcher, seconded by Senator Stennett, **HCR 36** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **SR 104** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Bilyeu, seconded by Senator Vick, **SR 104** was adopted by voice vote, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, **HCR 39** retained its place on the calendar for Monday, March 12, 2012.

The President announced that **HJM 8** was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Winder, seconded by Senator Fulcher, **HJM 8** was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

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

H 608, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 635, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 636 and **H 638**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 609, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 583, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

H 587, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 396, **H 397**, **H 399**, **H 400**, and **H 401**, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

S 1370, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

H 621 and **H 622**, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1381 and **S 1382**, by Finance Committee, were read the second time at length and filed for third reading.

H 579, by Education Committee, was read the second time at length and filed for third reading.

H 541, **H 420**, **H 421**, and **H 422**, by Business Committee, were read the second time at length and filed for third reading.

H 523, as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 598, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1369, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 464 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

A motion was made by Senator Toryanski, seconded by Senator Cameron, to refer **H 464** to the Fourteenth Order of Business, General Calendar.

Roll call vote was requested by Senator Cameron. Senators Broadsword, Keough and Schmidt stood in support of the roll call request.

AYES–Andreason, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Hammond, Johnson, Keough, LeFavour, Malepeai, McKenzie, Schmidt, Stennett, Toryanski, Werk. Total - 17.

NAYS–Bair, Brackett, Fulcher, Goedde, Heider, Hill, Lodge, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Vick, Winder. Total - 17.

Absent and excused–Davis. Total - 1.

Paired and voting included in roll call:

AYE - Malepeai NAY - Winder

Total - 35.

A tie vote having resulted in the roll call, the President voted AYE and **H 464** was referred to the Fourteenth Order of Business, General Calendar.

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

Miscellaneous Business

On motion by Senator Fulcher, seconded by Senator Bock, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 10 a.m., Monday, March 12, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-FOURTH LEGISLATIVE DAY
MONDAY, MARCH 12, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair; and Senators Brackett, Cameron, Corder, Fulcher, Lodge, and Pearce, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Daniel Kelley, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 9, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

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

Petitions, Resolutions, and Memorials

Senator Pearce was recorded present at this order of business.

SCR 131
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE IDAHO DEPARTMENT OF HEALTH AND WELFARE TO CONDUCT TOWN HALL MEETINGS THROUGHOUT THE STATE TO GATHER FEEDBACK ON HOW TO RETAIN AND RECRUIT VOLUNTEER EMERGENCY MEDICAL SERVICES PROVIDERS.

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

WHEREAS, Idaho is predominantly a rural state that relies heavily on volunteers for the provision of emergency medical services; and

WHEREAS, the existence of competent volunteer emergency medical services providers throughout Idaho is vital to the well-being of all those who live in or visit Idaho; and

WHEREAS, the requirements placed on volunteer emergency medical services providers must provide an assurance of public safety while not being onerous to a point so as to discourage volunteer participation.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we encourage the Idaho Department of Health and Welfare to conduct outreach town hall meetings throughout Idaho to develop a better understanding of the challenges that hinder recruitment and retention of volunteer emergency medical services providers.

BE IT FURTHER RESOLVED that the Department should schedule the town hall meetings in the evening hours to enable maximum participation by concerned stakeholders and should hold the town hall meetings in locations that will enable concerned stakeholders to attend without having to drive any farther than 50 miles whenever possible.

BE IT FURTHER RESOLVED that the Department should facilitate the town hall meetings in such a manner so as to gather as much feedback and suggestions for improvement as possible and should consider the feedback received during the town hall meetings as they continue to develop the programs, policies, plans and procedures that support and regulate emergency medical services in Idaho.

SCR 131 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

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

Messages from the House

March 9, 2012

Dear Mr. President:

I transmit herewith **H 637**, **H 487**, **H 566**, as amended, **H 573**, as amended, **H 641**, **H 642**, **H 643**, **H 644**, and **H 607**, which have passed the House.

ALEXANDER, Chief Clerk

H 637, **H 487**, **H 566**, as amended, **H 573**, as amended, **H 641**, **H 642**, **H 643**, **H 644**, and **H 607** were filed for first reading.

March 9, 2012

Dear Mr. President:

I return herewith **S 1371**, which has passed the House.

ALEXANDER, Chief Clerk

S 1371 was referred to the Judiciary and Rules Committee for enrolling.

March 9, 2012

Dear Mr. President:

I return herewith Enrolled **S 1333**, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1333** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

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

Reports of Standing Committees

March 9, 2012

The STATE AFFAIRS Committee reports out H 490 and S 1373 with the recommendation that they do pass.

MCKENZIE, Chairman

H 490 and S 1373 were filed for second reading.

Senator Lodge was recorded present at this order of business.

March 9, 2012

The STATE AFFAIRS Committee reports out S 1362 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, S 1362 was referred to the Fourteenth Order of Business, General Calendar.

March 12, 2012

The FINANCE Committee reports out H 636, H 638, and S 1384 with the recommendation that they do pass.

CAMERON, Chairman

H 636, H 638, and S 1384 were filed for second reading.

March 12, 2012

The JUDICIARY AND RULES Committee reports that S 1371 has been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled S 1371 and ordered it transmitted to the House for the signature of the Speaker.

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

Motions and Resolutions

Senator Cameron was recorded present at this order of business.

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President appointed Senator Keough, Chairman and Senators Rice, and Bilyeu to escort The Honorable James E. Risch, into the Senate Chamber where he addressed the members of the Senate.

The President thanked Senator Risch for his remarks and Senators Keough, Rice, and Bilyeu escorted him from the Chamber, and the Committee was discharged.

The President announced that HCR 39 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Mortimer, seconded by Senator Werk, HCR 39 was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that SCR 130 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Bilyeu, seconded by Senator Malepeai, SCR 130 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that HCR 48 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Malepeai, seconded by Senator Goedde, HCR 48 was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

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

Reports of Standing Committees

March 12, 2012

The STATE AFFAIRS Committee reports out H 450 and S 1348 with the recommendation that they be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, H 450 and S 1348 were referred to the Fourteenth Order of Business, General Calendar.

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

Messages from the House

March 12, 2012

Dear Mr. President:

I return herewith Enrolled S 1371, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled S 1371 was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

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

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

S 1386
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO THE MILITARY DIVISION AND THE IDAHO DIRECTORATE OF CIVIL AIR PATROL; AMENDING CHAPTER 71, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-7114A, IDAHO CODE, TO ESTABLISH THE IDAHO DIRECTORATE OF CIVIL AIR PATROL, TO PROVIDE FOR A MISSION OF THE DIRECTORATE AND TO PROVIDE FOR CERTAIN IN-KIND SERVICES.

S 1387
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ABORTION; AMENDING SECTION 18-609, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO CERTAIN MATERIALS MADE AVAILABLE TO PHYSICIANS, HOSPITALS OR OTHER FACILITIES PROVIDING ABORTION AND ABORTION-RELATED SERVICES, TO ESTABLISH PROVISIONS RELATING TO A LIST OF HEALTH CARE PROVIDERS, FACILITIES AND CLINICS THAT OFFER TO PERFORM CERTAIN ULTRASOUNDS, TO ESTABLISH PROVISIONS RELATING TO A STATEMENT REGARDING CERTAIN ULTRASOUND IMAGING AND HEART TONE MONITORING, TO ESTABLISH PROVISIONS THAT PRIOR TO INFORMED CONSENT GIVEN BY THE PATIENT AND PRIOR TO THE ADMINISTRATION OF ANESTHESIA OR CERTAIN MEDICATIONS, THE PHYSICIAN WHO IS TO PERFORM THE ABORTION OR A QUALIFIED TECHNICIAN SHALL PERFORM AN OBSTETRIC ULTRASOUND, TO REVISE PROVISIONS RELATING TO INFORMING THE PATIENT SHE HAS THE RIGHT TO VIEW CERTAIN ULTRASOUND IMAGES, TO PROVIDE THAT THE PHYSICIAN WHO IS TO PERFORM THE ABORTION OR AN AGENT OF THE PHYSICIAN SHALL SIGN AND DATE A CERTAIN STATEMENT, TO PROVIDE LANGUAGE THAT READS SUBSTANTIALLY AS A CERTAIN STATEMENT SHOULD READ, TO PROVIDE THAT THE PATIENT SHALL INITIAL, SIGN AND DATE THE STATEMENT, TO ESTABLISH PROVISIONS RELATING TO THE PRINT OF THE STATEMENT, TO ESTABLISH PROVISIONS LIMITING MATERIAL INCLUDED IN THE STATEMENT, TO PROVIDE FOR A COPY OF THE STATEMENT, TO PROVIDE FOR A SIGNATURE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING SEVERABILITY.

S 1386 and S 1387 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 637, H 641, H 642, H 643, and H 644, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 487, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 566, as amended, by Education Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 573, as amended, by Education Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 607, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 503, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 558, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1336, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Malepeai, McKague, McKenzie, Schmidt, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 23.

NAYS–Bair, Fulcher, Goedde, Lodge, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser. Total - 10.

Absent and excused–Andreason, Brackett. Total - 2.

Total - 35.

Whereupon the President declared S 1336, as amended, passed, title was approved, and the bill ordered transmitted to the House.

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

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

General Calendar

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

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

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out S 1357, S 1295, H 497, S 1339, H 457, S 1358, H 511, as amended, S 1362, and H 450, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1357
AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 7 through 28, and insert:

"SECTION 1. That Section 63-1014, Idaho Code, be, and the same is hereby amended to read as follows:

63-1014. REMOVAL OR SALE OR REPOSSESSION OF PERSONAL PROPERTY BEFORE PAYMENT OF PROPERTY TAXES ON PROPERTY ROLLS. (1) Whenever any person, firm or corporation owning any personal property shall desire to remove the personal property from the county or sell or repossess the property before all property taxes due and payable including the current year's taxes have been paid upon the personal property, the property taxes shall be paid to the tax collector upon demand and before the removal of the property from the county. It shall be the duty of the tax collector to collect the property taxes provided for in this section, and all the provisions of this chapter are hereby made available to the tax collector in the collection of such taxes.

(a) If a person holding a purchase money security interest desires to repossess and sell a specific piece of personal property and the market value of that personal property exceeds twenty thousand dollars ($20,000), that person shall provide to the tax collector a request to segregate that specific piece of personal property from the personal property tax parcel. The person holding the purchase money security interest shall provide a copy of the purchase money security interest agreement with the request for segregation.

(b) The county assessor shall determine and provide to the tax collector the market value for assessment purposes of that segregated portion of personal property. The tax collector shall calculate property tax to be paid for any delinquencies, including late charges, accrued interest, costs incurred and the estimated taxes for the current year relating to that segregated portion of personal property.

(c) The person holding the purchase money security interest shall pay all personal property taxes owed, including late charges, accrued interest and costs incurred on the specific segregated personal property to the tax collector before taking possession of the personal property or selling the property.

(d) The segregation of specific personal property from the personal property tax parcel shall not affect the priority of the tax lien on the remaining personal property items in the parcel.

(2) It shall be a misdemeanor for any person, firm or corporation to move from the county or sell or repossess any personal property or manufactured home without the payment of the current year's property taxes or without paying property taxes due and owing, and upon conviction the person, firm or corporation shall, in addition to any penalty which the court may impose, pay to the tax collector a sum not in excess of double the amount of property tax which was collectible on the property removed or sold or repossessed, together with all costs and late charges provided for in this chapter. The excess sum shall be collected by the tax collector in the same manner as the original property tax.".

CORRECTION TO TITLE

On page 1, delete lines 2 through 5, and insert:

"RELATING TO PROPERTY TAXES; AMENDING SECTION 63-1014, IDAHO CODE, TO PROVIDE A PROCEDURE RELATING TO THE SEGREGATION OF CERTAIN PERSONAL PROPERTY FOR PERSONS HOLDING PURCHASE MONEY SECURITY INTERESTS IN THE PROPERTY WHO DESIRE TO REPOSSESS AND SELL THE PROPERTY, TO PROVIDE PROCEDURES FOR COUNTY ASSESSORS AND TAX COLLECTORS, TO PROVIDE FOR THE PAYMENT OF PERSONAL PROPERTY TAXES OWED AND TO PROVIDE THAT SEGREGATION OF SPECIFIC PERSONAL PROPERTY SHALL NOT AFFECT THE PRIORITY OF THE TAX LIEN ON THE REMAINING PERSONAL PROPERTY ITEMS IN THE PARCEL.".

SENATE AMENDMENT TO S 1295

AMENDMENT TO SECTION 1

On page 2 of the printed bill, delete lines 34 through 39; and in line 40, delete "(f)" and insert: "(d)".

On page 3, in line 1, delete "(g)" and insert: "(e)"; in line 4, delete "(h)" and insert: "(f)"; in line 12, delete "(i)" and insert: "(g)"; and in line 31, following "practice" insert: "massage therapy for compensation".

SENATE AMENDMENT TO H 497

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 15, delete "currently"; and in line 20, following "performed" insert: ". For the purposes of this subsection, "validated" means the accumulation of test data within the laboratory to demonstrate that established methods and procedures perform as expected in the laboratory".

SENATE AMENDMENT TO S 1339

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 15, following "or" insert: "physically"; in line 17, following "Disclosure," insert: "physical"; in line 21, following "disclosure," insert: "physical"; in line 22, following "or" insert: "physical"; in line 32, following "or" insert: "physically"; and on page 2, following line 14, insert:

"(6) "Physical retention" and "physical possession" means to keep, save, hold or preserve beyond mere mental memorization or knowledge, but shall include, and not be limited to, electronic means of preservation.".

AMENDMENT TO SECTION 2

On page 2, in line 17, delete "Trade secret misappropriation, once proven,"; delete line 18; in line 19, delete "the misappropriation."; and delete lines 37 through 42, and insert:

"(4) Any party named in litigation under this chapter who acts with knowledge of the misappropriation of a trade secret, or with deliberate or reckless disregard of the facts of a misappropriation, shall be jointly and severally liable for all damages established under this section where the parties were acting in concert. As used in this section, "acting in concert" means pursuing a common plan or design that results in a violation of this act.".

CORRECTION TO TITLE

On page 1, in line 3, following "DEFINITIONS" insert: "AND TO DEFINE A TERM".

SENATE AMENDMENT TO H 457

AMENDMENT TO SECTION 1

On page 2 of the printed bill, in line 6, delete "a" and insert: "his or her".

SENATE AMENDMENT TO S 1358

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 12 through 42; and delete pages 2, 3, 4, 5 and 6 and insert:

"SECTION 1. That Section 18-917A, Idaho Code, be, and the same is hereby amended to read as follows:

18-917A. STUDENT HARASSMENT – INTIMIDATION – BULLYING. (1) No student and no minor present on school property, in a school vehicle or at school activities, regardless of location, shall intentionally commit, or conspire to commit, an act of harassment, intimidation, ~~or~~ bullying or cyberbullying against ~~another~~ a student.

(2) As used in this section, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that:

(a) A reasonable person under the circumstances should know will have the effect of:

(i) Harming a student; or

(ii) Damaging a student's property; or

(iii) Placing a student in reasonable fear of harm to his or her person; or

(iv) Placing a student in reasonable fear of damage to his or her property; ~~or~~ and

(b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

~~An act of harassment, intimidation or bullying may also be committed through the use of a land line, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.~~

(3) "Cyberbullying" is an act of harassment, intimidation or bullying committed through the use of a landline, car phone or wireless telephone, or through the use of data or computer software that is accessed through a computer system or computer network, which is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

(4) A ~~student who personally violates~~ violation of any provision of this section ~~may~~ shall be ~~guilty of~~ an infraction.

SECTION 2. That Section 33-512, Idaho Code, be, and the same is hereby amended to read as follows:

33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:

(1) To fix the days of the year and the hours of the day when schools shall be in session. However:

(a) Each school district shall annually adopt and implement a school calendar which provides its students at each grade level with the following minimum number of instructional hours:

Grades	Hours
9-12	990
4-8	900
1-3	810
K	450

(b) School assemblies, testing and other instructionally related activities involving students directly may be included in the required instructional hours.

(c) When approved by a local school board, annual instructional hour requirements stated in paragraph (a) may be reduced as follows:

(i) Up to a total of twenty-two (22) hours to accommodate staff development activities conducted on such days as the local school board deems appropriate.

(ii) Up to a total of eleven (11) hours of emergency school closures due to adverse weather conditions and facility failures.

However, transportation to and from school, passing times between classes, recess and lunch periods shall not be included.

(d) Student and staff activities related to the opening and closing of the school year, grade reporting, program planning, staff meetings, and other classroom and building management activities shall not be counted as instructional time or in the reductions provided in paragraph (c)(i) of this section.

(e) For multiple shift programs, this rule applies to each shift (i.e., each student must have access to the minimum annual required hours of instruction~~s~~).

(f) The instructional time requirement for grade 12 students may be reduced by action of a local school board for an amount of time not to exceed eleven (11) hours of instructional time.

(g) The state superintendent of public instruction may grant an exemption from the provisions of this section for an individual building within a district, when the closure of that building, for unforeseen circumstances, does not affect the attendance of other buildings within the district.

(2) To adopt and carry on, and provide for the financing of, a total educational program for the district. Such programs in other than elementary school districts may include education programs for out-of-school youth and adults; and such districts may provide classes in kindergarten;

(3) To provide, or require pupils to be provided with, suitable textbooks and supplies, and for advice on textbook selections may appoint a ~~textbook~~ curricular materials adoption committee as provided in section 33-512A, Idaho Code;

(4) To protect the morals and health of the pupils;

(5) To exclude from school, children not of school age;

(6) To prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation, ~~and~~ bullying and cyberbullying as defined in section 18-917A, Idaho Code, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year through means including, but not limited to, student handbooks, district or school websites, and existing communications to ~~the teachers~~ school personnel, parents and students in the district in a manner consistent with the student's age, grade and level of academic achievement~~;~~.

(a) The district's policy against harassment, intimidation, bullying and cyberbullying shall include a provision affirming that school personnel shall intervene or facilitate intervention on behalf of students facing harassment, intimidation, bullying or cyberbullying in the school setting or when such act negatively impacts the student's educational environment, shall specifically designate persons to whom reports are to be made and shall include the procedure for school personnel, students, parents/legal guardians or other personnel to report harassment, intimidation, bullying or cyberbullying events or information.

(b) The board, through the school's administration, shall provide annual professional development on the issue of harassment, intimidation, bullying and cyberbullying consistent with section 33-1208B, Idaho Code. Training shall also be provided to noncertificated personnel consistent with employee levels of student interaction.

(c) The board's discipline policies relating to harassment, intimidation, bullying and cyberbullying shall include a series of graduated consequences including, but not limited to, parental notification, providing parents with a referral of the student to group or individual counseling, suspension and expulsion of the student and the possibility of reporting of criminal activity to local law enforcement authorities.

(7) To exclude from school, pupils with contagious or infectious diseases who are diagnosed or suspected as having a contagious or infectious disease or those who are not immune and have been exposed to a contagious or infectious disease; and to close school on order of the state board of health and welfare or local health authorities;

(8) To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;

(9) To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, if the same shall fall on a school day, shall be observed with

appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;

(10) To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole, and display thereon the flag of the United States of America on all days, except during inclement weather, when the school is in session; and for each Veterans Day, each school in session shall conduct and observe an appropriate program of at least one (1) class period remembering and honoring American veterans;

(11) To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor~~.~~;

(12) To supervise and regulate, including by contract with established entities, those extracurricular activities which are by definition outside of or in addition to the regular academic courses or curriculum of a public school, and which extracurricular activities shall not be considered to be a property, liberty or contract right of any student, and such extracurricular activities shall not be deemed a necessary element of a public school education, but shall be considered to be a privilege~~.~~;

(13) To govern the school district in compliance with state law and rules of the state board of education~~.~~;

(14) To submit to the superintendent of public instruction not later than July 1 of each year documentation which meets the reporting requirements of the federal gun-free schools act of 1994 as contained within the federal improving America's schools act of 1994~~.~~;

(15) To require that all certificated and noncertificated employees hired on or after July 1, 2008, and other individuals who are required by the provisions of section 33-130, Idaho Code, to undergo a criminal history check shall submit a completed ten (10) finger fingerprint card or scan to the department of education no later than five (5) days following the first day of employment or unsupervised contact with students in a K-12 setting, whichever is sooner. Such employees and other individuals shall pay the cost of the criminal history check. If the criminal history check shows that the employee has been convicted of a felony crime enumerated in section 33-1208, Idaho Code, it shall be grounds for immediate termination, dismissal or other personnel action of the district, except that it shall be the right of the school district to evaluate whether an individual convicted of one (1) of these crimes and having been incarcerated for that crime shall be hired. Provided however, that any individual convicted of any felony offense listed in section 33-1208 2., Idaho Code, shall not be hired. For the purposes of criminal history checks, a substitute teacher is any individual who temporarily replaces a certificated classroom educator and is paid a substitute teacher wage for one (1) day or more during a school year. A substitute teacher who has undergone a criminal history check at the request of one (1) district in which he has been employed as a substitute shall not be required to undergo an additional criminal history check at the request of any other district in which he is employed as a substitute if the teacher has obtained a criminal history check within the previous five (5) years. If the district next employing the substitute still elects to require another criminal history check within the five (5) year period, that district shall pay the cost of the criminal history check or reimburse the substitute teacher for such cost. To remain on the statewide substitute teacher list maintained by the state department of education, the substitute teacher shall undergo a criminal history check every five (5) years~~.~~;

(16) To maintain a safe environment for students by developing a system that cross-checks all contractors or other persons who have irregular contact with students against the statewide sex offender register~~.~~;

(17) To provide support for teachers in their first two (2) years in the profession in the areas of: administrative and supervisory support, mentoring, peer assistance and professional development.

SECTION 3. That Chapter 12, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1208B, Idaho Code, and to read as follows:

33-1208B. CERTIFICATED PERSONNEL OBLIGATIONS FOR HARASSMENT, INTIMIDATION, BULLYING AND CYBERBULLYING INFORMATION AND PROFESSIONAL DEVELOPMENT. For the purposes of this section the terms "harassment, intimidation or bullying" and "cyberbullying" are as defined in section 18-917A, Idaho Code.

(1) In addition to board requirements to distribute information to students, reasonable efforts shall be made annually to distribute to parents and school staff the harassment, intimidation, bullying and cyberbullying policies and procedures enacted by school district or charter school boards pursuant to section 33-512(6), Idaho Code.

(2) School personnel shall intervene or facilitate intervention on behalf of students facing harassment, intimidation, bullying or cyberbullying in the school setting or when such acts negatively impact upon the student's educational environment. School principals or heads of schools, in coordination with other certificated personnel, shall annually review the school's policies and procedures on harassment, intimidation, bullying and cyberbullying and are responsible for the effective implementation of the policy.

(3) Certificated school personnel shall have completed a district-provided, evidence-based professional development training to build skills to prevent, identify and respond to harassment, intimidation, bullying and cyberbullying or may show proof of completion of approved anti-bullying professional development training that meets the requirements of the local district.

(4) Certificated school personnel shall report all cases that meet the definition of harassment, intimidation, bullying and cyberbullying to the school's administrative personnel to facilitate annual reporting requirements as well as to facilitate intervention on behalf of the student. The certificated employee's reporting shall include a statement of the action taken by the certificated employee to intervene or facilitate intervention on behalf of the student. The school's superintendent or head of schools for a charter school shall annually report incidents of harassment, intimidation, bullying and cyberbullying to the state department of education.

(5) Nothing contained herein shall require schools to staff any nonschool related activities, functions or programs.

(6) Sources for model anti-bullying policies, professional development and skill training and guidelines for annual reporting of material incidents to the state department of education shall be set forth in rules promulgated by the state board of education.

(7) The provisions of this section shall not apply to home school settings.

(8) Nothing in this section shall supersede or replace existing rights or remedies under any other general or special law, nor shall this section create a private right of action.".

CORRECTION TO TITLE

On page 1, delete lines 2 through 10, and insert:

"RELATING TO BULLYING; AMENDING SECTION 18-917A, IDAHO CODE, TO PROVIDE APPLICATION OF THE SECTION TO ADDITIONAL BEHAVIOR, TO DEFINE A TERM, TO REVISE WHAT ACTION SHALL BE AN INFRACTION AND TO REPLACE DISCRETIONARY LANGUAGE WITH MANDATORY LANGUAGE; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES REGARDING GOVERNANCE OF SCHOOLS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 12, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1208B, IDAHO CODE, TO PROVIDE CERTIFICATED PERSONNEL OBLIGATIONS FOR HARASSMENT, INTIMIDATION, BULLYING AND CYBERBULLYING INFORMATION AND PROFESSIONAL DEVELOPMENT AND TO PROVIDE EXCEPTIONS.".

SENATE AMENDMENT TO H 511, As Amended

AMENDMENT TO SECTION 1

On page 2 of the engrossed bill, in line 11, following "Code" insert: ", or any structure the primary purpose of which is to support telecommunications equipment".

SENATE AMENDMENT TO S 1362

AMENDMENT TO SECTION 1

On page 1 of the printed bill, delete lines 12 through 15.

AMENDMENT TO SECTION 2

On page 2, in line 4, following "scope of" delete "the" and insert: "an"; and in line 17, delete "may" and insert "will".

SENATE AMENDMENT TO H 450

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 25, delete "Moneys in the fund may be ex-"; in line 26, delete "pended pursuant to legislative appropriation" and insert: "Expenditures of moneys in the fund shall be subject to legislative appropriation"; and in line 30, delete "the current" and insert: "that".

The Committee also has **H 426** and **H 464** under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

S 1357, as amended, **S 1295**, as amended, **S 1339**, as amended, **S 1358**, as amended, and **S 1362**, as amended, were referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 497, as amended in the Senate, **H 457**, as amended in the Senate, **H 511**, as amended, as amended in the Senate, and **H 450**, as amended in the Senate, were filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

Moved by Senator Malepeai, seconded by Bock that the Senate adjourn, pursuant to Senate Rule 28(C). The question being, "Shall the motion prevail?"

The Chair being in doubt, the Secretary called the roll.

Roll call resulted as follows:

AYES–Bilyeu, Bock, Broadsword, Cameron, Corder, Keough, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 11.

NAYS–Bair, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 22.

Absent and excused–Andreason, Brackett. Total - 2.

Total - 35.

Whereupon the President declared that the motion had failed.

Moved by Senator Pearce, seconded by Senator Siddoway, that **H 464** be returned to the Thirteenth Order of Business, Third Reading of Bills. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senator Bock. Senators Bilyeu, Keough, LeFavour, Schmidt and Stennett stood in support of the roll call request.

Roll call resulted as follows:

AYES–Bair, Fulcher, Goedde, Hammond, Heider, Hill, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Vick, Winder. Total - 18.

NAYS–Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Johnson, Keough, LeFavour, Malepeai, Schmidt, Stennett, Toryanski, Werk. Total - 15.

Absent and excused–Andreason, Brackett. Total - 2.

Total - 35.

Whereupon the President declared that the motion had prevailed and **H 464** was returned to the Thirteenth Order of Business, Third Reading of Bills.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:40 p.m. until the hour of 9 a.m., Tuesday, March 13, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-FIFTH LEGISLATIVE DAY
TUESDAY, MARCH 13, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 9 a.m.

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

Prayer was offered by Senator Dan Johnson.

The Pledge of Allegiance was led by Marc Christensen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 12, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Petitions, Resolutions, and Memorials

SCR 132
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING ALL IDAHOANS TO USE THE YEAR OF MARCH 4, 2012, TO MARCH 3, 2013, TO BE A YEAR OF PREPARATION FOR THE IDAHO TERRITORIAL SESQUICENTENNIAL AND TO PLAN COMMEMORATION ACTIVITIES THAT WILL FOSTER A MORE MEANINGFUL EXPLORATION OF OUR TERRITORIAL ROOTS AND CREATE PERMANENT LEGACIES OF IDAHO'S TERRITORIAL SESQUICENTENNIAL.

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

WHEREAS, President Abraham Lincoln signed the act creating Idaho Territory on March 4, 1863; and

WHEREAS, March 4, 2013, marks the 150th anniversary of the creation of Idaho Territory; and

WHEREAS, President Lincoln's establishment of Idaho Territory came at a time of tremendous transformation for Idaho and our nation, when, within a remarkable nine-month period during the Civil War, he signed into law the Pacific Railway Act, issued the Emancipation Proclamation, and established the Idaho Territory, all three acts having a vital impact on the development of Idaho and the nation; and

WHEREAS, the territorial period in Idaho lasted for 27 years, until July 3, 1890, during which time the geographical boundaries and the political and economic foundations for the future State of Idaho were established; and

WHEREAS, the territorial period witnessed some of Idaho's most significant historical events that still impact the lives of Idahoans today, including the establishment of Boise as the capital city, the creation of public school districts, and the adoption of the state constitution; and

WHEREAS, it is proper at the time of the 150th anniversary of the creation of the territory that Idahoans appreciate the territorial roots of contemporary Idaho and create lasting legacies for the future; and

WHEREAS, Idahoans today are proud of their storied history and demonstrate their continued spirit and perseverance in creating Idaho's future.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we encourage Idahoans to use the year of March 4, 2012, to March 3, 2013, to be a year of preparation for the Idaho Territorial Sesquicentennial and to plan commemoration activities that will foster a more meaningful exploration of our territorial roots and create permanent legacies of Idaho's Territorial Sesquicentennial.

SCR 132 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 13, 2012

The JUDICIARY AND RULES Committee reports that **S 1386**, **S 1387**, and **SCR 131** have been correctly printed.

DARRINGTON, Chairman

S 1386 and **S 1387** were referred to the State Affairs Committee.

SCR 131 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 12, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1357**, **S 1295**, **S 1339**, **S 1358**, **S 1362**, **H 497**, **H 457**, **H 511**, as amended, and **H 450** have been correctly printed.

DARRINGTON, Chairman

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

March 12, 2012

The JUDICIARY AND RULES Committee reports that **S 1357**, as amended, **S 1295**, as amended, **S 1339**, as amended, **S 1358**, as amended, and **S 1362**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1357, as amended, S 1295, as amended, S 1339, as amended, S 1358, as amended, and S 1362, as amended, were filed for first reading.

March 12, 2012

The JUDICIARY AND RULES Committee reports that Enrolled S 1333 and S 1371 were delivered to the Office of the Governor at 11:02 a.m., March 12, 2012.

DARRINGTON, Chairman

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

March 12, 2012

The FINANCE Committee reports out H 637, H 641, H 642, H 643, and H 644 with the recommendation that they do pass.

CAMERON, Chairman

H 637, H 641, H 642, H 643, and H 644 were filed for second reading.

March 12, 2012

The JUDICIARY AND RULES Committee reports out H 448, H 532, and H 595 with the recommendation that they do pass.

DARRINGTON, Chairman

H 448, H 532, and H 595 were filed for second reading.

March 12, 2012

The JUDICIARY AND RULES Committee reports out S 1380 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, S 1380 was referred to the Fourteenth Order of Business, General Calendar.

March 12, 2012

The HEALTH AND WELFARE Committee reports out H 522, as amended, with the recommendation that it do pass.

LODGE, Chairman

H 522, as amended, was filed for second reading.

March 12, 2012

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

Chris Korell to the Outfitters and Guides Licensing Board, term to expire April 20, 2014.

PEARCE, Chairman

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

March 13, 2012

The EDUCATION Committee reports out H 386, as amended, and H 588 with the recommendation that they do pass.

GOEDDE, Chairman

H 386, as amended, and H 588 were filed for second reading.

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

Messages from the Governor

March 12, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Julie D. DeLorenzo of Boise, Idaho, was appointed as a member of the Idaho Transportation Board to serve a term commencing March 12, 2012, and expiring January 30, 2015.

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

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

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

The Gubernatorial appointment was referred to the Transportation Committee.

Senator Brackett was recorded present at this order of business.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 12, 2012

Dear Mr. President:

I transmit herewith H 632, HCR 45, H 603, H 626, and H 633, which have passed the House.

ALEXANDER, Chief Clerk

H 632, HCR 45, H 603, H 626, and H 633 were filed for first reading.

March 12, 2012

Dear Mr. President:

I transmit herewith Enrolled HCR 37, H 379, H 460, H 462, H 463, H 526, H 600, H 601, and H 602 for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled HCR 37, H 379, H 460, H 462, H 463, H 526, H 600, H 601, and H 602 and ordered them returned to the House.

March 12, 2012

Dear Mr. President:

I return herewith S 1232, S 1253, S 1265, and S 1266, which have passed the House.

ALEXANDER, Chief Clerk

S 1232, S 1253, S 1265, and S 1266 were referred to the Judiciary and Rules Committee for enrolling.

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

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

S 1388
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1389
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; APPROPRIATING AND TRANSFERRING MONEYS; PROVIDING LEGISLATIVE INTENT WITH REGARD TO CERTAIN WATER RIGHT FILING FEES; AND DECLARING AN EMERGENCY.

S 1390
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO CERTIFICATES OF INSURANCE; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1850, IDAHO CODE, TO PROVIDE DEFINITIONS, TO PROVIDE THAT NO PERSON MAY PREPARE, ISSUE OR KNOWINGLY REQUEST THE ISSUANCE OF A CERTIFICATE OF INSURANCE UNLESS THE FORM HAS BEEN FILED WITH THE DIRECTOR, TO PROVIDE THAT NO PERSON MAY ALTER OR MODIFY A CERTIFICATE OF INSURANCE UNLESS THE ALTERATION OR MODIFICATION HAS BEEN FILED WITH THE DIRECTOR, TO ESTABLISH PROVISIONS RELATING TO THE DIRECTOR DISAPPROVING THE USE OF A FORM OR WITHDRAWING APPROVAL OF A FORM, TO PROVIDE THAT EACH CERTIFICATE OF INSURANCE MUST CONTAIN A STATEMENT, TO ESTABLISH THAT PROVISIONS RELATING TO CERTAIN FORMS PROMULGATED AND FILED WITH THE DIRECTOR ARE NOT REQUIRED TO BE REFILED BY INDIVIDUAL INSURERS, TO ESTABLISH PROVISIONS RELATING TO FALSE OR MISLEADING INFORMATION, TO ESTABLISH PROVISIONS RELATING TO CERTAIN DOCUMENTS THAT PURPORT TO AFFIRMATIVELY OR NEGATIVELY ALTER, AMEND OR EXTEND CERTAIN COVERAGE, TO ESTABLISH PROVISIONS RELATING TO APPLICATION OF LAW, TO PROVIDE THAT A CERTIFICATE OF INSURANCE IS NOT A POLICY OF INSURANCE, TO PROVIDE THAT A CERTIFICATE OF INSURANCE SHALL NOT CONFER CERTAIN RIGHTS, TO PROVIDE THAT A CERTIFICATE OF INSURANCE SHALL NOT CONTAIN CERTAIN REFERENCES, TO PROVIDE FOR NOTICE, TO PROVIDE THAT ANY CERTIFICATE OF INSURANCE OR OTHER DOCUMENT PREPARED, ISSUED OR REQUESTED IN VIOLATION OF THIS SECTION SHALL BE NULL AND VOID AND OF NO FORCE AND EFFECT, TO PROVIDE FOR A PENALTY, TO PROVIDE THAT THE DIRECTOR SHALL HAVE THE POWER TO EXAMINE AND INVESTIGATE CERTAIN ACTIVITIES AND IMPOSE PENALTIES OR REMEDIES AND TO PROVIDE FOR RULES; AMENDING SECTION 41-1823, IDAHO CODE, TO REVISE PROVISIONS RELATING TO BINDERS OR OTHER CONTRACTS FOR TEMPORARY INSURANCE AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING SEVERABILITY.

S 1391
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE STATE LIQUOR DIVISION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1392
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR REGULATORY BOARDS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1388, **S 1389**, **S 1390**, **S 1391**, and **S 1392** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 497, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the first time at length and filed for second reading.

H 457, as amended in the Senate, by Resources and Conservation Committee, was read the first time at length and filed for second reading.

H 511, as amended, as amended in the Senate, by Transportation and Defense Committee, was read the first time at length and filed for second reading.

H 450, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the first time at length and filed for second reading.

President Little assumed the Chair.

S 1357, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

S 1295, as amended, by Health and Welfare Committee, was read the first time at length and filed for second reading.

S 1339, as amended, and **S 1358**, as amended, by Judiciary and Rules Committee, were read the first time at length and filed for second reading.

S 1362, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

H 632, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

HCR 45, by Education Committee, was introduced, read at length, and referred to the Commerce and Human Resources Committee.

H 603, H 626, and H 633, by Education Committee, were introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 490, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1373, by State Affairs Committee, was read the second time at length and filed for third reading.

H 636 and H 638, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1384, by Finance Committee, was read the second time at length and filed for third reading.

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

Motions and Resolutions

Senators Darrington and Nuxoll were recorded present at this order of business.

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President appointed Senator McKenzie, Chairman and Senators Fulcher, and LeFavour to escort The Honorable Raul Labrador, United States Congressman, into the Senate Chamber where he addressed the members of the Senate.

The President thanked Congressman Labrador for his remarks and Senators McKenzie, Fulcher, and LeFavour escorted him from the Chamber, and the Committee was discharged.

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

Third Reading of Bills

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12:30 p.m. until the hour of 4:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Little presiding.

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

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

S 1360 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, Corder, LeFavour. Total - 3.

Total - 35.

Whereupon the President declared S 1360 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Brackett, granted by unanimous consent, S 1282 was referred to the Fourteenth Order of Business, General Calendar.

Senator LeFavour was recorded present at this order of business.

S 1376 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Corder. Total - 2.

Total - 35.

Whereupon the President declared S 1376 passed, title was approved, and the bill ordered transmitted to the House.

Senator Corder was recorded present at this order of business.

S 1377 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared S 1377 passed, title was approved, and the bill ordered transmitted to the House.

S 1330 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared S 1330 passed, title was approved, and the bill ordered transmitted to the House.

S 1366 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared S 1366 passed, title was approved, and the bill ordered transmitted to the House.

S 1370 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared S 1370 passed, title was approved, and the bill ordered transmitted to the House.

S 1381 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 32.

NAYS–Nuxoll, Vick. Total - 2.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared S 1381 passed, title was approved, and the bill ordered transmitted to the House.

S 1382 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared S 1382 passed, title was approved, and the bill ordered transmitted to the House.

S 1369 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared **S 1369** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **H 512**, as amended, retained its place on the Third Reading Calendar for one legislative day.

H 540, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 540**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 459 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 459** passed, title was approved, and the bill ordered returned to the House.

H 461 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 461** passed, title was approved, and the bill ordered returned to the House.

H 525 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 525** passed, title was approved, and the bill ordered returned to the House.

H 543 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 543** passed, title was approved, and the bill ordered returned to the House.

H 403 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bilyeu, Bock, Brackett, Cameron, Darrington, Davis, Goedde, Heider, Hill, Johnson, LeFavour, Lodge, Malepeai, McKague, Mortimer, Schmidt, Stennett, Toryanski, Werk. Total - 19.

NAYS–Bair, Broadsword, Corder, Fulcher, Hammond, Keough, McKenzie, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Vick, Winder. Total - 15.

Absent and excused–Andreason. Total - 1.

Total - 35.

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

On request by Senator Davis, granted by unanimous consent, the Third Reading Calendar was reordered placing **H 464** at the head of the calendar, followed by Senate non Finance Committee bills, followed by Senate Finance Committee bills, followed by House bills.

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

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:40 p.m. until the hour of 10 a.m., Wednesday, March 14, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-SIXTH LEGISLATIVE DAY
WEDNESDAY, MARCH 14, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

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

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Joshua Smith, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 13, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

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

Reports of Standing Committees

March 14, 2012

The JUDICIARY AND RULES Committee reports that S 1388, S 1389, S 1390, S 1391, S 1392, and SCR 132 have been correctly printed.

DARRINGTON, Chairman

S 1388, S 1389, S 1391, and S 1392 were referred to the Finance Committee.

S 1390 was referred to the Commerce and Human Resources Committee.

SCR 132 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 13, 2012

The JUDICIARY AND RULES Committee reports that S 1232, S 1253, S 1265, and S 1266 have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled S 1232, S 1253, S 1265, and S 1266 and ordered them transmitted to the House for the signature of the Speaker.

March 13, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out H 549 and H 550 with the recommendation that they do pass.

ANDREASON, Chairman

H 549 and H 550 were filed for second reading.

March 13, 2012

The EDUCATION Committee reports out H 590 and H 604 with the recommendation that they do pass.

GOEDDE, Chairman

H 590 and H 604 were filed for second reading.

March 13, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 582 with the recommendation that it do pass.

CORDER, Chairman

H 582 was filed for second reading.

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

Messages from the Governor

March 13, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1333 and S 1371

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

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

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 13, 2012

Dear Mr. President:

I transmit herewith H 645, H 634, H 611, and HCR 47, which have passed the House.

ALEXANDER, Chief Clerk

H 645, H 634, H 611, and HCR 47 were filed for first reading.

March 13, 2012

Dear Mr. President:

I transmit herewith Enrolled HCR 36 and HJM 8 for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled HCR 36 and HJM 8 and ordered them returned to the House.

March 13, 2012

Dear Mr. President:

I return herewith S 1214, S 1272, S 1259, S 1215, as amended, S 1292, S 1308, S 1312, S 1236, S 1277, as amended, S 1278, S 1324, S 1225, S 1226, S 1227, S 1228, S 1268, and S 1301, which have passed the House.

ALEXANDER, Chief Clerk

S 1214, S 1272, S 1259, S 1215, as amended, S 1292, S 1308, S 1312, S 1236, S 1277, as amended, S 1278, S 1324, S 1225, S 1226, S 1227, S 1228, S 1268, and S 1301 were referred to the Judiciary and Rules Committee for enrolling.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, SCR 131 retained its place on the calendar for Thursday, March 15, 2012.

The President announced that the Resources and Environment Committee report relative to the Gubernatorial reappointment of Chris Korell was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Siddoway, seconded by Senator Stennett, the Gubernatorial reappointment of Chris Korell as a member of the Outfitters and Guides Licensing Board was confirmed by voice vote.

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

The Senate advanced to the Eleventh Order of Business.

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

S 1393
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICE COSTS TO THE GENERAL FUND; PROVIDING NON-GENERAL FUND REAPPROPRIATION; AND PROVIDING GENERAL FUND REAPPROPRIATION.

S 1394
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN TRANSFERS BEING CONTINUOUSLY APPROPRIATED FUNDS; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND; PROVIDING REAPPROPRIATION FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; PROVIDING REAPPROPRIATION FOR AIRPORT DEVELOPMENT GRANTS; PROVIDING REAPPROPRIATION FOR AMERICAN RECOVERY AND REINVESTMENT ACT FUNDS; AND AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE.

S 1393 and S 1394 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

Senator Lodge was recorded present at this order of business.

H 645, by State Affairs Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 634, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 611, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

HCR 47, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 637, H 641, H 642, H 643, and H 644, by Appropriations Committee, were read the second time at length and filed for third reading.

H 448 and H 532, by Judiciary, Rules, and Administration Committee, were read the second time at length and filed for third reading.

H 595, by Ways and Means Committee, was read the second time at length and filed for third reading.

H 522, as amended, by Commerce and Human Resources Committee, was read the second time at length and filed for third reading.

H 386, as amended, and H 588, by Education Committee, were read the second time at length and filed for third reading.

H 497, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

H 457, as amended in the Senate, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

H 511, as amended, as amended in the Senate, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 450, as amended in the Senate, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

S 1357, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

S 1295, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1339, as amended, and S 1358, as amended, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

S 1362, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 464 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

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

Roll call resulted as follows:

AYES–Bair, Brackett, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Vick, Winder. Total - 24.

NAYS–Bilyeu, Bock, Broadsword, Keough, LeFavour, Malepeai, Schmidt, Stennett, Toryanski, Werk. Total - 10.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared H 464 passed, title was approved, and the bill ordered returned to the House.

S 1373 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Brackett, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 26.

NAYS–Bilyeu, Bock, Broadsword, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 8.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared S 1373 passed, title was approved, and the bill ordered transmitted to the House.

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

General Calendar

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

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

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out H 426 and S 1348, without recommendation, amended as follows:

SENATE AMENDMENT TO H 426

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 10 through 40; and on page 2, delete lines 1 through 38, and insert:

"SECTION 1. PURPOSE OF ACT. The purpose of this program is to identify those students who are taking courses in grades 7 through 12 at an accelerated rate and provide them with an incentive to participate in dual credit for early completers pursuant to the provisions of Section 33-1626, Idaho Code. The program will provide funding so that a portion of the summer online courses and online overload courses taken by such students will be paid for by the State Department of Education.

SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1628, Idaho Code, and to read as follows:

33-1628. "8 IN 6 PROGRAM." (1) A program is hereby established in the state department of education to be known as the "8 in 6 Program."

(2) If a parent and student agree, by signing the appropriate form provided by the state department of education, to the conditions provided for in paragraphs (2)(a) and (b) of this section, the state department of education will pay for a portion of the cost of summer online courses and online overload courses as provided for in this section from the moneys appropriated for this purpose.

(a) The student and parent agree that the student shall take and successfully complete dual credit or professional-technical education courses for at least a portion of the student's courses during the 11th and/or 12th grade years. Funding for this requirement will not be provided by the "8 in 6 Program."

(b) The student and parent agree that the student shall take and successfully complete at least one (1) summer online or online overload course and a full course load of at least fourteen (14) credits per school year.

(c) The state shall pay two hundred twenty-five dollars ($225) per one (1) credit summer online course or one (1) credit online overload course taken in this program. Provided however, that if the Idaho digital learning academy (IDLA) receives a state guarantee or appropriation of at least five million dollars ($5,000,000) for fiscal year 2013, the state shall pay no moneys for the "8 in 6 Program" for that fiscal year, and IDLA shall provide the online courses necessary to meet the needs of the "8 in 6 Program" for that fiscal year, at a cost not to exceed seventy-five dollars ($75.00) per course.

(d) The state shall pay for no more than two (2) credits of online overload courses per student per school year. The state shall pay for no more than two (2) credits of summer online

courses per student per summer. The state shall pay for no more than a combined total of four (4) credits of summer online or online overload courses per student per year. The state shall pay for no more than a combined total of eight (8) credits of summer online and online overload courses per student during such student's participation in the program.

(3) Participation in this program shall be limited to no more than ten percent (10%) of students in each grade 7 through 12. Such limitation shall be applied initially on a school district-by-school district, grade-by-grade basis. If any grades do not fully utilize their available participation slots, the school district shall reallocate said participation slots to those grades in which more than ten percent (10%) of the students have applied for participation in the program. If any school districts do not fully utilize their available participation slots by July 1, the state department of education shall reallocate said participation slots to those districts in which more than ten percent (10%) of the students have applied for participation in the program. Students accepted into the program shall remain in the program from year to year unless they sign a withdrawal form developed by the state department of education. If a participating student transfers from one (1) school district to another, such student shall remain enrolled in the program, the ten percent (10%) participation limitation of the student's new school district notwithstanding. The state department of education shall maintain a list of participants.

(a) If the number of students applying for participation in the "8 in 6 Program" exceeds the number of participation slots available in the school district, the school district shall establish participation preference criteria. Such criteria shall include students who have successfully completed at least one (1) online course prior to participating in the program, and may include any of the following:

(i) Grade point average;

(ii) State-mandated summative achievement test results;

(iii) Other school district administered student assessments.

(b) If a student participating in the program fails to complete with a grade of "C" or better one (1) or more summer online or online overload courses while in the program, the student must pay for and successfully complete a summer online or online overload course with a grade of "C" or better before continuing in the program.

(4) Procedures for participating in the "8 in 6 Program" include the following: The school district shall make reasonable efforts to ensure that any student who considers participating in the program considers the challenges and time necessary to succeed in the program. Such efforts by the district shall be performed prior to a student participating in the program.

(5) Eligible courses. To qualify as an eligible course for the program, the course must be offered by a provider accredited by the organization that accredits Idaho high schools or an organization whose accreditation of providers is recognized by the organization that accredits Idaho high schools. Dual credit, advanced placement and concurrent enrollment courses are not eligible under this program.

(6) The state board of education is hereby authorized to promulgate rules to implement the provisions of this section.

(7) Definitions:

(a) "8 in 6 Program" means the two (2) years of junior high, the four (4) years of high school and the first two (2) years of college or professional-technical preparation that normally take eight (8) years to complete are compressed into six (6) years by taking full course loads during the school year and one (1) or two (2) online courses during the summer or as online overload courses.

(b) "Full course load" means no fewer than fourteen (14) credits per school year.

(c) "Overload course" means a course taken that is in excess of or more than the number of courses taken in the normal school day as a normal school day is defined for fractional average daily attendance purposes by the state department of education.

(d) "Parent" means parent or parents or guardian or guardians.

(e) "School district" means an Idaho school district or a public charter school that provides education to any grades 7-12.

(f) "School year" means the normal school year that begins upon the conclusion of the break between grades and ends upon the beginning of the same break of the following year.".

CORRECTION TO TITLE

On page 1, delete lines 2 through 8, and insert:

"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 SUMMER ONLINE AND ONLINE OVERLOAD 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.".

SENATE AMENDMENT TO S 1348

AMENDMENT TO THE BILL

On page 1 of the printed bill, delete lines 11 through 40; and delete pages 2, 3 and 4, and insert:

"SECTION 1. That Section 39-4509, Idaho Code, be, and the same is hereby amended to read as follows:

39-4509. STATEMENT OF POLICY – DEFINITION. For purposes of sections 39-4509 through 39-4515, Idaho Code:

(1) The legislature recognizes the established common law and the fundamental right of adult persons to control the decisions relating to the rendering of their medical care, including the decision to have life-sustaining procedures withheld or withdrawn. The legislature further finds that modern medical technology has made possible the artificial prolongation of human life beyond natural limits. The legislature further finds that patients are sometimes unable to express their desire to withhold or withdraw such artificial life prolongation procedures which provide nothing medically necessary or beneficial to the patient because of the patient's inability to communicate with the physician.

(2) In recognition of the dignity and privacy which patients have a right to expect, the legislature hereby declares that the laws of this state shall recognize the right of a competent person to have his or her wishes for medical treatment and for the withdrawal of artificial life-sustaining procedures carried out even though that person is no longer able to communicate with the physician.

(3) It is the intent of the legislature to establish an effective means for such communication. It is not the intent of the legislature that the procedures described in sections 39-4509

through 39-4515, Idaho Code, are the only effective means of such communication, and nothing in sections 39-4509 through 39-4515, Idaho Code, shall impair or supersede any legal right or legal responsibility which a person may have to effect the withholding or withdrawal of life-sustaining procedures in any lawful manner, provided that this sentence shall not be construed to authorize any violation of section 39-4514(3), Idaho Code. Any authentic expression of a person's wishes with respect to health care should be honored.

(4) "Competent person" means any emancipated minor or person eighteen (18) or more years of age who is of sound mind.

SECTION 2. That Section 39-4513, Idaho Code, be, and the same is hereby amended to read as follows:

39-4513. IMMUNITY. (1) No emergency medical services personnel, health care provider, facility, or individual employed by, acting as the agent of, or under contract with any such health care provider or facility shall be civilly or criminally liable or subject to discipline for unprofessional conduct for acts or omissions carried out or performed in good faith pursuant to the directives in a facially valid POST form or living will or by the holder of a facially valid durable power of attorney or directive for health care.

(2) Any physician or other health care provider who for ethical or professional reasons is incapable or unwilling to conform to the desires of the ~~patient~~ person who may give consent to care for the patient under section 39-4504, Idaho Code, as expressed by the procedures set forth in this chapter may, subject to the requirements of section 39-4514(3), Idaho Code, withdraw without incurring any civil or criminal liability provided the physician or other health care provider, before withdrawal of his or her participation, makes a good faith effort to assist the patient in obtaining the services of another physician or other health care provider who is willing to provide care for the patient in accordance with the patient's expressed or documented wishes.

(3) No person who exercises the responsibilities of a durable power of attorney for health care in good faith shall be subject to civil or criminal liability as a result.

(4) Neither the registration of a health care directive in the health care directive registry under section 39-4515, Idaho Code, nor the revocation of such a directive requires a health care provider to request information from that registry. The decision of a health care provider to request or not to request a health care directive document from the registry shall be immune from civil or criminal liability. A health care provider who in good faith acts in reliance on a facially valid health care directive received from the health care directive registry shall be immune from civil or criminal liability for those acts done in such reliance.

(5) Health care providers and emergency medical services personnel may disregard the POST form or a POST identification device:

(a) If they believe in good faith that the order has been revoked; or

(b) To avoid oral or physical confrontation; or

(c) If ordered to do so by the attending physician.

SECTION 3. That Section 39-4514, Idaho Code, be, and the same is hereby amended to read as follows:

39-4514. GENERAL PROVISIONS. (1) Application. Except as specifically provided herein, t~~T~~his chapter shall have no effect or be in any manner construed to apply to persons not executing a living will and durable power of attorney for health care or POST form pursuant to this chapter nor shall it in any manner affect the rights of any such persons or of others acting for or on behalf of such persons to give or refuse to give consent or withhold consent for any medical care, neither shall this chapter be construed to affect chapter 3 or chapter 4, title 66, Idaho Code, in any manner.

(2) Euthanasia, mercy killing, or assisted suicide. This chapter does not make legal, and in no way condones, euthanasia, mercy killing, or assisted suicide or permit an affirmative or deliberate act or omission to end life, other than to allow the natural process of dying.

(3) Withdrawal of care. Assisted feeding or artificial nutrition and hydration may not be withdrawn or denied if its provision is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient's health care directive under section 39-4510, Idaho Code, or by a patient's surrogate decision maker in accordance with section 39-4504, Idaho Code. Health care other than assisted feeding or artificial nutrition and hydration may not be withdrawn or denied if its provision is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient's health care directive under section 39-4510, Idaho Code, or by a patient's surrogated decision maker in accordance with section 39-4504, Idaho Code, unless such care would be futile care as defined in subsection (6) of this section. Except as specifically provided in chapters 3 and 4, title 66, Idaho Code, health care, assisted feeding or artificial nutrition and hydration, the denial of which is directed by a competent patient in accordance with section 39-4503, Idaho Code, by a patient's health care directive under section 39-4510, Idaho Code, or by a patient's surrogate decision maker in accordance with section 39-4504, Idaho Code, shall be withdrawn and denied in accordance with a valid directive. This subsection does not require provision of treatment to a patient if it would require denial of the same or similar treatment to another patient.

(~~3~~4) Comfort care. Individuals caring for a patient for whom artificial life-sustaining procedures or artificially administered nutrition and hydration are withheld or withdrawn shall provide comfort care as defined in section 39-4502, Idaho Code.

(4~~5~~) Presumed consent to resuscitation. There is a presumption in favor of consent to cardiopulmonary resuscitation (CPR) unless:

(a) A completed living will for that person is in effect, pursuant to section 39-4510, Idaho Code, and the person is in a terminal condition or persistent vegetative state; or

(b) A completed durable power of attorney for health care for that person is in effect, pursuant to section 39-4510, Idaho Code, in which the person has indicated that he or she does not wish to receive cardiopulmonary resuscitation, or his or her representative has determined that the person would not wish to receive cardiopulmonary resuscitation; or

(c) The patient has a completed physician orders for scope of treatment (POST) form indicating otherwise and/or proper POST identification pursuant to section 39-4502(13), Idaho Code.

(~~5~~6) Futile care. Nothing in this chapter shall be construed to require medical treatment that is medically inappropriate or futile; provided that this subsection does not authorize any violation of subsection (3) of this section. Futile care does not include comfort care. Futile care is a course of treatment:

(a) For a patient with a terminal condition, for whom, in reasonable medical judgment, death is imminent within hours or at most a few days whether or not the medical treatment is provided and that in reasonable medical judgment will not improve the patient's condition; or

(b) The denial of which in reasonable medical judgment will not result in or hasten the patient's death.

(~~6~~7) Existing directives and directives from other states. A health care directive executed prior to July 1, 2007, but which was in the living will, durable power of attorney for health care, DNR, or POST form pursuant to prior Idaho law at the time of execution, or in another form that contained the elements set forth in this chapter at the time of execution, shall be deemed to be in compliance with this chapter. Health care directives or similar documents executed in another state that substantially comply with this chapter shall be deemed to be in compliance with this chapter.

(~~7~~8) Insurance.

(a) The making of a living will and/or durable power of attorney for health care or physician orders for scope of treatment (POST) form pursuant to this chapter shall not restrict, inhibit or impair in any manner the sale, procurement or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of artificial life-sustaining procedures from an insured patient, notwithstanding any term of the policy to the contrary.

(b) No physician, health care facility or other health care provider and no health care service plan, insurer issuing disability insurance, self-insured employee plan, welfare benefit plan or nonprofit hospital service plan shall require any person to execute a living will and durable power of attorney for health care or physician orders for scope of treatment (POST) form as a condition for being insured for, or receiving, health care services.

(~~8~~9) Portability and copies.

(a) A completed physician orders for scope of treatment (POST) form signed by a physician shall be transferred with the patient to, and be effective in, all care settings including, but not limited to, home care, ambulance or other transport, hospital, residential care facility, and hospice care. The POST form shall remain in effect until such time as there is a valid revocation pursuant to section 39-4511, Idaho Code, or new orders are issued by a physician.

(b) A photostatic, facsimile or electronic copy of a valid physician orders for scope of treatment (POST) form may be treated as an original by a health care provider or by an institution receiving or treating a patient.

(~~9~~10) Registration. A directive or the revocation of a directive meeting the requirements of this chapter may be registered with the secretary of state pursuant to section 39-4515, Idaho Code. Failure to register the health care directive shall not affect the validity of the health care directive.

(1~~0~~1) Rulemaking authority.

(a) The department of health and welfare shall adopt those rules and protocols necessary to administer the provisions of this chapter.

(b) In the adoption of a physician orders for scope of treatment (POST) or DNR protocol, the department shall adopt standardized POST identification to be used statewide.".

CORRECTION TO TITLE

On page 1, delete lines 2 through 9, and insert:

"RELATING TO THE MEDICAL CONSENT AND NATURAL DEATH ACT; AMENDING SECTION 39-4509, IDAHO CODE, TO REVISE LEGISLATIVE INTENT; AMENDING SECTION 39-4513, IDAHO CODE, TO REVISE PROVISIONS RELATING TO HEALTH CARE PROVIDERS UNWILLING TO CONFORM TO THE DESIRES OF PATIENTS AND THOSE AUTHORIZED TO CONSENT FOR THEM; AND AMENDING SECTION 39-4514, IDAHO CODE, TO PREVENT THE DISCRIMINATORY DENIAL OF CERTAIN HEALTH CARE INCLUDING ASSISTED FEEDING OR ARTIFICIAL NUTRITION AND HYDRATION UPON CERTAIN CIRCUMSTANCES.".

The Committee also has **S 1380** and **S 1282** under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

S 1348, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 426, as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SCR 133
BY STATE AFFAIRS COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND HONORING SEVEN IDAHO SERVICEMEN WHO FOUGHT AND LOST THEIR LIVES IN IRAQ AND AFGHANISTAN WITHIN THE PAST YEAR.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, American service members, many of them Idahoans, or their family members have served their country honorably and at great personal sacrifice in the wars in Iraq and Afghanistan; and

WHEREAS, seven persons with Idaho ties paid the ultimate sacrifice within the past year; and

WHEREAS, U.S. Army Private First Class Robert Near was killed in action in Kandahar, Afghanistan, on January 7, 2011, and has ties to the Nampa area. Those who knew Robert Near from his grandmother to his Army commanders remember him as happy. His grandmother said of him that you could not make him mad and that "never in his life did he sass me." Robert and his father lived with his grandmother who would play video games with him and Robert would pull weeds for her in her yard. His father said Robert grew up with a healthy curiosity, a penchant for chess and a positive attitude. Robert moved to Nampa and studied computer programming and repair at the Centennial Job Corps. Robert is survived by his grandmother, father, a brother and three sisters; and

WHEREAS, U.S. Army Sergeant Nathan Beyers of Coeur d'Alene was killed in action on July 7, 2011, in Baghdad, Iraq. Nathan had been an Idaho resident for a number of years and his wife Vanessa Beyers and daughter, born November 11, 2010, live in the Coeur d'Alene area. An avid hunter, fisherman, camper and golfer, Nathan is most remembered as a dedicated family man. Recalling his visit home on leave a few months after the birth of their daughter, Vanessa said, "Nathan was proud of his job and of serving our country. He died doing something he loved and was such a brave person"; and

WHEREAS, U.S. Army Specialist Nicholas Newby of Coeur d'Alene was killed in action on July 7, 2011, in Baghdad, Iraq. Nicholas could play a variety of musical instruments, including guitar, bass guitar, saxophone and drums. He was intellectually curious and an avid reader. While in Iraq Nick was completing college courses via the Internet. His parents said Nick would do anything for anybody who needed his help. He would stick by his friends and never gave up on anybody. He also enjoyed his truck and loved thrashing it and then fixing it. He had a great sense of humor ever since he was a kid. Once he saw his pregnant mother drinking orange juice and said, "Mom, you're getting orange juice all over the baby." Nick loved his family and everybody loved him. He is survived by his mother, father, stepmother, stepfather and two brothers; and

WHEREAS, U.S. Army Sergeant Devin Daniels of Council was killed in action on August 25, 2011, in Helmand Province, Afghanistan. Devin was raised in Council and graduated from Eagle High School. Devin was a new father and was able to be home on leave for the birth of his daughter in January of 2011. Devin also loved hunting in Idaho with his dad, and loved the outdoors in general. He told his mom, "You can take the boy out of Idaho, but you can never take Idaho out of the boy." Devin and his mother live by the motto "Winners never quit, and quitters never win." Devin is survived by his wife and daughter, his parents, grandparents, great-great grandmother, two brothers and a sister; and

WHEREAS, U.S. Army Specialist Robert Dyas of Nampa was killed in action on September 21, 2011, in Kandahar, Afghanistan. Robert loved the great outdoors, especially hunting and fishing. Robert said that he drew daily on the hunting instincts taught to him by his stepfather. Robert was reared and educated in Nampa where he blossomed into an outstanding young man. Robert attended elementary school through high school in Nampa, where he played baseball, starting with T-ball, on up through Skyview High School. He also played golf in high school where Nampa mayor Tom Dale was his mentor. Robert earned his GED and took night classes to become an electrician, and by day was an apprentice working for an electrical contractor. Robert had a sense of humor unlike any other. No matter who he was around, he could make you cry from laughing. He loved classic hot-rod cars and had just purchased a 1966 Pontiac LeMans on eBay. He dreamed of owning a small farm, starting a family with his fiancee and driving his Pontiac. Robert is survived by his father and mother, stepfather, grandfather, four sisters, a brother and his fiancee; and

WHEREAS, U.S. Army Sergeant Ryan Sharp of Idaho Falls was injured in Pa'in Kelay, Afghanistan, and passed on December 3, 2011, at Landstuhl Regional Medical Center in Landstuhl, Germany. Ryan was a graduate of Skyline High School in Idaho Falls. He enjoyed baseball, welding and spending time outdoors. Ryan will be remembered for his compassion, his kind heart and his love for his country. After enlisting in the U.S. Army in October 2002, Ryan proudly served his country on three tours of duty, one in Iraq, and he was serving his second tour in Afghanistan in support of Operation Enduring Freedom. His sister Michelle said, "Ryan was proud to be a soldier. He did it with exactness. He did his job with integrity." Ryan is survived by two daughters, a stepdaughter, his mother and father, two brothers, two sisters and paternal grandparents; and

WHEREAS, U.S. Marine Corps Lance Corporal Kenneth Cochran of Wilder was killed in action on January 15, 2012, in Helmand Province, Afghanistan. Kenneth was a graduate of Parma High School. While in school he was very active in the COSSA auto program, winning numerous awards. While in school, Kenneth won first place in the district's Patriot's Pen Contest. He placed second in the Veterans of Foreign Wars Regional Competition. Kenneth was outgoing and enthusiastic – a genuinely nice young man, who didn't know a stranger. He was well-liked and admired by fellow students and his coworkers in the Marine Corps. He was always the first to work and the last to leave. Kenneth lived each day to the best of his ability, sharing his advanced skill set to benefit friends and coworkers. While in Afghanistan he was fortunate to have served some of his tour in a camp close to his older sister, Joyce, who is also serving in the theatre. He is survived by his father and mother who were both officers in the United States military, and his brother and two sisters.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the Senate and the House of Representatives concurring therein, that we honor and memorialize Private First Class Robert J. Near, Sergeant Nathan R. Beyers, Specialist Nicholas W. Newby, Sergeant Devin J. Daniels, Specialist Robert E. Dyas, Sergeant Ryan David Sharp and Lance Corporal Kenneth E. Cochran for their unselfish service to our country, fighting for our freedoms, and recognize, honor and memorialize their ultimate sacrifice.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized to send a copy of this Concurrent Resolution to the immediate families of the servicemen mentioned above.

SCR 133 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1384 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared **S 1384** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **H 512**, as amended, retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12:05 p.m. until the hour of 4:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair; and Senators Fulcher, Goedde, LeFavour, Lodge, Malepeai, Mortimer, Pearce, and Toryanski, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 14, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1348** and **H 426** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 14, 2012

The JUDICIARY AND RULES Committee reports that **S 1348**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

S 1348, as amended, was filed for first reading.

March 14, 2012

The STATE AFFAIRS Committee reports out **H 491**, as amended, and **S 1387** with the recommendation that they do pass.

MCKENZIE, Chairman

H 491, as amended, and **S 1387** were filed for second reading.

March 14, 2012

The FINANCE Committee reports out **S 1388**, **S 1389**, **S 1391**, and **S 1392** with the recommendation that they do pass.

CAMERON, Chairman

S 1388, **S 1389**, **S 1391**, and **S 1392** were filed for second reading.

March 14, 2012

The JUDICIARY AND RULES Committee reports that **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** have been correctly enrolled.

DARRINGTON, Chairman

The President signed 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 ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 14, 2012

Dear Mr. President:

I transmit herewith Enrolled **HCR 39** and **HCR 48** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **HCR 39** and **HCR 48** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senators Fulcher, Goedde, LeFavour, and Lodge were recorded present at this order of business.

S 1395
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO THE BOARD OF DIRECTORS OF THE STATE INSURANCE FUND; AMENDING SECTION 72-901, IDAHO CODE, TO REVISE BOARD MEMBER COMPENSATION.

S 1396
BY FINANCE COMMITTEE
AN ACT
RELATING TO APPROPRIATIONS TO THE DEPARTMENT OF JUVENILE CORRECTIONS; AMENDING SECTION 2, CHAPTER 297, LAWS OF 2011, TO SHIFT MONEYS BETWEEN EXPENSE CLASSES; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXEMPTING APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND DECLARING AN EMERGENCY.

S 1397
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2013; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS.

S 1398
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1399
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE DIVISION OF PUBLIC WORKS FOR FISCAL YEAR 2013; AUTHORIZING AND DIRECTING THE ALLOCATION OF FUNDS FOR THE VARIOUS PROJECTS SPECIFIED; PROVIDING LEGISLATIVE INTENT RELATING TO UTILIZATION OF MATCHING FUNDS; EXEMPTING THE APPROPRIATION FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; AUTHORIZING THE USE OF TAX ANTICIPATION NOTES; AND PROVIDING LEGISLATIVE INTENT RELATING TO THE REALLOCATION OF PROJECT SAVINGS.

S 1400
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2013; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

S 1395, **S 1396**, **S 1397**, **S 1398**, **S 1399**, and **S 1400** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 426, as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

S 1348, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Malepeai and Mortimer were recorded present at this order of business.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 450**, 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 450**, as amended in the Senate, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, Pearce, Toryanski. Total - 3.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

Senator Toryanski was recorded present at this order of business.

H 450, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–Schmidt. Total - 1.

Absent and excused–Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared **H 450**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Senator Pearce was recorded present at this order of business.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of **S 1357**, 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 1357**, as amended, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1357, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway,

Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared S 1357, as amended, passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of S 1362, 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 1362, as amended, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1362, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Cameron, Darrington, Davis, Hammond, Heider, Hill, LeFavour, Lodge, McKenzie, Schmidt, Smyser, Tippets, Toryanski. Total - 13.

NAYS–Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Fulcher, Goedde, Johnson, Keough, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Stennett, Vick, Werk, Winder. Total - 21.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared that S 1362, as amended, had failed to pass the Senate and ordered the bill filed in Office of the Secretary of Senate.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Fulcher, that all rules of the Senate interfering with the immediate passage of S 1295, 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 1295, as amended, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1295, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, Mortimer, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 28.

NAYS–Fulcher, McKague, McKenzie, Nuxoll, Pearce, Vick. Total - 6.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared S 1295, as amended, passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Third Reading Calendar was reordered placing **H 595** at the head of the calendar, followed by Senate bills, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:45 p.m. until the hour of 9 a.m., Thursday, March 15, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-SEVENTH LEGISLATIVE DAY
THURSDAY, MARCH 15, 2012

Senate Chamber

President Little called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Andreason and Keough, absent and formally excused by the Chair; and Senators LeFavour, Malepeai, McKague, Pearce, and Stennett, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Kyle Son, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 14, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators LeFavour, McKague, Stennett, Malepeai, and Pearce were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 15, 2012

The JUDICIARY AND RULES Committee reports that **S 1393**, **S 1394**, **S 1395**, **S 1396**, **S 1397**, **S 1398**, **S 1399**, **S 1400**, and **SCR 133** have been correctly printed.

DARRINGTON, Chairman

S 1393, **S 1394**, **S 1396**, **S 1397**, **S 1398**, **S 1399**, and **S 1400** were referred to the Finance Committee.

S 1395 was referred to the Commerce and Human Resources Committee.

SCR 133 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 14, 2012

The JUDICIARY AND RULES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Gary Scheihing to the Commission on Pardons and Parole, term to expire January 1, 2015.

DARRINGTON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 14, 2012

The JUDICIARY AND RULES Committee reports out **H 376**, **H 514**, and **H 570** with the recommendation that they do pass.

DARRINGTON, Chairman

H 376, **H 514**, and **H 570** were filed for second reading.

March 14, 2012

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Curt Fransen as the Director of the Department of Environmental Quality, term to continue at the pleasure of the Governor.

LODGE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 14, 2012

The HEALTH AND WELFARE Committee reports out **H 439**, as amended, with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

LODGE, Chairman

There being no objection, **H 439**, as amended, was referred to the Fourteenth Order of Business, General Calendar.

March 14, 2012

The HEALTH AND WELFARE Committee reports out **H 502**, as amended, **H 569**, and **H 609** with the recommendation that they do pass.

LODGE, Chairman

H 502, as amended, **H 569**, and **H 609** were filed for second reading.

March 14, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 519** with the recommendation that it do pass.

CORDER, Chairman

H 519 was filed for second reading.

March 14, 2012

The EDUCATION Committee reports out H 603 and H 626 with the recommendation that they do pass.

GOEDDE, Chairman

H 603 and H 626 were filed for second reading.

March 14, 2012

The EDUCATION Committee reports out H 564, as amended, with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

GOEDDE, Chairman

There being no objection, H 564, as amended, was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 14, 2012

Dear Mr. President:

I transmit herewith H 653, H 654, H 655, H 613, H 650, H 515, as amended, and H 584, as amended, which have passed the House.

ALEXANDER, Chief Clerk

H 653, H 654, H 655, H 613, H 650, H 515, as amended, and H 584, as amended, were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that SCR 131 was before the Senate for final consideration.

Moved by Senator Lodge, seconded by Senator Stennett, that SCR 131 be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Johnson, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 29.

NAYS–None.

Absent and excused–Andreason, Hammond, Hill, Keough, Pearce, Vick. Total - 6.

Total - 35.

Whereupon the President declared SCR 131 adopted, title was approved, and the resolution ordered transmitted to the House.

The President announced that SCR 132 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Darrington, seconded by Senator Stennett, SCR 132 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator Keough was recorded present at this order of business.

H 653, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 654 and H 655, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 613, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 650, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Agricultural Affairs Committee.

H 515, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 584, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 549 and H 550, by State Affairs Committee, were read the second time at length and filed for third reading.

H 590 and H 604, by Education Committee, were read the second time at length and filed for third reading.

H 582, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 491, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1387, by State Affairs Committee, was read the second time at length and filed for third reading.

S 1388, S 1389, S 1391, and S 1392, by Finance Committee, were read the second time at length and filed for third reading.

H 426, as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

S 1348, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out S 1380, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1380

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 31, following "expire" insert: "twenty-one (21) days after notification to the court, and to all persons entitled to notice in the action, of the deployed servicemember's completion of deployment, provided however, that the court may conduct an expedited or emergency hearing for resolution of the child's custody within twenty-one (21) days of the filing of a motion filed prior to the expiration of the order, alleging an immediate danger of irreparable harm to the child if the order expires, and provided further, that if a motion is so filed, the temporary order shall be extended until the court rules on the motion".

CORRECTION TO TITLE

On page 1, in line 9, following "ORDER," insert: "TO PROVIDE FOR EXPEDITED AND EMERGENCY HEARINGS, TO PROVIDE FOR EXTENSIONS OF TEMPORARY ORDERS,".

The Committee also has S 1282 under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

S 1380, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, S 1339, as amended, retained its place on the Third Reading Calendar for one legislative day.

H 595 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Werk, Winder. Total - 30.

NAYS–Pearce, Toryanski, Vick. Total - 3.

Absent and excused–Andreason, Hill. Total - 2.

Total - 35.

Whereupon the President declared H 595 passed, title was approved, and the bill ordered returned to the House.

S 1358, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, Rice, Schmidt, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 25.

NAYS–Bair, Fulcher, McKenzie, Mortimer, Nuxoll, Pearce, Siddoway, Vick. Total - 8.

Absent and excused–Andreason, McKague. Total - 2.

Total - 35.

Whereupon the President declared S 1358, as amended, passed, title was approved, and the bill ordered transmitted to the House.

H 497, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared H 497, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 457, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared H 457, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 511, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared H 511, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 512, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Siddoway disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared H 512, as amended, passed, title was approved, and the bill ordered returned to the House.

H 481 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Brackett, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 22.

NAYS–Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Keough, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 12.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared H 481 passed, title was approved, and the bill ordered returned to the House.

H 556 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Andreason. Total - 1.

Total - 35.

Whereupon the President declared H 556 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12 noon until the hour of 2 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 2 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair; and President Pro Tempore Hill and Senators Brackett, Fulcher, Hammond, Keough, LeFavour, Lodge, Pearce, and Werk, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 15, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to S 1380 have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 15, 2012

The JUDICIARY AND RULES Committee reports that S 1380, as amended, has been correctly engrossed.

DARRINGTON, Chairman

S 1380, as amended, was filed for first reading.

March 15, 2012

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

William H. Goesling to the State Board of Education, term to expire March 1, 2016.

GOEDDE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

Senators Brackett and Werk were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 15, 2012

Dear Mr. President:

I transmit herewith Enrolled **H 540**, as amended, **H 459**, **H 461**, **H 525**, **H 543**, and **H 403** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 540**, as amended, **H 459**, **H 461**, **H 525**, **H 543**, and **H 403** and ordered them returned to the House.

March 15, 2012

Dear Mr. President:

I return herewith Enrolled **S 1232**, **S 1253**, **S 1265**, **S 1266**, **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**, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1232**, **S 1253**, **S 1265**, **S 1266**, **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** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Senators Keough and Lodge were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1380, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

On motion by Senator Davis, seconded by Senator Stennett, by voice vote, the Senate recessed at 2:15 p.m. until the hour of 4:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair; and Senators Fulcher, LeFavour, Pearce and Siddoway, absent and excused.

Prior to recess the Senate was at the Twelfth Order of Business, Second Reading of Bills.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Fulcher and Siddoway were recorded present at this order of business.

H 513 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, LeFavour, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **H 513** passed, title was approved, and the bill ordered returned to the House.

H 615 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Andreason, LeFavour, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **H 615** passed, title was approved, and the bill ordered returned to the House.

Senator LeFavour was recorded present at this order of business.

H 616 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Toryanski, Werk. Total - 29.

NAYS–Tippets, Vick, Winder. Total - 3.

Absent and excused–Andreason, Goedde, Pearce. Total - 3.

Total - 35.

Whereupon the President declared H 616 passed, title was approved, and the bill ordered returned to the House.

H 617 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 617 passed, title was approved, and the bill ordered returned to the House.

H 618 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 618 passed, title was approved, and the bill ordered returned to the House.

H 516 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 516 passed, title was approved, and the bill ordered returned to the House.

H 396 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 396 passed, title was approved, and the bill ordered returned to the House.

H 397 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 397 passed, title was approved, and the bill ordered returned to the House.

H 399 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 399 passed, title was approved, and the bill ordered returned to the House.

H 400 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 400 passed, title was approved, and the bill ordered returned to the House.

H 401 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 401 passed, title was approved, and the bill ordered returned to the House.

H 621 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 621 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, H 598 was placed before the Senate for consideration at this time.

H 598 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 598 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

Senator Pearce was recorded present at this order of business.

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:30 p.m. until the hour of 10 a.m., Friday, March 16, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SIXTY-EIGHTH LEGISLATIVE DAY
FRIDAY, MARCH 16, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Andreason and Werk, absent and formally excused by the Chair; and Senators Brackett, Hammond, Lodge, and Vick, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Janae Godfrey, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 15, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Brackett, Hammond, Vick, and Lodge were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 15, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out S 1390 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

ANDREASON, Chairman

There being no objection, S 1390 was referred to the Fourteenth Order of Business, General Calendar.

March 15, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out H 607 and H 645 with the recommendation that they do pass.

ANDREASON, Chairman

H 607 and H 645 were filed for second reading.

March 15, 2012

The JUDICIARY AND RULES Committee reports that Enrolled S 1214, S 1215, as amended, S 1225, S 1226, S 1227, S 1228, S 1232, S 1236, S 1253, S 1259, S 1265, S 1266, S 1268, S 1272, S 1277, as amended, S 1278, S 1292, S 1301, S 1308, S 1312, and S 1324 were delivered to the Office of the Governor at 3:42 p.m., March 15, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 15, 2012

The HEALTH AND WELFARE Committee reports out H 487 and H 632 with the recommendation that they do pass.

LODGE, Chairman

H 487 and H 632 were filed for second reading.

March 15, 2012

The STATE AFFAIRS Committee reports out S 1372 with the recommendation that it be referred to the Transportation Committee.

MCKENZIE, Chairman

There being no objection, S 1372 was referred to the Transportation Committee.

March 15, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 593 with the recommendation that it do pass.

CORDER, Chairman

H 593 was filed for second reading.

March 15, 2012

The EDUCATION Committee reports out H 633 with the recommendation that it do pass.

GOEDDE, Chairman

H 633 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 15, 2012

Dear Mr. President:

I transmit herewith H 551, H 542, as amended, H 631, as amended, and H 619, as amended, which have passed the House.

ALEXANDER, Chief Clerk

H 551, H 542, as amended, H 631, as amended, and H 619, as amended, were filed for first reading.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President Pro Tempore announced that SCR 133 was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Stennett, that SCR 133 be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared SCR 133 adopted, title was approved, and the resolution ordered transmitted to the House.

The President Pro Tempore announced that the Judiciary and Rules Committee report relative to the Gubernatorial appointment of Gary Scheihing was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Darrington, seconded by Senator Stennett, the Gubernatorial appointment of Gary Scheihing as a member of the Commission on Pardons and Parole was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Curt Fransen was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Bock, seconded by Senator Malepeai, the Gubernatorial appointment of Curt Fransen as the Director of the Department of Environmental Quality was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President Pro Tempore announced that the Education Committee report relative to the Gubernatorial appointment of William H. Goesling was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Goedde, seconded by Senator Schmidt, the Gubernatorial appointment of William H. Goesling as a member of the State Board of Education was confirmed by voice vote.

The President Pro Tempore declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1401
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2013; EXEMPTING APPROPRIATION OBJECT AND PROGRAM TRANSFER LIMITATIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL DIRECT THE STATE CONTROLLER TO LIMIT THE FUNDS TRANSFER TO THE LEGISLATIVE FUND FOR FISCAL YEAR 2013; CREATING AND APPROPRIATING THE LEGISLATIVE CAPITOL FACILITIES FUND; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1402
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1403
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1401, S 1402, and S 1403 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 551, by State Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 542, as amended, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 631, as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 619, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 376, by Business Committee, was read the second time at length and filed for third reading.

H 514, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

H 570, by State Affairs Committee, was read the second time at length and filed for third reading.

H 502, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 569 and H 609, by State Affairs Committee, were read the second time at length and filed for third reading.

H 519, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 603 and H 626, by Education Committee, were read the second time at length and filed for third reading.

S 1380, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, S 1339, as amended, and S 1387 retained their place on the Third Reading Calendar for one legislative day.

On request by Senator Davis, granted by unanimous consent, S 1348, as amended, and H 426, as amended in the Senate, retained their place on the Third Reading Calendar for one legislative day.

S 1388 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1388 passed, title was approved, and the bill ordered transmitted to the House.

S 1389 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1389 passed, title was approved, and the bill ordered transmitted to the House.

S 1391 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1391 passed, title was approved, and the bill ordered transmitted to the House.

S 1392 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1392 passed, title was approved, and the bill ordered transmitted to the House.

H 622 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared H 622 passed, title was approved, and the bill ordered returned to the House.

H 579 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared H 579 passed, title was approved, and the bill ordered returned to the House.

H 541 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared H 541 passed, title was approved, and the bill ordered returned to the House.

H 420 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Werk. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared H 420 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:05 p.m. until the hour of 9:30 a.m., Monday, March 19, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-FIRST LEGISLATIVE DAY
MONDAY, MARCH 19, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senators Broadsword, LeFavour, Lodge, Pearce, and Werk, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Sarah Webster, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 16, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 19, 2012

The JUDICIARY AND RULES Committee reports that **S 1401**, **S 1402**, and **S 1403** have been correctly printed.

DARRINGTON, Chairman

S 1401, **S 1402**, and **S 1403** were referred to the Finance Committee.

Senators Werk and Lodge were recorded present at this order of business.

March 16, 2012

The FINANCE Committee reports out **H 654**, **H 655**, **S 1393**, **S 1394**, **S 1396**, **S 1397**, **S 1398**, **S 1399**, and **S 1400** with the recommendation that they do pass.

CAMERON, Chairman

H 654, **H 655**, **S 1393**, **S 1394**, **S 1396**, **S 1397**, **S 1398**, **S 1399**, and **S 1400** were filed for second reading.

March 16, 2012

The STATE AFFAIRS Committee reports out **H 368**, as amended, **H 452**, **H 518**, **H 536**, **H 553**, and **H 576** with the recommendation that they do pass.

MCKENZIE, Chairman

H 368, as amended, **H 452**, **H 518**, **H 536**, **H 553**, and **H 576** were filed for second reading.

March 16, 2012

The RESOURCES AND ENVIRONMENT Committee reports out **H 494** and **H 608** with the recommendation that they do pass.

PEARCE, Chairman

H 494 and **H 608** were filed for second reading.

The Senate advanced to the Seventh Order of Business.

Reports of Special Committees

March 16, 2012

Jennifer Novak
Secretary of the Senate
Idaho State Senate

Dear Madam Secretary:

At the request of Senators Malepeai, Bock and Stennett, I have appointed a Committee on Ethics, pursuant to Senate Rule 53, to investigate alleged violation of Senate Rules and/or provisions of law against Senator Monty Pearce. The following Senators will serve on this committee:

Senator Dean Mortimer, Chairman

Senator Jim Hammond

Senator Bert Brackett

Senator Elliott Werk

Senator Diane Bilyeu

Senator Dan Schmidt

Please spread the appointment of this committee on the pages of the Journal.

Sincerely,
/s/ Brent Hill
President Pro Tempore

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 16, 2012

Dear Mr. President:

I transmit herewith **H 594**, as amended, as amended, **H 657**, **H 658**, **H 659**, **H 458**, **H 648**, **H 651**, **H 624**, **H 649**, **H 664**, **H 665**, **H 647**, and **H 661**, which have passed the House.

ALEXANDER, Chief Clerk

H 594, as amended, as amended, H 657, H 658, H 659, H 458, H 648, H 651, H 624, H 649, H 664, H 665, H 647, and H 661 were filed for first reading.

March 16, 2012

Dear Mr. President:

I transmit herewith Enrolled H 464 for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled H 464 and ordered it returned to the House.

March 16, 2012

Dear Mr. President:

I return herewith S 1350, S 1351, S 1352, S 1353, S 1354, S 1359, S 1361, and S 1367, which have passed the House.

ALEXANDER, Chief Clerk

S 1350, S 1351, S 1352, S 1353, S 1354, S 1359, S 1361, and S 1367 were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1404
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF SERVICE INTEGRATION, WELFARE, AND MEDICALLY INDIGENT ADMINISTRATION; 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 THE DIVISION OF WELFARE TO SUBMIT QUARTERLY FORECAST REPORTS; DIRECTING EXPENDITURES FOR HEAD START APPROPRIATIONS FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1405
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF MENTAL HEALTH SERVICES, PSYCHIATRIC HOSPITALIZATION, AND SUBSTANCE ABUSE TREATMENT AND PREVENTION 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; DIRECTING AN INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT; PROVIDING LEGISLATIVE INTENT FOR SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR THE STATEWIDE MEDIA CAMPAIGN ON UNDERAGE DRINKING; PROVIDING FOR COURT SERVICES FUND TRANSFERS; DIRECTING AN INTERAGENCY REQUEST FOR PROPOSALS FOR A NEW SUBSTANCE ABUSE TREATMENT AND PREVENTION NETWORK MANAGEMENT AND SERVICE COORDINATION CONTRACT; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1406
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE INFORMATION TECHNOLOGY PROGRAM FOR FISCAL YEAR 2012; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE INSURANCE MANAGEMENT PROGRAM FOR FISCAL YEAR 2012; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; TRANSFERRING MONEYS FROM THE PERMANENT BUILDING FUND; AND DECLARING AN EMERGENCY.

S 1404, S 1405, and S 1406 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 594, as amended, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 657, H 658, H 659, H 664, and H 665, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 458, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 648 and H 651, by Ways and Means Committee, were introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 624 and H 649, by Ways and Means Committee, were introduced, read the first time at length, and referred to the Commerce and Human Resources Committee.

H 647 and H 661, by Ways and Means Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

Senator LeFavour was recorded present at this order of business.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 607 and H 645, by State Affairs Committee, were read the second time at length and filed for third reading.

H 487, by Health and Welfare Committee, was read the second time at length and filed for third reading.

H 632, by Ways and Means Committee, was read the second time at length and filed for third reading.

H 593, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 633, by Education Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out H 439, as amended, without recommendation, amended as follows:

SENATE AMENDMENT TO H 439, As Amended
AMENDMENT TO SECTION 1
On page 3 of the engrossed bill, in line 3, following "who" insert: "intentionally shares or recklessly".

The Committee also has S 1282, H 564, as amended, and S 1390 under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

H 439, as amended, as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, S 1339, as amended, retained its place on the Third Reading Calendar for one legislative day.

Senators Broadsword and Pearce were recorded present at this order of business.

S 1387 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

It was moved by Senator Siddoway that he be excused from voting on S 1387, pursuant to Senate Rule 39(A).

Senator Siddoway withdrew his motion.

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Cameron, Darrington, Davis, Fulcher, Heider, Hill, Johnson, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 23.

NAYS–Bilyeu, Bock, Broadsword, Corder, Goedde, Hammond, Keough, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 12.

Total - 35.

Whereupon the President Pro Tempore declared S 1387 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 19, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to H 439, as amended, have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1407
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO THE DEPARTMENT OF COMMERCE; AMENDING SECTION 67-4702, IDAHO CODE, TO PROVIDE THAT FOR THE PURPOSES OF INTERNATIONAL TRADE, THE DIRECTOR OF THE DEPARTMENT OF COMMERCE MAY USE THE TITLE OF SECRETARY OF THE DEPARTMENT; AND DECLARING AN EMERGENCY.

S 1407 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 439, as amended, as amended in the Senate, by Health and Welfare Committee, was read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 19, 2012

The JUDICIARY AND RULES Committee reports that S 1407 has been correctly printed.

DARRINGTON, Chairman

S 1407 was referred to the State Affairs Committee.

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12:10 p.m. until the hour of 3 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 3 p.m., pursuant to recess, President Pro Tempore Hill presiding.

Roll call showed all members present except Senators Brackett, Cameron, Hammond, Heider, LeFavour, and Pearce, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 19, 2012

The STATE AFFAIRS Committee reports out S 1407, H 539, and H 635 with the recommendation that they do pass.

MCKENZIE, Chairman

S 1407, H 539, and H 635 were filed for second reading.

March 19, 2012

The JUDICIARY AND RULES Committee reports that S 1350, S 1351, S 1352, S 1353, S 1354, S 1359, S 1361, and S 1367 have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled S 1350, S 1351, S 1352, S 1353, S 1354, S 1359, S 1361, and S 1367 and ordered them transmitted to the House for the signature of the Speaker.

Senator Brackett was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Cameron, Heider, LeFavour, and Pearce were recorded present at this order of business.

S 1348, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nuxoll arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Cameron, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 24.

NAYS–Bilyeu, Bock, Broadsword, Corder, Johnson, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 10.

Absent and excused–Hammond. Total - 1.

Paired and voting included in roll call:
AYE - Bair NAY - Werk

Total - 35.

Whereupon the President Pro Tempore declared S 1348, as amended, passed, title was approved, and the bill ordered transmitted to the House.

Senator Hammond was recorded present at this order of business.

H 426, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Brackett, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS–Bock, Broadsword, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President Pro Tempore declared H 426, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 421 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Johnson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared H 421 passed, title was approved, and the bill ordered returned to the House.

H 422 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Pearce. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared H 422 passed, title was approved, and the bill ordered returned to the House.

H 523, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Cameron disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 523, as amended, passed, title was approved, and the bill ordered returned to the House.

H 503 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 503 passed, title was approved, and the bill ordered returned to the House.

H 558 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 558 passed, title was approved, and the bill ordered returned to the House.

H 490 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 490 passed, title was approved, and the bill ordered returned to the House.

H 636 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 636 passed, title was approved, and the bill ordered returned to the House.

H 638 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 638 passed, title was approved, and the bill ordered returned to the House.

H 637 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 637 passed, title was approved, and the bill ordered returned to the House.

H 641 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 641 passed, title was approved, and the bill ordered returned to the House.

H 642 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 642 passed, title was approved, and the bill ordered returned to the House.

H 643 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 643 passed, title was approved, and the bill ordered returned to the House.

President Little assumed the Chair.

H 644 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 644 passed, title was approved, and the bill ordered returned to the House.

H 448 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 448 passed, title was approved, and the bill ordered returned to the House.

H 532 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 532 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:05 p.m. until the hour of 9:30 a.m., Tuesday, March 20, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-SECOND LEGISLATIVE DAY
TUESDAY, MARCH 20, 2012

Senate Chamber

President Little called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Brackett, absent and formally excused by the Chair; and Senators Bilyeu, Bock, Hammond, Lodge, Malepeai, McKague, Mortimer, Pearce, Schmidt, Stennett and Werk, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ben Stringham, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 19, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 20, 2012

The JUDICIARY AND RULES Committee reports that S 1404, S 1405, and S 1406 have been correctly printed.

DARRINGTON, Chairman

S 1404, S 1405, and S 1406 were referred to the Finance Committee.

March 19, 2012

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Milford Terrell to the State Board of Education, term to expire March 1, 2017.

GOEDDE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 19, 2012

The FINANCE Committee reports out H 657, H 658, H 659, H 664, H 665, S 1401, S 1402, and S 1403 with the recommendation that they do pass.

CAMERON, Chairman

H 657, H 658, H 659, H 664, H 665, S 1401, S 1402, and S 1403 were filed for second reading.

Senator Lodge was recorded present at this order of business.

March 19, 2012

The STATE AFFAIRS Committee reports out H 572 and H 591 with the recommendation that they do pass.

MCKENZIE, Chairman

H 572 and H 591 were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 19, 2012

Dear Mr. President:

I transmit herewith H 559, H 414, HCR 49, and HJM 13, which have passed the House.

ALEXANDER, Chief Clerk

H 559, H 414, HCR 49, and HJM 13 were filed for first reading.

March 19, 2012

Dear Mr. President:

I transmit 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 for the signature of the President.

ALEXANDER, Chief Clerk

The President signed 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 ordered them returned to the House.

March 19, 2012

Dear Mr. President:

I return herewith SCR 133, S 1368, S 1375, S 1376, S 1377, S 1381, S 1382, S 1346, S 1384, S 1314, S 1291, S 1298, S 1299, S 1289, S 1290, S 1307, S 1332, S 1340, S 1260, S 1261, S 1262, S 1273, S 1319, S 1323, as amended, and S 1335, which have passed the House.

ALEXANDER, Chief Clerk

SCR 133, S 1368, S 1375, S 1376, S 1377, S 1381, S 1382, S 1346, S 1384, S 1314, S 1291, S 1298, S 1299, S 1289, S 1290, S 1307, S 1332, S 1340, S 1260, S 1261, S 1262, S 1273, S 1319, S 1323, as amended, and S 1335 were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senator McKague was recorded present at this order of business.

S 1408
BY FINANCE COMMITTEE
AN ACT
RELATING TO APPROPRIATIONS AND TRANSFERS OF IDAHO MILLENNIUM FUNDS; APPROPRIATING AND TRANSFERRING MONEYS FROM THE IDAHO MILLENNIUM FUND TO THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND FOR FISCAL YEAR 2012; APPROPRIATING AND TRANSFERRING MONEYS FROM THE IDAHO MILLENNIUM FUND TO THE IDAHO MILLENNIUM INCOME FUND FOR FISCAL YEAR 2012; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2012; APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR THE COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES PROGRAM FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE SUPREME COURT FOR THE COMMUNITY-BASED SUBSTANCE ABUSE TREATMENT SERVICES PROGRAM FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE AMERICAN LUNG ASSOCIATION FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE WOMEN'S HEALTH CHECK PROGRAM FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE ALLUMBAUGH HOUSE FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE BOYS AND GIRLS CLUBS OF IDAHO FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE IDAHO METH PROJECT FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE STATE TREASURER FOR DISTRIBUTION TO THE IDAHO DRUG FREE YOUTH PROGRAM FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE PUBLIC HEALTH DISTRICTS FOR THE PUBLIC HEALTH DISTRICT MILLENNIUM FUND CESSATION PROGRAM FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR TOBACCO PERMITTEE COMPLIANCE INSPECTIONS FOR FISCAL YEAR 2013; PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED MONEYS SHALL REVERT TO THE IDAHO MILLENNIUM INCOME FUND AT THE END OF FISCAL YEAR 2013; AND DECLARING AN EMERGENCY.

S 1408 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 559, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 414, by Transportation and Defense Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

HCR 49, by Education Committee, was introduced, read at length, and referred to the Transportation Committee.

HJM 13, by State Affairs Committee, was introduced, read at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 654 and **H 655**, by Appropriations Committee, were read the second time at length 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 at length and filed for third reading.

H 368, as amended, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 452, by State Affairs Committee, was read the second time at length and filed for third reading.

H 518, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 536, **H 553**, and **H 576**, by State Affairs Committee, were read the second time at length and filed for third reading.

H 494, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

H 608, by State Affairs Committee, was read the second time at length and filed for third reading.

H 439, as amended, as amended in the Senate, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1407, by State Affairs Committee, was read the second time at length and filed for third reading.

H 539, by Business Committee, was read the second time at length and filed for third reading.

H 635, by Ways and Means Committee, was read the second time at length and filed for third reading.

Senators Bilyeu, Bock, Hammond, Malepeai, Mortimer, Schmidt, Stennett, and Werk were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

March 19, 2012

Dear Mr. President:

I return herewith **S 1243**, as amended in the House, as amended in the House, and **S 1269**, as amended in the House, which have passed the House.

ALEXANDER, Chief Clerk

On request by Senator Hammond, granted by unanimous consent, S 1243, as amended in the House, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

On request by Senator Bock, granted by unanimous consent, the Senate did not concur in the House amendments to S 1269, as amended in the House.

S 1269, as amended in the House, was ordered filed in the office of the Secretary of the Senate.

Senator Brackett was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the House amendments to S 1243, as amended in the House, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to S 1243, as amended in the House, as amended in the House?"

On request by Senator Hammond, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to S 1243, as amended in the House, as amended in the House.

S 1243, as amended in the House, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, S 1339, as amended, was recommitted to the Judiciary and Rules Committee.

S 1380, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Pearce. Total - 2.

Total - 35.

Whereupon the President declared S 1380, as amended, passed, title was approved, and the bill ordered transmitted to the House.

H 522, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 522, as amended, passed, title was approved, and the bill ordered returned to the House.

H 386, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 386, as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Fulcher, granted by unanimous consent, H 588 retained its place on the Third Reading Calendar for one legislative day.

H 549 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 549 passed, title was approved, and the bill ordered returned to the House.

H 550 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 550 passed, title was approved, and the bill ordered returned to the House.

H 590 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 590 passed, title was approved, and the bill ordered returned to the House.

H 604 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 604 passed, title was approved, and the bill ordered returned to the House.

H 582 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 582 passed, title was approved, and the bill ordered returned to the House.

H 491, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 491, as amended, passed, title was approved, and the bill ordered returned to the House.

Senator Pearce was recorded present at this order of business.

H 376 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Vick arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Cameron, Darrington, Fulcher, Goedde, Hammond, Heider, Keough, Lodge, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Vick, Winder. Total - 19.

NAYS–Bilyeu, Bock, Broadsword, Corder, Davis, Hill, Johnson, LeFavour, Malepeai, McKenzie, Schmidt, Stennett, Tippets, Toryanski, Werk. Total - 15.

Absent and excused–Brackett. Total - 1.

Total - 35.

Whereupon the President declared H 376 passed, title was approved, and the bill ordered returned to the House.

H 514 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Cameron, Darrington, Davis, Hammond, Hill, Keough, Lodge, McKague, Mortimer, Vick, Winder. Total - 12.

NAYS–Andreason, Bilyeu, Bock, Broadsword, Corder, Fulcher, Goedde, Heider, Johnson, LeFavour, Malepeai, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk. Total - 22.

Absent and excused–Brackett. Total - 1.

Total - 35.

Whereupon the President declared that H 514 had failed to pass the Senate and ordered the bill returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12:15 p.m. until the hour of 3:15 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 3:15 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except President Pro Tempore Hill and Senators Fulcher, LeFavour, Mortimer, and Vick, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 20, 2012

The JUDICIARY AND RULES Committee reports that 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 have been correctly enrolled.

DARRINGTON, Chairman

The President signed 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 ordered them transmitted to the House for the signature of the Speaker.

Senators Fulcher, Mortimer, and Vick were recorded present at this order of business.

March 20, 2012

The JUDICIARY AND RULES Committee reports that S 1243, as amended in the House, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

S 1243, as amended in the House, as amended in the House, was filed for first reading.

March 20, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out H 613 and S 1395 with the recommendation that they do pass.

ANDREASON, Chairman

H 613 and S 1395 were filed for second reading.

March 20, 2012

The TRANSPORTATION Committee reports out S 1372 and H 619, as amended, with the recommendation that they do pass.

HAMMOND, Chairman

S 1372 and H 619, as amended, were filed for second reading.

March 20, 2012

The TRANSPORTATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Julie D. DeLorenzo to the Idaho Transportation Board, term to expire January 30, 2015.

HAMMOND, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

Senator LeFavour was recorded present at this order of business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out S 1390, without recommendation, amended as follows:

SENATE AMENDMENT TO S 1390

AMENDMENT TO SECTION 1

On page 2 of the printed bill, following line 9, insert:

"(g) "Group master policy" means an insurance policy that provides coverage to eligible persons on a group basis through a group insurance program.";

and in line 28, following "development" insert: "(ACORD)".

On page 3, following line 27, insert:

"(16) This section shall not apply to any certificate of insurance prepared and/or issued by an insurer pursuant to any federal law, rule or regulation, or any other law, rule or regulation of this state, in which the specific content and form of said certificate is enumerated therein, or a certificate issued to a person or entity that has purchased coverage under a group master policy.".

AMENDMENT TO SECTION 2

On page 3, in line 36, delete "or en-" and insert: ", or the en-"; delete line 37, and insert: "dorsement, or the policy expiration, whichever is shortest, with respect to which it was given~~, or beyond~~".

CORRECTION TO TITLE

On page 1, delete line 25, and insert: "IMPOSE PENALTIES OR REMEDIES, TO PROVIDE FOR RULES AND TO PROVIDE THAT THIS SECTION SHALL NOT APPLY TO CERTAIN CERTIFICATES; AMENDING SECTION".

The Committee also has **S 1282** and **H 564**, as amended, under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

S 1390, as amended, was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

Third Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Cameron, Hill. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

Call of the Senate was requested by Senator Darrington. Senators Davis, Winder and Fulcher rose in support of the call.

Whereupon the President ordered the doorkeepers to lock the doors permitting no Senator to leave the Senate Chamber. The Sergeant at Arms was instructed to find and present any absent members to the Senate.

Roll call showed all members present except President Pro Tempore Hill and Senator Cameron, absent and excused.

The President directed the Sergeant at Arms to find and present President Pro Tempore Hill and Senator Cameron to the Senate.

President Pro Tempore Hill and Senator Cameron were recorded present.

On request by Senator Darrington, granted by unanimous consent, the Call was lifted.

S 1407 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **S 1407** passed, title was approved, and the bill ordered transmitted to the House.

H 570 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Nuxoll arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 570** passed, title was approved, and the bill ordered returned to the House.

H 502, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 502**, as amended, passed, title was approved, and the bill ordered returned to the House.

H 569 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 569** passed, title was approved, and the bill ordered returned to the House.

H 609 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 609** passed, title was approved, and the bill ordered returned to the House.

H 519 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senators Heider, Mortimer, Winder, and Fulcher disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Keough, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Siddoway, Smyser, Toryanski, Vick, Werk, Winder. Total - 28.

NAYS–Broadsword, Johnson, LeFavour, Mortimer, Schmidt, Stennett, Tippets. Total - 7.

Total - 35.

Whereupon the President declared **H 519** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 20, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to **S 1390** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 20, 2012

The JUDICIARY AND RULES Committee reports that **S 1390**, as amended, has been correctly engrossed.

DARRINGTON, Chairman

S 1390, as amended, was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1243, as amended in the House, as amended in the House, by Transportation Committee, was read the first time at length and filed for second reading.

S 1390, as amended, by Judiciary and Rules Committee, was read the first time at length and filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:10 p.m. until the hour of 11 a.m., Wednesday, March 21, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-THIRD LEGISLATIVE DAY
WEDNESDAY, MARCH 21, 2012

Senate Chamber

President Little called the Senate to order at 11 a.m.

Roll call showed all members present except Senators LeFavour, and Pearce, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Alexa Woodland, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 20, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senator Pearce was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

At this time Senator Davis arose on a point of personal privilege to announce that a distinguished visitor had arrived, and the President appointed Senator Andreason, Chairman and Senators McKague, and Bock to escort the Consul General of Canada, Denis Stevens, into the Senate Chamber where he addressed the members of the Senate.

The President thanked Consul General Stevens for his remarks and Senators Andreason, McKague, and Bock escorted him from the Chamber, and the Committee was discharged.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

Senator LeFavour was recorded present at this order of business.

March 21, 2012

The JUDICIARY AND RULES Committee reports that S 1408 has been correctly printed.

DARRINGTON, Chairman

S 1408 was referred to the Finance Committee.

March 20, 2012

The FINANCE Committee reports out S 1404, S 1405, and S 1406 with the recommendation that they do pass.

CAMERON, Chairman

S 1404, S 1405, and S 1406 were filed for second reading.

March 20, 2012

The TRANSPORTATION Committee reports out H 583 with the recommendation that it do pass.

HAMMOND, Chairman

H 583 was filed for second reading.

March 20, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 653 with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

CORDER, Chairman

H 653 was filed for second reading.

March 20, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 515, as amended, H 584, as amended, and H 634 with the recommendation that they do pass.

CORDER, Chairman

H 515, as amended, H 584, as amended, and H 634 were filed for second reading.

March 20, 2012

The HEALTH AND WELFARE Committee reports out H 551 and H 631, as amended, with the recommendation that they do pass.

LODGE, Chairman

H 551 and H 631, as amended, were filed for second reading.

March 21, 2012

The STATE AFFAIRS Committee reports out S 1383 with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

MCKENZIE, Chairman

There being no objection, S 1383 was referred to the Fourteenth Order of Business, General Calendar.

March 21, 2012

The STATE AFFAIRS Committee reports out H 443, H 479, as amended, H 577, H 599, HJM 13, and HCR 46 with the recommendation that they do pass.

MCKENZIE, Chairman

H 443, H 479, as amended, H 577, and H 599 were filed for second reading.

HJM 13 and HCR 46 were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 20, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1214, S 1215, as amended, S 1265, S 1266, S 1292, S 1312, S 1226, S 1227, S 1228, S 1259, S 1272, S 1225, S 1232, S 1236, S 1268, S 1277, as amended, S 1278, S 1301, and S 1324

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 20, 2012

Dear Mr. President:

I transmit herewith H 668, H 669, H 674, H 675, H 676, H 677, H 678, H 679, H 680, H 681, H 486, as amended, as amended, H 639, as amended, and H 628, as amended, which have passed the House.

ALEXANDER, Chief Clerk

H 668, H 669, H 674, H 675, H 676, H 677, H 678, H 679, H 680, H 681, H 486, as amended, as amended, H 639, as amended, and H 628, as amended, were filed for first reading.

March 20, 2012

Dear Mr. President:

I return herewith S 1274, as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Hammond, granted by unanimous consent, S 1274, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

March 20, 2012

Dear Mr. President:

I return herewith S 1360, which has passed the House.

ALEXANDER, Chief Clerk

S 1360 was referred to the Judiciary and Rules Committee for enrolling.

March 20, 2012

Dear Mr. President:

I transmit herewith Enrolled H 622, H 579, H 541, and H 420 for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled H 622, H 579, H 541, and H 420 and ordered them returned to the House.

March 20, 2012

Dear Mr. President:

I return herewith Enrolled S 1350, S 1351, S 1352, S 1353, S 1354, S 1359, S 1361, S 1367, 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, and S 1384, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled S 1350, S 1351, S 1352, S 1353, S 1354, S 1359, S 1361, S 1367, 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, and S 1384 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 21, 2012

Dear Mr. President:

I return herewith Enrolled SCR 133, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled SCR 133 was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the Education Committee report relative to the Gubernatorial reappointment of Milford Terrell was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Malepeai, the Gubernatorial reappointment of Milford Terrell as a member of the State Board of Education was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial reappointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the Transportation Committee report relative to the Gubernatorial appointment of Julie D. DeLorenzo was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Winder, seconded by Senator Stennett, the Gubernatorial appointment of Julie D. DeLorenzo as a member of the Idaho Transportation Board was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced that the House amendments to **S 1274**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1274**, as amended in the House?"

On request by Senator Hammond, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1274**, as amended in the House.

S 1274, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

General Calendar

The President declared the Senate resolved into the Committee of the Whole and called Senator Winder to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President called the Senate to order.

Report of the Committee of the Whole

Senator Winder, Chairman of the Committee of the Whole, reported out **H 564**, as amended, and **S 1383**, without recommendation, amended as follows:

SENATE AMENDMENT TO H 564, As Amended

AMENDMENT TO SECTION 2

On page 5 of the engrossed bill, delete lines 3 and 4, and insert:

"tation due to a voluntary separation from employment or the employee's refusal to sign such documents, relating to the job performance by the applicant~~; and~~. Upon separation of employment, all documents from any other file, including an investigative file, shall be moved into the personnel file. The requirement to submit investigative files to the personnel file shall not be construed to be a waiver of the attorney client privilege. Names of any student, fellow employee or complainant, other than the employee's administrative supervisor or administrative author shall be redacted from investigative file documents prior to placement in the personnel file. The former employee shall be provided a copy of the documents and written notice of the inclusion of the information in the personnel file to the former employee's last known address. The former employee shall be permitted the opportunity to file a rebuttal to the new documents placed into the personnel file. If an ongoing personnel investigation was taking place, the contents of the district's investigative file shall be forwarded to the professional standards commission when the district submits the report required pursuant to section 33-1208A, Idaho Code.".

On page 6, delete lines 5 through 19, and insert:

"(7) School districts may employ applicants on a ~~conditional basis pending the district's review of information obtained under this section~~ noncontracted provisional basis pursuant to the provisions of this section. Once the prior employer personnel performance materials have arrived for an individual provisionally hired, the district must review the documents within thirty (30) days of receipt. A standard certificated contract shall automatically be issued at the end of the thirty (30) day review period unless, prior to the expiration of the thirty (30) day period, the board articulates in writing the specific information received pursuant to subsection (2)(a) of this section, which justifies the decision not to issue a standard contract. The reason articulated in this decision must derive only from the documents received in the personnel file and cannot be based upon any event that has occurred during the status as a noncontracted provisional certified professional employee. Prior to issuing a standard certificated contract or prior to the decision not to issue a standard certificated contract, or upon the expiration of the thirty (30) day period, an individual employed as a noncontracted provisional certificated professional employee shall be provided with the same compensation and benefits as if the employee had been employed on a standard certificated contract. When requests are sent to out-of-state employers under subsection".

CORRECTION TO TITLE

On page 1, delete lines 13 and 14, and insert: "PROVISIONS RELATING TO A HIRING DISTRICT'S REQUEST, TO REMOVE LANGUAGE RELATING TO SCHOOL DISTRICTS' EMPLOYMENT OF APPLICANTS ON A CONDITIONAL BASIS, TO PROVIDE THAT SCHOOL DISTRICTS MAY EMPLOY APPLICANTS ON A NONCONTRACTED PROVISIONAL BASIS, TO PROVIDE FOR".

SENATE AMENDMENT TO S 1383

AMENDMENT TO SECTION 1

On page 1 of the printed bill, in line 29, following "aqueducts" insert: ", while responsible for their own acts or omissions,"; and in line 35, following "phenomenon." insert: "The provisions of this section shall not be construed to impair any defense that an owner or constructor of a ditch, canal, works or other aqueduct may assert in a civil action.".

AMENDMENT TO SECTION 2

On page 2, in line 10, following "aqueducts" insert: ", while responsible for their own acts or omissions,".

CORRECTION TO TITLE

On page 1, in line 5, delete "OWNERS AND" and insert: "OWNERS,"; and in line 7, following "INJURIES" insert: "AND TO PROVIDE THAT SPECIFIED LAW SHALL NOT BE CONSTRUED TO IMPAIR ANY DEFENSE THAT AN OWNER OR CONSTRUCTOR OF A DITCH, CANAL, WORKS OR OTHER AQUEDUCT MAY ASSERT IN A CIVIL ACTION".

The Committee also has **S 1282** under consideration, reports progress, and begs leave to sit again.

WINDER, Chairman

On motion by Senator Winder, seconded by Senator Stennett, the report was adopted by voice vote.

S 1383 was referred to the Judiciary and Rules Committee for engrossing and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

H 564, as amended, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12:05 p.m. until the hour of 3 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 3 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Corder, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 21, 2012

The JUDICIARY AND RULES Committee reports that Senate amendments to **H 564**, as amended, and **S 1383** have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 21, 2012

The JUDICIARY AND RULES Committee reports that **S 1274**, as amended in the House, and **S 1383**, as amended, have been correctly engrossed.

DARRINGTON, Chairman

S 1274, as amended in the House, and **S 1383**, as amended, were filed for first reading.

March 21, 2012

The TRANSPORTATION Committee reports out **H 414** with the recommendation that it do pass.

HAMMOND, Chairman

H 414 was filed for second reading.

March 21, 2012

The TRANSPORTATION Committee reports out **HCR 49** with the recommendation that it do pass.

HAMMOND, Chairman

HCR 49 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 21, 2012

The JUDICIARY AND RULES Committee reports out **H 648** and **H 651** with the recommendation that they do pass.

DARRINGTON, Chairman

H 648 and **H 651** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 21, 2012

Dear Mr. President:

I return herewith **S 1388**, **S 1389**, **S 1391**, **S 1392**, **S 1338**, **S 1341**, **S 1231**, as amended, **S 1313**, **S 1327**, **S 1328**, **S 1329**, **S 1356**, as amended, **S 1321**, as amended, **S 1337**, as amended, **S 1286**, **S 1304**, and **S 1255**, as amended, as amended, which have passed the House.

ALEXANDER, Chief Clerk

S 1388, **S 1389**, **S 1391**, **S 1392**, **S 1338**, **S 1341**, **S 1231**, as amended, **S 1313**, **S 1327**, **S 1328**, **S 1329**, **S 1356**, as amended, **S 1321**, as amended, **S 1337**, as amended, **S 1286**, **S 1304**, and **S 1255**, as amended, as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 21, 2012

Dear Mr. President:

I transmit herewith 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, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed 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 ordered them returned to the House.

Senator Corder was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1409
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2013; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS; AND PROVIDING LEGISLATIVE INTENT FOR THE IDAHO GLOBAL ENTREPRENEURIAL MISSION.

S 1410
BY FINANCE COMMITTEE
AN ACT
RELATING TO PUBLIC SCHOOLS; PROVIDING A NON-GENERAL FUND SUPPLEMENTAL APPROPRIATION TO THE EDUCATIONAL SUPPORT PROGRAM FOR FISCAL YEAR 2012; PROVIDING A NON-GENERAL FUND SUPPLEMENTAL APPROPRIATION TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2012; STATING FUND SOURCES FOR THE APPROPRIATION TO

EDUCATIONAL SUPPORT PROGRAM FOR FISCAL YEAR 2013; APPROPRIATING MONEYS FOR THE TRANSFER TO THE PUBLIC SCHOOL INCOME FUND FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2013; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2013; PROVIDING THE NECESSARY FUNDS FOR THE BOND LEVY EQUALIZATION PROGRAM; LIMITING THE AMOUNT OF REVENUE DISTRIBUTED TO THE GENERAL FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2013; AMENDING SECTION 33-1004E, IDAHO CODE, TO ADJUST BASE AND MINIMUM SALARIES; PROVIDING THAT THE FUNDS FROM THE SCHOOL DISTRICT BUILDING ACCOUNT BE USED AS DISCRETIONARY FUNDS; RELIEVING THE STATE OF THE REQUIREMENT TO PROVIDE SCHOOL MAINTENANCE MATCHING FUNDS; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; PROVIDING FOR A $7,500,000 REDUCTION IN TRANSPORTATION COSTS AND DIRECTING THOSE FUNDS TO DISCRETIONARY FUNDS; PROVIDING THAT $4,381,400 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS BE USED AS DISCRETIONARY FUNDS; DIRECTING THE USE OF $318,600 OF TOBACCO, CIGARETTE AND LOTTERY INCOME TAX MONEYS; DIRECTING THE USE OF $9,400,000 FOR READING AND MATH INITIATIVES, AND REMEDIATION; DIRECTING THE USE OF $4,000,000 FOR LIMITED ENGLISH PROFICIENCY PROGRAMS; DIRECTING THE USE OF $5,031,000 FOR THE IDAHO DIGITAL LEARNING ACADEMY; PROVIDING THAT NO MONEYS BE APPROPRIATED FOR EXPECTANT OR DELIVERED MOTHERS PROGRAMS; DIRECTING THE USE OF $2,500,000 FOR INFORMATION TECHNOLOGY STAFFING COSTS; DIRECTING THAT CERTAIN INFORMATION BE COMPILED BY THE STATE DEPARTMENT OF EDUCATION ON THE DUAL ENROLLMENT PROGRAM; GRANTING THE AUTHORITY TO TRANSFER APPROPRIATIONS AMONG FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM; PROVIDING NON-GENERAL FUND REAPPROPRIATION FOR FISCAL YEAR 2013; AND DECLARING AN EMERGENCY.

S 1409 and **S 1410** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 564, as amended, as amended in the Senate, by Education Committee, was read the first time at length and filed for second reading.

S 1274, as amended in the House, by Transportation Committee, was read the first time at length and filed for second reading.

S 1383, as amended, by State Affairs Committee, was read the first time at length and filed for second reading.

H 668, **H 669**, **H 674**, **H 675**, **H 676**, **H 677**, **H 678**, **H 679**, **H 680**, and **H 681**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 486, as amended, as amended, by Health and Welfare Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 639, as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

H 628, as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Transportation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 657, **H 658**, **H 659**, **H 664**, and **H 665**, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1401, **S 1402**, and **S 1403**, by Finance Committee, were read the second time at length and filed for third reading.

H 572, by State Affairs Committee, was read the second time at length and filed for third reading.

H 591, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 613, by Ways and Means Committee, was read the second time at length and filed for third reading.

S 1395 and **S 1372**, by State Affairs Committee, were read the second time at length and filed for third reading.

H 619, as amended, by State Affairs Committee, was read the second time at length 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 at length and filed for third reading.

S 1390, as amended, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1390, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1390, as amended, passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of S 1372 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 1372 be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1372 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1372 passed, title was approved, and the bill ordered transmitted to the House.

S 1393 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1393 passed, title was approved, and the bill ordered transmitted to the House.

S 1394 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1394 passed, title was approved, and the bill ordered transmitted to the House.

S 1396 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1396 passed, title was approved, and the bill ordered transmitted to the House.

S 1397 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **S 1397** passed, title was approved, and the bill ordered transmitted to the House.

S 1398 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **S 1398** passed, title was approved, and the bill ordered transmitted to the House.

S 1399 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **S 1399** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, **H 588** retained its place on the Third Reading Calendar for one legislative day.

S 1400 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **S 1400** passed, title was approved, and the bill ordered transmitted to the House.

H 439, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 439**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

H 603 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 603** passed, title was approved, and the bill ordered returned to the House.

H 626 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 626** passed, title was approved, and the bill ordered returned to the House.

H 607 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 607 passed, title was approved, and the bill ordered returned to the House.

H 645 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–McKague. Total - 1.

Total - 35.

Whereupon the President declared H 645 passed, title was approved, and the bill ordered returned to the House.

H 487 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 487 passed, title was approved, and the bill ordered returned to the House.

H 632 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Darrington disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–McKague. Total - 1.

Total - 35.

Whereupon the President declared H 632 passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1395 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Goedde disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1395 passed, title was approved, and the bill ordered transmitted to the House.

H 593 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 593 passed, title was approved, and the bill ordered returned to the House.

H 633 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 633** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 5:10 p.m. until the hour of 9 a.m., Thursday, March 22, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-FOURTH LEGISLATIVE DAY
THURSDAY, MARCH 22, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Hammond and Mortimer, absent and formally excused by the Chair; and Senators Andreason, Cameron, Johnson, Lodge, McKague, and Werk, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Elisabeth Manor, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 21, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Johnson, Werk, and Lodge were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 22, 2012

The JUDICIARY AND RULES Committee reports that **S 1409** and **S 1410** have been correctly printed.

DARRINGTON, Chairman

S 1409 and **S 1410** were referred to the Finance Committee.

March 21, 2012

The JUDICIARY AND RULES Committee reports that Enrolled **S 1350**, **S 1351**, **S 1352**, **S 1353**, **S 1354**, **S 1359**, **S 1361**, **S 1367**, **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**, and **S 1384** were delivered to the Office of the Governor at 2:15 p.m., March 21, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 21, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 485**, as amended, with the recommendation that it do pass.

CORDER, Chairman

H 485, as amended, was filed for second reading.

March 21, 2012

The RESOURCES AND ENVIRONMENT Committee reports out **H 458** and **H 542**, as amended, with the recommendation that they do pass.

PEARCE, Chairman

H 458 and **H 542**, as amended, were filed for second reading.

March 21, 2012

The JUDICIARY AND RULES Committee reports that **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**, and **S 1392** have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed 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**, and **S 1392** and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 21, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1253

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 21, 2012

Dear Mr. President:

I transmit herewith H 606, as amended, and H 682, which have passed the House.

ALEXANDER, Chief Clerk

H 606, as amended, and H 682 were filed for first reading.

March 21, 2012

Dear Mr. President:

I return herewith S 1293, S 1294, as amended, S 1309, S 1326, S 1344, S 1271, S 1279, S 1370, SCR 115, SCR 118, SCR 119, SCR 114, SCR 117, SCR 122, SCR 112, SCR 124, SCR 128, SCR 129, SCR 120, and SCR 121, which have passed the House.

ALEXANDER, Chief Clerk

S 1293, S 1294, as amended, S 1309, S 1326, S 1344, S 1271, S 1279, S 1370, SCR 115, SCR 118, SCR 119, SCR 114, SCR 117, SCR 122, SCR 112, SCR 124, SCR 128, SCR 129, SCR 120, and SCR 121 were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senators Andreason, Cameron, and McKague were recorded present at this order of business.

S 1411
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO GARNISHMENTS; AMENDING SECTION 8-507, IDAHO CODE, TO PROVIDE THAT A SERVING ATTORNEY SHALL SERVE CERTAIN DOCUMENTS, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 8-507A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SERVICE ON A DEFENDANT OR CERTAIN THIRD PARTIES BY THE SHERIFF OR A SERVING ATTORNEY; AMENDING SECTION 8-507B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SERVICE ON A DEFENDANT OR CERTAIN THIRD PARTIES BY A BANK OR DEPOSITORY INSTITUTION; AMENDING SECTION 8-507C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AVAILABILITY OF CERTAIN FORMS AND TO REVISE A CERTAIN NOTICE FORM; AMENDING SECTION 8-507D, IDAHO CODE, TO PROVIDE THAT A SERVING ATTORNEY HAS CERTAIN DUTIES; AMENDING SECTION 8-508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LIABILITY OF A GARNISHEE; AMENDING SECTION 8-509, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN EXAMINATION OF A GARNISHEE; AMENDING SECTION 8-510, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCHARGE OF A GARNISHEE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 8-521, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE LIABILITY OF CERTAIN PERSONS; AMENDING SECTION 8-524, IDAHO CODE, TO REQUIRE A SERVING ATTORNEY TO MAKE A FULL INVENTORY OF CERTAIN PROPERTY; AMENDING SECTION 11-102, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE FORM OF A CERTAIN WRIT; AMENDING SECTION 11-103, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TIME WHEN AN EXECUTION IS RETURNABLE AND TO REVISE PROVISIONS RELATING TO CONTINUOUS EXECUTION OR GARNISHMENT FOR CHILD SUPPORT; AMENDING SECTION 11-107, IDAHO CODE, TO PROVIDE THAT WHERE AN EXECUTION IS AGAINST THE PROPERTY OF THE JUDGMENT DEBTOR IT MAY BE ISSUED TO A SERVING ATTORNEY AND TO PROVIDE THAT WHERE AN EXECUTION IS FOR CERTAIN GARNISHMENTS IT MAY BE ISSUED TO A SERVING ATTORNEY; AMENDING SECTION 11-203, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CLAIM OF EXEMPTION BY DEFENDANT OR THIRD PARTY CLAIM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 11-206, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 11-301, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXECUTION OF A CERTAIN WRIT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3203A, IDAHO CODE, TO PROVIDE THAT A SERVING ATTORNEY MAY CHARGE A REASONABLE FEE AND MAY CHARGE A CERTAIN COMMISSION.

S 1411 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 606, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 682, by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1404, S 1405, and S 1406, by Finance Committee, were read the second time at length and filed for third reading.

H 583, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

H 653, by Revenue and Taxation Committee, was read the second time at length and filed for third reading, Consent Calendar.

H 515, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

H 584, as amended, and H 634, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

H 551, by State Affairs Committee, was read the second time at length and filed for third reading.

H 631, as amended, by Ways and Means Committee, was read the second time at length and filed for third reading.

H 443, by State Affairs Committee, was read the second time at length and filed for third reading.

H 479, as amended, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 577 and H 599, by State Affairs Committee, were read the second time at length and filed for third reading.

H 414, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

H 648 and H 651, by Ways and Means Committee, were read the second time at length and filed for third reading.

H 564, as amended, as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

S 1274, as amended in the House, by Transportation Committee, was read the second time at length and filed for third reading.

S 1383, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1401 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1401 passed, title was approved, and the bill ordered transmitted to the House.

S 1402 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared S 1402 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, S 1403, S 1243, as amended in the House, as amended in the House, and H 588 retained their place on the Third Reading Calendar for one legislative day.

H 654 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared H 654 passed, title was approved, and the bill ordered returned to the House.

H 655 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared H 655 passed, title was approved, and the bill ordered returned to the House.

H 368, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared H 368, as amended, passed, title was approved, and the bill ordered returned to the House.

President Little assumed the Chair.

H 452 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 452 passed, title was approved, and the bill ordered returned to the House.

H 518 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Smyser disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Rice, Schmidt, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 30.

NAYS–Pearce, Siddoway, Vick. Total - 3.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 518 passed, title was approved, and the bill ordered returned to the House.

H 536 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 536 passed, title was approved, and the bill ordered returned to the House.

H 553 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 553 passed, title was approved, and the bill ordered returned to the House.

H 576 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 576 passed, title was approved, and the bill ordered returned to the House.

H 494 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 494 passed, title was approved, and the bill ordered returned to the House.

H 608 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 608 passed, title was approved, and the bill ordered returned to the House.

H 539 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Lodge disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 539 passed, title was approved, and the bill ordered returned to the House.

H 635 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 635 passed, title was approved, and the bill ordered returned to the House.

H 657 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 657 passed, title was approved, and the bill ordered returned to the House.

H 658 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 658 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, H 659 retained its place on the Third Reading Calendar for one legislative day.

H 664 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 664 passed, title was approved, and the bill ordered returned to the House.

H 665 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 665 passed, title was approved, and the bill ordered returned to the House.

H 572 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 572 passed, title was approved, and the bill ordered returned to the House.

H 591 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 591 passed, title was approved, and the bill ordered returned to the House.

H 613 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared H 613 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, H 619, as amended, retained its place on the Third Reading Calendar for one legislative day.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 564, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared **H 564**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1383, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 26.

NAYS–Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared **S 1383**, as amended, passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1404 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared **S 1404** passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1405 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 30.

NAYS–Bock, LeFavour, Malepeai. Total - 3.

Absent and excused–Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared S 1405 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12:05 p.m. until the hour of 3 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 3 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Hammond, absent and formally excused by the Chair; and Senators Bock, Broadsword, Cameron, Darrington, Heider, Lodge, McKague, Nuxoll, Schmidt, Smyser, and Vick, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 22, 2012

The FINANCE Committee reports out H 682, S 1409, S 1410, H 668, H 669, H 674, H 675, H 676, H 677, H 678, H 679, H 680, H 681, and S 1408 with the recommendation that they do pass.

CAMERON, Chairman

H 682, S 1409, S 1410, H 668, H 669, H 674, H 675, H 676, H 677, H 678, H 679, H 680, H 681, and S 1408 were filed for second reading.

March 22, 2012

The AGRICULTURAL AFFAIRS Committee reports out H 611 with the recommendation that it do pass.

SIDDOWAY, Chairman

H 611 was filed for second reading.

March 22, 2012

The JUDICIARY AND RULES Committee reports that 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 have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled 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 ordered them transmitted to the House for the signature of the Speaker.

March 22, 2012

The JUDICIARY AND RULES Committee reports that Enrolled SCR 133 was delivered to the Office of the Secretary of State at 1:43 p.m., March 22, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 22, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1308

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that Senator Russ Fulcher will serve as the Majority Caucus Chair for the remainder of the Second Regular Session of the Sixty-first Idaho Legislature, and on request by Senator Davis, granted by unanimous consent, *nunc pro tunc*, February 29, 2012.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

PETITION TO WAIVE JOINT RULE 20

We, the majority leadership of the Senate, petition that the President waive the provisions of Joint Rule 20 pertaining to the limitation on transmittal of proposed constitutional amendments, which would permit the transmittal and consideration of **HJR 2aa** to amend the Constitution of the State of Idaho by preserving for the people of Idaho the rights to hunt, fish and trap.

Signed:

/s/ Brent Hill, President Pro Tempore
/s/ Bart M. Davis, Majority Leader
/s/ Chuck Winder, Assistant Majority Leader
/s/ Russ Fulcher, Majority Caucus Chair

Upon presentation of the petition, the President waived the provisions of Joint Rule 20 for the transmittal of **HJR 2**, as amended. The correspondence was ordered filed in the office of the Secretary of the Senate.

March 22, 2012

Dear Mr. President:

I transmit herewith **HJR 2**, as amended, which has passed the House.

ALEXANDER, Chief Clerk

HJR 2, as amended, was filed for first reading.

March 22, 2012

Dear Mr. President:

I return herewith **S 1280**, **S 1270**, **S 1330**, **S 1295**, as amended, and **SCR 123**, which have passed the House.

ALEXANDER, Chief Clerk

S 1280, **S 1270**, **S 1330**, **S 1295**, as amended, and **SCR 123** were referred to the Judiciary and Rules Committee for enrolling.

March 22, 2012

Dear Mr. President:

I transmit 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, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed 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 ordered them returned to the House.

Senator Cameron was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

HJR 2, as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Bock, Broadsword, Heider, Lodge, Nuxoll, Schmidt, Smyser, Vick, Darrington, and McKague were recorded present at this order of business.

S 1403 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS–None.

Absent and excused–Bair, Hammond, Malepeai, Siddoway. Total - 4.

Total - 35.

Whereupon the President declared **S 1403** passed, title was approved, and the bill ordered transmitted to the House.

H 659 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Hammond. Total - 1.

Total - 35.

Whereupon the President declared **H 659** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 4:10 p.m. until the hour of 9:30 a.m., Friday, March 23, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-FIFTH LEGISLATIVE DAY
FRIDAY, MARCH 23, 2012

Senate Chamber

President Little called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator Corder, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Jamie Bush, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 22, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 23, 2012

The JUDICIARY AND RULES Committee reports that S 1411 has been correctly printed.

DARRINGTON, Chairman

S 1411 was referred to the Judiciary and Rules Committee.

March 22, 2012

The JUDICIARY AND RULES Committee reports that S 1270, S 1280, S 1295, as amended, S 1330, and SCR 123 have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled S 1270, S 1280, S 1295, as amended, S 1330, and SCR 123 and ordered them transmitted to the House for the signature of the Speaker.

March 22, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out H 661 with the recommendation that it do pass.

CORDER, Chairman

H 661 was filed for second reading.

March 22, 2012

The COMMERCE AND HUMAN RESOURCES Committee reports out H 624 and H 649 with the recommendation that they do pass.

ANDREASON, Chairman

H 624 and H 649 were filed for second reading.

March 22, 2012

The HEALTH AND WELFARE Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Allan R. Schneider to the Commission for the Blind & Visually Impaired, term to expire July 1, 2012.

LODGE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 23, 2012

The STATE AFFAIRS Committee reports out H 372, H 575, HCR 47, and S 1386 with the recommendation that they do pass.

MCKENZIE, Chairman

H 372, H 575, and S 1386 were filed for second reading.

HCR 47 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 22, 2012

Dear Mr. President:

I transmit herewith HJM 14, H 684, H 685, H 686, H 687, and H 691, which have passed the House.

ALEXANDER, Chief Clerk

HJM 14, H 684, H 685, H 686, H 687, and H 691 were filed for first reading.

March 22, 2012

Dear Mr. President:

I return herewith S 1256, as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Bair, granted by unanimous consent, S 1256, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Corder was recorded present at this order of business.

The President announced that **HJM 13** was before the Senate for final consideration.

Moved by Senator McKenzie, seconded by Senator Stennett, that **HJM 13** be adopted. The question being, "Shall the memorial be adopted?"

Roll call vote was requested by Senator Pearce.

Pursuant to Senate Rule 39(H), Senator Tippets disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Mortimer, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Werk, Winder. Total - 29.

NAYS–Fulcher, McKague, Nuxoll, Pearce, Toryanski, Vick. Total - 6.

Total - 35.

Whereupon the President declared **HJM 13** adopted, title was approved, and the memorial ordered returned to the House.

The President announced that **HCR 46** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Hammond, seconded by Senator Stennett, **HCR 46** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that **HCR 49** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Hammond, seconded by Senator Stennett, **HCR 49** was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President announced that the House amendments to **S 1256**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1256**, as amended in the House?"

On request by Senator Bair, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1256**, as amended in the House.

S 1256, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1412
BY FINANCE COMMITTEE
AN ACT
RELATING TO ALCOHOL BEVERAGE CONTROL ENFORCEMENT; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2013; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; AND EXEMPTING THE APPROPRIATION FROM OBJECT AND PROGRAM TRANSFER LIMITATIONS.

S 1413
BY FINANCE COMMITTEE
AN ACT
RELATING TO APPROPRIATIONS; TO PROVIDE FOR A TRANSFER FROM THE GENERAL FUND TO THE CONSTITUTIONAL DEFENSE COUNCIL FUND FOR FISCAL YEAR 2013.

S 1414
BY FINANCE COMMITTEE
AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISIONS OF CHILD WELFARE AND DEVELOPMENTALLY DISABLED 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; DIRECTING EXPENDITURES FOR HEAD START APPROPRIATIONS FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES; AND PROVIDING GUIDANCE FOR EMPLOYEE COMPENSATION AND BENEFITS.

S 1412, **S 1413**, and **S 1414** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

HJM 14, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 684, **H 685**, and **H 686**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 687, by State Affairs Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 691, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 485, as amended, by Environment, Energy, and Technology Committee, was read the second time at length and filed for third reading.

H 458 and H 542, as amended, by Resources and Conservation Committee, were read the second time at length and filed for third reading.

H 682, by Appropriations Committee, was read the second time at length and filed for third reading.

S 1409 and S 1410, by Finance Committee, were read the second time at length and filed for third reading.

H 668, H 669, 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 at length and filed for third reading.

S 1408, by Finance Committee, was read the second time at length and filed for third reading.

H 611, by Ways and Means Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Winder, granted by unanimous consent, H 588 retained its place on the Third Reading Calendar for one legislative day.

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 Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 30.

NAYS–Schmidt. Total - 1.

Absent and excused–Fulcher, Goedde, Mortimer, Winder. Total - 4.

Total - 35.

Whereupon the President declared S 1243, as amended in the House, as amended in the House, passed, title was approved, and the bill referred to Judiciary and Rules Committee for enrolling.

H 619, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Werk, Winder. Total - 26.

NAYS–Bilyeu, Bock, Broadsword, Johnson, Keough, LeFavour, Malepeai, Schmidt, Stennett. Total - 9.

Total - 35.

Whereupon the President declared H 619, as amended, passed, title was approved, and the bill ordered returned to the House.

S 1406 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Hill. Total - 1.

Total - 35.

Whereupon the President declared S 1406 passed, title was approved, and the bill ordered transmitted to the House.

H 583 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Winder disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 583 passed, title was approved, and the bill ordered returned to the House.

H 515, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 515, as amended, passed, title was approved, and the bill ordered returned to the House.

H 584, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Cameron, Corder, Darrington, Fulcher, Goedde, Heider, Hill, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 29.

NAYS–Broadsword, Davis, Johnson, Mortimer, Schmidt. Total - 5.

Absent and excused–Hammond. Total - 1.

Total - 35.

Whereupon the President declared H 584, as amended, passed, title was approved, and the bill ordered returned to the House.

H 634 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 634 passed, title was approved, and the bill ordered returned to the House.

H 551 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Siddoway, Smyser, Stennett, Vick. Total - 27.

NAYS–Davis, LeFavour, Pearce, Tippets, Toryanski, Winder. Total - 6.

Absent and excused–Goedde, Werk. Total - 2.

Total - 35.

Whereupon the President declared H 551 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, S 1274, as amended in the House, was placed before the Senate for consideration at this time.

S 1274, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 29.

NAYS–Fulcher, McKenzie, Nuxoll, Pearce, Vick. Total - 5.

Absent and excused–Goedde. Total - 1.

Total - 35.

Whereupon the President declared S 1274, as amended in the House, passed, title was approved, and the bill referred to Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, H 648 was placed before the Senate for consideration at this time.

H 648 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

President Little called Senator Darrington to the Chair.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the Acting President declared H 648 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 23, 2012

The STATE AFFAIRS Committee reports out HJM 14 with the recommendation that it do pass.

MCKENZIE, Chairman

HJM 14 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 23, 2012

Dear Mr. President:

I transmit herewith H 689, which has passed the House.

ALEXANDER, Chief Clerk

H 689 was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

H 689, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Fulcher. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the Acting President declared the rules suspended.

S 1386 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Fulcher. Total - 1.

Total - 35.

Whereupon the Acting President declared S 1386 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12 noon until the hour of 9 a.m., Monday, March 26, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-EIGHTH LEGISLATIVE DAY
MONDAY, MARCH 26, 2012

Senate Chamber

President Little called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Nuxoll, Smyser, and Tippets, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Nathan Chelson, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 23, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 26, 2012

The JUDICIARY AND RULES Committee reports that S 1412, S 1413, and S 1414 have been correctly printed.

DARRINGTON, Chairman

S 1412, S 1413, and S 1414 were referred to the Finance Committee.

March 23, 2012

The FINANCE Committee reports out H 684, H 685, and H 686 with the recommendation that they do pass.

CAMERON, Chairman

H 684, H 685, and H 686 were filed for second reading.

March 26, 2012

The JUDICIARY AND RULES Committee reports that S 1256, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

S 1256, as amended in the House, was filed for first reading.

Senator Nuxoll was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 23, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1290, S 1298, S 1299, S 1340, and S 1368

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 23, 2012

Dear Mr. President:

I transmit herewith H 672, which has passed the House.

ALEXANDER, Chief Clerk

H 672 was filed for first reading.

March 23, 2012

Dear Mr. President:

I transmit 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 for the signature of the President.

ALEXANDER, Chief Clerk

The President signed 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 and ordered them returned to the House.

March 23, 2012

Dear Mr. President:

I return herewith S 1393, S 1394, S 1396, S 1397, S 1398, S 1399, S 1400, SCR 132, SCR 130, SCR 125, SCR 131, SJM 103, SJM 105, and SJM 104, which have passed the House.

ALEXANDER, Chief Clerk

S 1393, S 1394, S 1396, S 1397, S 1398, S 1399, S 1400, SCR 132, SCR 130, SCR 125, SCR 131, SJM 103, SJM 105, and SJM 104 were referred to the Judiciary and Rules Committee for enrolling.

March 23, 2012

Dear Mr. President:

I return herewith Enrolled S 1271, S 1279, S 1293, S 1294, as amended, S 1309, S 1326, S 1344, S 1370, 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, and S 1392, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled S 1271, S 1279, S 1293, S 1294, as amended, S 1309, S 1326, S 1344, S 1370, 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, and S 1392 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 23, 2012

Dear Mr. President:

I return herewith Enrolled 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, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled 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 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

Senator Tippets was recorded present at this order of business.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Smyser was recorded present at this order of business.

The President announced that HCR 47 was before the Senate for final consideration.

Moved by Senator Winder, seconded by Senator Bock, that HCR 47 be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Winder. Total - 28.

NAYS–Bilyeu, Goedde, LeFavour, Pearce, Schmidt, Vick, Werk. Total - 7.

Total - 35.

Whereupon the President declared HCR 47 adopted, title was approved, and the resolution ordered returned to the House.

The President announced that the Health and Welfare Committee report relative to the Gubernatorial appointment of Allan R. Schneider was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Smyser, seconded by Senator Bilyeu, the Gubernatorial appointment of Allan R. Schneider as a member of the Commission for the Blind & Visually Impaired was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1415
BY FINANCE COMMITTEE
AN ACT
RELATING TO APPROPRIATIONS; AMENDING SECTION 1, CHAPTER 12, LAWS OF 2012, TO REVISE THE APPROPRIATION FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2012; AND DECLARING AN EMERGENCY.

S 1416
BY FINANCE COMMITTEE
AN ACT
RELATING TO APPROPRIATIONS; TRANSFERRING MONEYS FROM THE FEDERAL GRANT FUND TO THE RECORDS MANAGEMENT SERVICE FUND WITHIN THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2013; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2013; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2013; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2013; AND REDUCING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2013.

S 1415 and S 1416 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 672, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

S 1256, as amended in the House, by Resources and Environment Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 661, H 624, and H 649, by Ways and Means Committee, were read the second time at length and filed for third reading.

H 372 and H 575, by State Affairs Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

S 1409 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–McKague. Total - 1.

Total - 35.

Whereupon the President declared S 1409 passed, title was approved, and the bill ordered transmitted to the House.

S 1410 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS–Bilyeu, Bock, LeFavour, Malepeai. Total - 4.

Total - 35.

Whereupon the President declared S 1410 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

The President announced that HJM 14 was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Lodge, seconded by Senator Malepeai, HJM 14 was adopted by voice vote, title was approved, and the memorial ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Little called President Pro Tempore Hill to the Chair.

S 1408 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared S 1408 passed, title was approved, and the bill ordered transmitted to the House.

H 588 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Brackett, granted by unanimous consent, H 588 was recommitted to the Education Committee.

President Little returned to the Chair.

H 631, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 631, as amended, passed, title was approved, and the bill ordered returned to the House.

H 443 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 443 passed, title was approved, and the bill ordered returned to the House.

H 479, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 479, as amended, passed, title was approved, and the bill ordered returned to the House.

H 577 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 577 passed, title was approved, and the bill ordered returned to the House.

H 599 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 599 passed, title was approved, and the bill ordered returned to the House.

H 414 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 414 passed, title was approved, and the bill ordered returned to the House.

H 651 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Lodge disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 651 passed, title was approved, and the bill ordered returned to the House.

H 485, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Schmidt, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS–Corder, Hill, Pearce, Siddoway. Total - 4.

Total - 35.

Whereupon the President declared H 485, as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Seventh Order of Business.

Reports of Special Committees

March 23, 2012

Senator Brent Hill
President Pro Tempore
Idaho State Senate

Dear President Pro Tempore Hill:

On March 16, 2012, you appointed a Committee on Ethics, pursuant to Senate Rule 53, to investigate the allegations of violations of the Senate Rules or applicable law. We respectfully submit the committee report to the Senate.

Senators Malepeai, Bock and Stennett asserted rules violations in an original letter of complaint dated March 15, 2012. Their complaint alleged that Senator Monty Pearce failed to properly disclose possible conflicts of interest as required by Senate Rule 39(H), when the Resources and Environment Committee and Senate considered certain oil and gas administrative rules, draft RS legislation and House bills.

The Committee on Ethics consisted of the following six members, three from each political party: Senator Dean Mortimer as Chairman, Senator Jim Hammond, Senator Bert Brackett, Senator Elliot Werk, Senator Diane Bilyeu, and Senator Dan Schmidt.

Pursuant to Senate Rule 53, I wrote a letter to Senator Monty Pearce to inform him of the complaint and that a Committee on Ethics had been appointed. This letter was dated and hand-delivered on March 16, 2012. Senator Pearce also received a copy of the complaint on March 16, 2012.

The Committee on Ethics met on March 19, 20 and 21, 2012. At the initial committee meeting on March 19, 2012, the committee was briefed by Mr. Brian Kane from the Attorney General's office regarding the applicable Senate Rules and law. The complaint was taken under consideration and the committee asked the complainants in writing on March 19, 2012, to narrow the allegations. The complainants were asked to respond in writing by 8:00 a.m. on March 20, 2012. Senator Pearce was also asked to respond in writing to the committee by 8:00 a.m., March 20, 2012, to the original complaint.

On March 20, 2012, the committee received a revised complaint letter dated March 19, 2012 from the three complainants. They had narrowed the allegations of Senator Pearce's failure to properly disclose to the Resources and Environment Committee and the Senate, with regard to House Bill 464. Senator Bock and Senator Stennett presented specific argument and testimony in the revised complaint to the committee and answered questions from the members. Mr. Kane was asked to advise the committee on the revised complaint and the complainants' testimony. The Committee also received on March 20, 2012, a letter from Mr. Charles F. Peterson, attorney representing Senator Pearce, dated March 20, 2012, in response to the original complaint. Mr. Peterson presented testimony and answered questions from committee members. The committee agreed that more information was needed about existing leases, in order to compare Senator Pearce's leases to others.

On March 21, 2012, Chairman Mortimer invited Senator Bock to address the committee, on behalf of the three complainants. Mr. Peterson, representing Senator Pearce, was then given time to present a letter dated March 21, 2012, to the committee, and he presented testimony and responded to questions. Senator Stennett gave further testimony. The committee examined a sampling of various oil and gas leases provided by Mr. Kane. Mr. Kane advised the committee and answered questions.

After completing its preliminary investigation at its March 21, 2012, meeting, a motion to dismiss the complaint was made by Senator Hammond and seconded by Senator Schmidt. The motion passed unanimously by voice vote. The Committee on Ethics found that probable cause does not exist that a violation had occurred, and that the complaint should be dismissed against Senator Monty Pearce.

Sincerely,
/s/ Dean M. Mortimer, Chairman
Senate Ethics Committee

On request by Senator Davis, granted by unanimous consent, the Committee on Ethics report was ordered spread upon the pages of the Journal.

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12 noon until the hour of 1:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Cameron and LeFavour, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 26, 2012

The JUDICIARY AND RULES Committee reports that **S 1243**, as amended in the House, as amended in the House, and **S 1274**, as amended in the House, have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1243**, as amended in the House, as amended in the House, and **S 1274**, as amended in the House, and ordered them transmitted to the House for the signature of the Speaker.

March 26, 2012

The JUDICIARY AND RULES Committee reports that Enrolled **S 1271**, **S 1279**, **S 1293**, **S 1294**, as amended, **S 1309**, **S 1326**, **S 1344**, **S 1370**, **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**, and **S 1392** were delivered to the Office of the Governor at 10:45 a.m., March 26, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

Senator LeFavour was recorded present at this order of business.

March 26, 2012

The JUDICIARY AND RULES Committee reports that Enrolled **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** were delivered to the Office of the Secretary of State at 11:21 a.m., March 26, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 26, 2012

The FINANCE Committee reports out **S 1412**, **S 1413**, and **S 1414** with the recommendation that they do pass.

CAMERON, Chairman

S 1412, S 1413, and S 1414 were filed for second reading.

March 26, 2012

The EDUCATION Committee reports out H 672 with the recommendation that it do pass.

GOEDDE, Chairman

H 672 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 26, 2012

Dear Mr. President:

I transmit herewith Enrolled H 426, as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled H 426, as amended in the Senate, and ordered it returned to the House.

March 26, 2012

Dear Mr. President:

I return herewith S 1401, S 1402, S 1383, as amended, S 1404, S 1405, and S 1403, which have passed the House.

ALEXANDER, Chief Clerk

S 1401, S 1402, S 1383, as amended, S 1404, S 1405, and S 1403 were referred to the Judiciary and Rules Committee for enrolling.

March 26, 2012

Dear Mr. President:

I return herewith Enrolled S 1270, S 1280, S 1295, as amended, and S 1330, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled S 1270, S 1280, S 1295, as amended, and S 1330 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 26, 2012

Dear Mr. President:

I return herewith Enrolled SCR 123, which has been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled SCR 123 was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 458 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Tippets arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Cameron. Total - 1.

Total - 35.

Whereupon the President declared H 458 passed, title was approved, and the bill ordered returned to the House.

Senator Cameron was recorded present at this order of business.

H 542, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Brackett, Broadsword, Cameron, Corder, Fulcher, Heider, Johnson, Keough, McKague, McKenzie, Nuxoll, Pearce, Smyser, Tippets, Vick. Total - 15.

NAYS–Andreason, Bair, Bilyeu, Bock, Darrington, Davis, Goedde, Hammond, Hill, LeFavour, Lodge, Malepeai, Mortimer, Rice, Schmidt, Siddoway, Stennett, Toryanski, Werk, Winder. Total - 20.

Total - 35.

Whereupon the President declared that H 542, as amended, had failed to pass the Senate and ordered the bill returned to the House.

H 682 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKenzie, Mortimer, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 29.

NAYS–Fulcher, McKague, Nuxoll, Vick. Total - 4.

Absent and excused–LeFavour, Pearce. Total - 2.

Total - 35.

Whereupon the President declared H 682 passed, title was approved, and the bill ordered returned to the House.

H 668 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKenzie, Mortimer, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–McKague, Nuxoll. Total - 2.

Absent and excused–LeFavour. Total - 1.

Total - 35.

Whereupon the President declared H 668 passed, title was approved, and the bill ordered returned to the House.

H 669 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Mortimer, Nuxoll, Pearce, Schmidt, Siddoway, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–McKague. Total - 1.

Absent and excused–Rice, Smyser. Total - 2.

Total - 35.

Whereupon the President declared H 669 passed, title was approved, and the bill ordered returned to the House.

H 674 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Nuxoll. Total - 1.

Total - 35.

Whereupon the President declared H 674 passed, title was approved, and the bill ordered returned to the House.

H 675 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Siddoway. Total - 1.

Total - 35.

Whereupon the President declared H 675 passed, title was approved, and the bill ordered returned to the House.

H 676 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 676 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 4:10 p.m. until the hour of 9 a.m., Tuesday, March 27, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-NINTH LEGISLATIVE DAY
TUESDAY, MARCH 27, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 9 a.m.

Roll call showed all members present except Senator McKenzie, absent and formally excused by the Chair; and Senators Brackett, Corder, Goedde, and Tippets, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Marc Christensen, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 26, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 27, 2012

The JUDICIARY AND RULES Committee reports that **S 1415** and **S 1416** have been correctly printed.

DARRINGTON, Chairman

S 1415 and **S 1416** were referred to the Finance Committee.

March 26, 2012

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 123** was delivered to the Office of the Secretary of State at 2:02 p.m., March 26, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 26, 2012

The JUDICIARY AND RULES Committee reports that Enrolled **S 1270**, **S 1280**, **S 1295**, as amended, and **S 1330** were delivered to the Office of the Governor at 2:15 p.m., March 26, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 27, 2012

The JUDICIARY AND RULES Committee reports that **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**, **S 1400**, **SCR 125**, **SCR 130**, **SCR 131**, **SCR 132**, **SJM 103**, **SJM 104**, and **SJM 105** have been correctly enrolled.

DARRINGTON, Chairman

The President signed 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**, **S 1400**, **SCR 125**, **SCR 130**, **SCR 131**, **SCR 132**, **SJM 103**, **SJM 104**, and **SJM 105** and ordered them transmitted to the House for the signature of the Speaker.

Senator Goedde was recorded present at this order of business.

March 26, 2012

The RESOURCES AND ENVIRONMENT Committee reports out **HJR 2**, as amended, with the recommendation that it do pass.

PEARCE, Chairman

HJR 2, as amended, was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 26, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1350, **S 1351**, **S 1352**, **S 1353**, **S 1354**, **S 1361**, **S 1367**, **S 1375**, **S 1376**, **S 1382**, and **S 1384**

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 26, 2012

Dear Mr. President:

I transmit herewith H 694, H 695, and H 696, which have passed the House.

ALEXANDER, Chief Clerk

H 694, H 695, and H 696 were filed for first reading.

March 26, 2012

Dear Mr. President:

I transmit herewith 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 for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed 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 ordered them returned to the House.

March 26, 2012

Dear Mr. President:

I return herewith S 1343, S 1363, S 1365, S 1366, and S 1373, which have passed the House.

ALEXANDER, Chief Clerk

S 1343, S 1363, S 1365, S 1366, and S 1373 were referred to the Judiciary and Rules Committee for enrolling.

Senators Brackett, Corder, and Tippets were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

H 694, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

H 695 and H 696, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 684, H 685, and H 686, by Appropriations Committee, were read the second time at length and filed for third reading.

S 1256, as amended in the House, by Resources and Environment Committee, was read the second time at length and filed for third reading.

S 1412, S 1413, and S 1414, by Finance Committee, were read the second time at length and filed for third reading.

H 672, by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

President Pro Tempore Hill called Senator Smyser to the Chair.

H 677 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Broadsword, McKenzie, Schmidt. Total - 3.

Total - 35.

Whereupon the Acting President declared H 677 passed, title was approved, and the bill ordered returned to the House.

H 678 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Broadsword, McKenzie, Schmidt. Total - 3.

Total - 35.

Whereupon the Acting President declared H 678 passed, title was approved, and the bill ordered returned to the House.

H 679 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS–None.

Absent and excused–Brackett, Broadsword, McKenzie, Schmidt. Total - 4.

Total - 35.

Whereupon the Acting President declared H 679 passed, title was approved, and the bill ordered returned to the House.

Acting President Smyser called Senator LeFavour to the Chair.

H 680 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Vick, Werk, Winder. Total - 30.

NAYS–None.

Absent and excused–Brackett, Broadsword, McKenzie, Schmidt, Toryanski. Total - 5.

Total - 35.

Whereupon the Acting President declared H 680 passed, title was approved, and the bill ordered returned to the House.

H 681 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS–None.

Absent and excused–Brackett, Broadsword, Corder, McKenzie. Total - 4.

Total - 35.

Whereupon the Acting President declared H 681 passed, title was approved, and the bill ordered returned to the House.

H 611 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Brackett, McKenzie. Total - 2.

Total - 35.

Whereupon the Acting President declared H 611 passed, title was approved, and the bill ordered returned to the House.

Acting President LeFavour called Senator McKague to the Chair.

H 661 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Rice arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Bair, McKenzie. Total - 2.

Total - 35.

Whereupon the Acting President declared H 661 passed, title was approved, and the bill ordered returned to the House.

H 624 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, Mortimer, Rice, Schmidt, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 28.

NAYS–Fulcher, McKague, Nuxoll, Pearce, Siddoway, Vick. Total - 6.

Absent and excused–McKenzie. Total - 1.

Total - 35.

Whereupon the Acting President declared H 624 passed, title was approved, and the bill ordered returned to the House.

Acting President McKague called Senator Bilyeu to the Chair.

H 649 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, LeFavour, Lodge, Malepeai, Mortimer, Schmidt, Siddoway, Stennett, Tippets, Toryanski, Werk, Winder. Total - 26.

NAYS–Fulcher, Keough, McKague, Nuxoll, Pearce, Rice, Smyser, Vick. Total - 8.

Absent and excused–McKenzie. Total - 1.

Total - 35.

Whereupon the Acting President declared H 649 passed, title was approved, and the bill ordered returned to the House.

H 372 was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–McKenzie. Total - 1.

Total - 35.

Whereupon the Acting President declared **H 372** passed, title was approved, and the bill ordered returned to the House.

H 575 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Corder, Darrington, McKenzie. Total - 3.

Total - 35.

Whereupon the Acting President declared **H 575** passed, title was approved, and the bill ordered returned to the House.

President Pro Tempore Hill returned to the Chair.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Twelfth Order of Business.

Second Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Corder, McKenzie. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared the rules suspended.

HJR 2, as amended, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 31.

NAYS–Bilyeu, Stennett, Werk. Total - 3.

Absent and excused–McKenzie. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President Pro Tempore declared **HJR 2**, as amended, adopted, title was approved, and the resolution ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 12:10 p.m. until the hour of 9 a.m., Wednesday, March 28, 2012.

BRENT HILL, President Pro Tempore

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

EIGHTIETH LEGISLATIVE DAY
WEDNESDAY, MARCH 28, 2012

Senate Chamber

President Little called the Senate to order at 9 a.m.

Roll call showed all members present except Senator Lodge, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Ben Stringham, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 27, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 27, 2012

The FINANCE Committee reports out **H 695**, **H 696**, **S 1415**, and **S 1416** with the recommendation that they do pass.

CAMERON, Chairman

H 695, **H 696**, **S 1415**, and **S 1416** were filed for second reading.

Senator Lodge was recorded present at this order of business.

March 27, 2012

The JUDICIARY AND RULES Committee reports out **H 639**, as amended, with the recommendation that it do pass.

DARRINGTON, Chairman

H 639, as amended, was filed for second reading.

March 27, 2012

The JUDICIARY AND RULES Committee reports that **S 1343**, **S 1363**, **S 1365**, **S 1366**, and **S 1373** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1343**, **S 1363**, **S 1365**, **S 1366**, and **S 1373** and ordered them transmitted to the House for the signature of the Speaker.

March 27, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 687** and **H 691** with the recommendation that they do pass.

CORDER, Chairman

H 687 and **H 691** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 27, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1260, **S 1261**, **S 1262**, **S 1273**, **S 1289**, **S 1291**, **S 1307**, **S 1314**, **S 1319**, **S 1323**, as amended, **S 1332**, **S 1335**, **S 1346**, **S 1359**, **S 1377**, and **S 1381**

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 27, 2012

Dear Mr. President:

I transmit herewith **H 693**, which has passed the House.

ALEXANDER, Chief Clerk

H 693 was filed for first reading.

March 27, 2012

Dear Mr. President:

I transmit herewith 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**, **H 485**, as amended, **HCR 47**, and **HJM 14** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed 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, H 485, as amended, HCR 47, and HJM 14 and ordered them returned to the House.

March 27, 2012

Dear Mr. President:

I return herewith S 1390, as amended, S 1395, S 1406, S 1407, S 1409, S 1410, and S 1408, which have passed the House.

ALEXANDER, Chief Clerk

S 1390, as amended, S 1395, S 1406, S 1407, S 1409, S 1410, and S 1408 were referred to the Judiciary and Rules Committee for enrolling.

March 27, 2012

Dear Mr. President:

I return herewith Enrolled S 1243, as amended in the House, as amended in the House, S 1274, as amended in the House, 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, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled S 1243, as amended in the House, as amended in the House, S 1274, as amended in the House, 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 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 27, 2012

Dear Mr. President:

I return herewith Enrolled SCR 125, SCR 130, SCR 131, SCR 132, SJM 103, SJM 104, and SJM 105, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled SCR 125, SCR 130, SCR 131, SCR 132, SJM 103, SJM 104, and SJM 105 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

On request by Senator Winder, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

H 693, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 684 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 684 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, H 685 retained its place on the Third Reading Calendar for one legislative day.

President Little called Senator Broadsword to the Chair.

H 686 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the Acting President declared H 686 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 685** was placed before the Senate for final consideration at this time.

H 685 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk. Total - 34.

NAYS–None.

Absent and excused–Winder. Total - 1.

Total - 35.

Whereupon the President declared H 685 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, S 1256, as amended in the House, retained its place on the Third Reading Calendar for one legislative day.

S 1412 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–McKague. Total - 1.

Total - 35.

Whereupon the Acting President declared S 1412 passed, title was approved, and the bill ordered transmitted to the House.

President Little returned to the Chair.

On request by Senator Davis, granted by unanimous consent, **S 1256, as amended in the House,** was placed before the Senate for final consideration at this time.

S 1256, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Keough, Lodge, McKague, McKenzie, Rice, Siddoway, Smyser, Winder. Total - 19.

NAYS–Andreason, Bilyeu, Bock, Corder, Johnson, LeFavour, Malepeai, Mortimer, Nuxoll, Pearce, Schmidt, Stennett, Tippets, Toryanski, Vick, Werk. Total - 16.

Total - 35.

Whereupon the President declared S 1256, as amended in the House, passed, title was approved, and the bill referred to Judiciary and Rules Committee for enrolling.

S 1413 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS–Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared S 1413 passed, title was approved, and the bill ordered transmitted to the House.

S 1414 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared S 1414 passed, title was approved, and the bill ordered transmitted to the House.

H 672 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 672 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, H 653 was removed from the Consent Calendar and placed before the Senate for consideration at this time.

H 653 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 653 passed, title was approved, and the bill ordered returned to the House.

The Senate advanced to the Fourteenth Order of Business.

On request by Senator Brackett, granted by unanimous consent, S 1282 was recommitted to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12:20 p.m. until the hour of 2 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 2 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Schmidt, absent and formally excused by the Chair; and Senators Brackett, Cameron, Fulcher, Lodge, McKague, and Pearce, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 28, 2012

The JUDICIARY AND RULES Committee reports that Enrolled **SCR 125**, **SCR 130**, **SCR 131**, **SCR 132**, **SJM 103**, **SJM 104**, and **SJM 105** were delivered to the Office of the Secretary of State at 10:35 a.m., March 28, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

Senator Cameron was recorded present at this order of business.

March 28, 2012

The JUDICIARY AND RULES Committee reports that Enrolled **S 1243**, as amended in the House, as amended in the House, **S 1274**, as amended in the House, **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** were delivered to the Office of the Governor at 11:11 a.m., March 28, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 28, 2012

The JUDICIARY AND RULES Committee reports that **S 1390**, as amended, **S 1395**, **S 1406**, **S 1407**, **S 1409**, **S 1410**, **S 1408**, and **S 1256**, as amended in the House, have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1390**, as amended, **S 1395**, **S 1406**, **S 1407**, **S 1409**, **S 1410**, **S 1408**, and **S 1256**, as amended in the House, and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

Senators Brackett, Lodge, and McKague were recorded present at this order of business.

March 28, 2012

Dear Mr. President:

I transmit herewith **H 660**, which has passed the House.

ALEXANDER, Chief Clerk

H 660 was filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

H 660, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Judiciary and Rules Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Werk, that all rules of the Senate interfering with the immediate passage 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 second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS–None.

Absent and excused–Fulcher, Hill, Pearce, Schmidt. Total - 4.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

Senators Fulcher and Pearce were recorded present at this order of business.

H 695 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Brackett, Cameron, Corder, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Keough, Lodge, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 23.

NAYS–Andreason, Bilyeu, Bock, Broadsword, Darrington, Johnson, LeFavour, Malepeai, McKague, Stennett, Werk. Total - 11.

Absent and excused–Schmidt. Total - 1.

Total - 35.

Whereupon the President declared **H 695** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Schmidt. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 696 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Schmidt. Total - 1.

Total - 35.

Whereupon the President declared H 696 passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Schmidt. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1415 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Schmidt. Total - 1.

Total - 35.

Whereupon the President declared S 1415 passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Schmidt. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1416 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Schmidt. Total - 1.

Total - 35.

Whereupon the President declared S 1416 passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Winder, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of H 639, 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 639, as amended, be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Schmidt. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 639, as amended, was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Schmidt. Total - 1.

Total - 35.

Whereupon the President declared H 639, as amended, passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of H 687 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 687 be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Schmidt. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 687 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Rice arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Schmidt. Total - 1.

Total - 35.

Whereupon the President declared H 687 passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of H 691 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 691 be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Schmidt. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 691 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS–LeFavour, Malepeai, Stennett. Total - 3.

Absent and excused–Schmidt. Total - 1.

Total - 35.

Whereupon the President declared **H 691** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

March 28, 2012

Dear Mr. President:

I transmit herewith **H 697** and **H 662**, which have passed the House.

ALEXANDER, Chief Clerk

H 697 and **H 662** were filed for first reading.

March 28, 2012

Dear Mr. President:

I return herewith **S 1303**, as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Davis, granted by unanimous consent, **S 1303**, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that the House amendments to **S 1303**, as amended in the House, were before the Senate for consideration as to possible concurrence, the question being, "Shall the Senate concur in the House amendments to **S 1303**, as amended in the House?"

On request by Senator Davis, granted by unanimous consent, the Senate concurred by voice vote in the House amendments to **S 1303**, as amended in the House.

S 1303, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

The Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

H 697, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 662, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 4:10 p.m. until the hour of 10 a.m., Thursday, March 29, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

EIGHTY-FIRST LEGISLATIVE DAY
THURSDAY, MARCH 29, 2012

Senate Chamber

President Little called the Senate to order at 10 a.m.

Roll call showed all members present.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Karl Lundgren, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 28, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

SR 105
BY JUDICIARY AND RULES COMMITTEE
A SENATE RESOLUTION
STATING FINDINGS OF THE SENATE AND AMENDING RULE 39 OF THE RULES OF THE SENATE RELATING TO VOTING.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable that Rule 39 of the Rules of the Senate be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixty-first Idaho Legislature, that Rule 39 of the Rules of the Senate shall be amended to read as follows:

RULE 39

Voting. – (A) Every Senator, when a question is put, either on the Senate floor or in committee, being present and in his seat, shall vote. Any Senator upon a reasonable cause stated may move to be excused from voting. Such motion is undebatable and requires a two-thirds vote. No Senator may vote unless present and in his seat nor may he vote for the first time on any question inconsistent with his position as a moving party or as openly stated in debate. All Senators reporting present under a Call of the Senate must, after the call is lifted, remain within the Senate Chamber and vote on the question for which the Senate was called unless excused as herein provided.

Under no circumstance shall a roll call, once ordered, be interrupted except to explain a vote under the provisions of Mason's Manual of Legislative Procedure, Section 528, or call to or for order.

Voting excused. – (B) A request to be excused from voting shall not be in order unless made before the Senate divides or the roll call is begun.Roll Call Vote. – (C) Ayes and nays shall not be ordered or recorded except upon final passage of bills, joint resolutions, motions for expenditure of public monies or incurring obligations therefor, motions requiring a two-thirds majority vote, or upon request of any Senator with at least two other Senators rising in support thereof; provided, no roll call vote shall be permitted in the Committee of the Whole Senate under any circumstances.Division of the Senate. – (D) When any question shall be put to determination by voice vote and there be any reasonable doubt as to the prevailing vote, the Chair shall first state that "The Chair is in doubt" before announcing the final result. At any time before announcement of the final result, any Senator may request a division of the Senate, whereupon the vote shall be determined by those favoring the ayes standing, followed by those favoring the nays standing. A request for a roll call vote may be made before announcement of the result of the division of the Senate.Explanation of Vote. – (E) Any Senator may explain his vote when his name is called upon a roll call vote, provided he has not participated in debate, and provided further that such explanation shall not exceed one minute duration.What Constitutes Debate. – (F) Making an inquiry or suggestion, or asking or answering a question is not debate, unless in the discretion of the President persistent questioning constitutes abuse of this exception whereupon the Senator involved shall be so advised by the Chair.Change of Vote.– (G) Any Senator may change his vote before the decision of a question shall have been announced by the Chair but no explanation for such change shall be permitted.Right to Vote. – (H) A Senator has the right to vote upon all questions before the Senate and to participate in the business of the Senate and its committees and, in so doing, the Senator is presumed to act in good faith and in the public interest. ~~If a~~ A Senator ~~has~~ with a conflict of interest under applicable law~~, such~~ shall, on the day of and before casting a vote on the Senate floor, disclose the conflict ~~must be disclosed to the~~ verbally or in writing to all members of the Senate present. The presiding officer ~~in writing or to the body~~ shall ensure that such disclosure is entered upon the Journal. A Senator with a conflict of interest under applicable law shall, on the day of and before casting a vote in committee, disclose the conflict verbally or in writing to all committee members present. The committee chairman shall ensure that such disclosure is recorded in the committee minutes. Upon disclosure of any such conflict, the Senator may vote upon any question or issue to which the conflict relates, unless the Senator requests to be excused.

SR 106
BY JUDICIARY AND RULES COMMITTEE
A SENATE RESOLUTION
STATING FINDINGS OF THE SENATE AND AMENDING RULE 7 OF THE RULES OF THE SENATE RELATING TO EMPLOYEES OF THE SENATE.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable that Rule 7 of the Rules of the Senate be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixty-first Idaho Legislature, that Rule 7 of the Rules of the Senate shall be amended to read as follows:

RULE 7

Employees of Senate. – (A) The officers and employees of the Senate shall consist of one secretary, one assistant secretary, one journal clerk, one docket clerk, one chaplain, one sergeant at arms, one doorkeeper, two pages, one janitor, one payroll clerk, and such other assistants, clerks, secretaries, and other employees as the Senate may determine to be required for the expeditious conduct of its business.Duties of Employees. – (B) It shall be the duty of the Secretary of the Senate to attend each day, call the roll, read the journals and bills, and to copy or take charge of and superintend all copying necessary to be done for the Senate.

It shall be the duty of the Assistant Secretary of the Senate to take charge of all bills, petitions, and other papers presented to the Senate, to file and enter the same in the books provided for that purpose, and perform such other duties as may be directed by the Secretary of the Senate.

It shall furthermore be the duty of the Secretary of the Senate to keep a correct record of the proceedings of each day, for the purpose of having such proceedings entered in the Journal by the Journal Clerk.

It shall be the duty of the Journal Clerk of the Senate to record each day's proceedings in the Journal, from which they shall be read by the Secretary each day of meeting, in order that they may be authenticated by the signature of the President.

It shall be the duty of the Sergeant at Arms of the Senate to give a general supervision, under the direction of the presiding officers, of the Senate Chamber, with the rooms attached; to attend during the sittings of the Senate, execute its commands, together with all such proceedings issued by authority thereof, as shall be directed by the presiding officers.

It shall be the duty of the Doorkeeper to prohibit all persons from entering the bar of the Senate except those who by rule or invitation are permitted, and to arrest for contempt all persons outside of the bar or in the gallery found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

It shall be the duty of the Janitor to keep the furniture of the Senate in good order, and perform such other duties as he may be directed to do by the President Pro Tempore of the Senate.

It shall be the duty of the Payroll Clerk to prepare the payroll and all payroll documents, prepare all vouchers for all expenses of the Senate and keep all records pertaining thereto.

It shall be the duty of the Chaplain to open the proceedings of the Senate with prayer.

Selection and Pay of Employees. – (C) All employees of the Senate shall be selected by an attache committee, which committee shall be appointed by the Senate leadership, and the employees so selected shall be subject to the approval of the Senate. There shall be paid to the employees of the Senate, for all services rendered by them, such compensation as may be determined by Senate leadership. All employees of the Senate shall serve at the pleasure of the President Pro Tempore. The President Pro Tempore is authorized to retain such personnel as deemed necessary during the interim .Supervision of Employees. – (D) Subject to the overall supervision of the President Pro Tempore, the Secretary of the Senate shall have general responsibility for all Senate employees, although doorkeepers, watchmen, janitors, pages, and others charged with housekeeping functions, shall be immediately responsible to the Sergeant at Arms.~~Removal of Employees. – (E) Any of the employees of the Senate may be removed by a two-thirds vote of the members of the Senate for failure to perform the duties imposed upon them, or for incompetency, or for conduct which shall by the Senate be deemed improper.~~Delivery of Bills and Papers to Secretary of State. – (~~F~~E) It shall be the duty of the Secretary of the Senate, at the close of each session of the legislature, to mark, label, and arrange all bills and papers belonging to the archives of the Senate, and to deliver the same, together with all the books of the Senate, to the Secretary of State, who shall certify to the reception of the same.Purchases, Etc. – (~~G~~F) No purchase shall be made or expense incurred by the Sergeant at Arms or any officer or employee of the Senate in its behalf except upon the written order of the President Pro Tempore.

SR 107
BY JUDICIARY AND RULES COMMITTEE

A SENATE RESOLUTION

STATING FINDINGS OF THE SENATE AND AMENDING RULE 53 OF THE RULES OF THE SENATE RELATING TO A COMMITTEE ON ETHICS.

Be It Resolved by the Senate of the State of Idaho:

WHEREAS, the Senate deems it necessary and desirable that Rule 53 of the Rules of the Senate be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate, assembled in the Second Regular Session of the Sixty-first Idaho Legislature, that Rule 53 of the Rules of the Senate shall be amended to read as follows:

RULE 53

Committee on Ethics. – (A) The President Pro Tempore shall receive ~~written, signed~~ complaints from any Senator concerning the alleged violation of the Rules of the Senate or the provisions of applicable law by a member of the Senate. Whenever such a complaint is received, the President Pro Tempore shall appoint a committee on ethics of six members, consisting of a chairman and five members, three of whom must be appointed with the concurrence of the leader of the party opposite to the party of the President Pro Tempore.

(B) The complaint shall be in writing, signed, verified and contain one or more of the following allegations:

(1) Substantial conduct unbecoming a Senator;

(2) A violation of the Rules of the Senate, including: (i) the disclosure of any information that is confidential concerning the preliminary investigation provided in subsection (E) of this Senate Rule; or (ii) the disclosure of any information, preliminary investigation or written complaint, except as provided in subsection (F) of this Senate Rule;

(3) A violation of any state law relating to the use of public office for private pecuniary gain;

(4) A violation of any state law relating to conflicts of interest; or

(5) A violation of any state law that brings discredit or embarrassment to the Senate or that constitutes a breach of public trust.

(C) The complaint shall be specific and supported by competent preliminary evidence of the violation of the Rules of the Senate or the provisions of applicable law, including: (i) the name of the member of the Senate alleged to be in violation; and (ii) the description of the facts and circumstances supporting each alleged violation.

(D) The President Pro Tempore shall provide the written complaint to the chairman of the committee on ethics. Subject to the provisions of this rule, the committee shall review the written complaint. The committee may dismiss any ethics complaint that:

(1) Does not comply with this Senate Rule;

(2) Contains alleged violations that occurred: (i) two years or more before the date on which the complaint was submitted to the committee; or (ii) before the accused Senator was sworn in to the Senate.

(E) The committee shall notify the ~~person~~ Senator complained against ~~whom~~ of the complaint ~~was brought~~ and shall provide ~~such person with~~ the Senator a copy of the complaint. The ~~person~~ Senator complained against may submit a written answer to the committee. The committee shall make a preliminary investigation of the complaint. Notwithstanding the provisions of Senate Rule 20, such investigatory meetings shall be held in executive session. If, after investigation, the committee determines no probable cause exists that a violation has occurred, the committee shall dismiss the complaint ~~shall be dismissed~~ and notify the complaining Senator and the Senator complained against. All proceedings of the committee, pursuant to this subsection (E), including the complaint and the appointment of the committee shall remain confidential.

(F) If, after investigation, the committee determines probable cause exists that a violation may have occurred, the committee shall so notify the ~~person complained against~~ complaining Senator and the Senator complained against. At that time, the written complaint and the formation of the committee shall no longer be confidential, but shall become a public document. ~~Such person~~ The Senator complained against may request a hearing before the committee, before which he shall be entitled to appear, present evidence, cross-examine witnesses, and be represented by counsel. The committee shall have the power to take testimony under oath and to issue subpoenas and subpoenas duces tecum in the manner provided in ~~Section 67-407~~ Chapter 4, Title 67, Idaho Code.

~~(C)~~ After the hearing, t~~T~~he committee may make recommendations to the Senate ~~based upon the investigations conducted and hearings held pursuant to this rule~~. The committee may recommend dismissal of the charges, reprimand, censure, or expulsion. Expulsion of a Senate member shall require the affirmative vote of two-thirds of the members elected to the Senate, as provided by Section 11 of Article III of the Constitution. Reprimand or censure of a member shall require the affirmative vote of a majority of the members elected to the Senate. Action of the Senate pursuant to this rule is final and not subject to court review.

(~~D~~G) The committee may retain such counsel and may hire such investigators as it deems necessary for the performance of its duties under this rule, or may request an advisory opinion from the Attorney General. All expenditures incurred pursuant to this subsection (~~D~~G) shall be approved by the President Pro Tempore and paid by vouchers and warrants drawn as provided by law from appropriations made to the Legislative Account.

(~~E~~H) The committee may adopt rules of procedure for the orderly conduct of committee meetings, investigations, and hearings, which rules shall be consistent with this rule and other applicable rules of the Senate and state statutes.

(~~F~~I) If the ~~written signed~~ complaint concerns misconduct of the President Pro Tempore, then the duties of the President Pro Tempore in this rule shall be the duties of the floor leader of the same party as the President Pro Tempore.

SR 105, **SR 106**, and **SR 107** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 29, 2012

The JUDICIARY AND RULES Committee reports that **S 1303**, as amended in the House, has been correctly engrossed.

DARRINGTON, Chairman

S 1303, as amended in the House, was filed for first reading.

March 28, 2012

The STATE AFFAIRS Committee reports out **H 693** with the recommendation that it do pass.

MCKENZIE, Chairman

H 693 was filed for second reading.

March 29, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 697** with the recommendation that it do pass.

CORDER, Chairman

H 697 was filed for second reading.

March 29, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 563** without recommendation.

CORDER, Chairman

H 563 was filed for second reading.

March 29, 2012

The JUDICIARY AND RULES Committee reports out **H 660** with the recommendation that it do pass.

DARRINGTON, Chairman

H 660 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 28, 2012

Dear Mr. President:

I transmit herewith Enrolled **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, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **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, and ordered them returned to the House.

March 29, 2012

Dear Mr. President:

I transmit herewith Enrolled **H 684**, **H 686**, **H 685**, **H 672**, and **H 653** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 684**, **H 686**, **H 685**, **H 672**, and **H 653** and ordered them returned to the House.

March 28, 2012

Dear Mr. President:

I return herewith S 1386, S 1412, S 1413, S 1414, S 1357, as amended, and S 1348, as amended, which have passed the House.

ALEXANDER, Chief Clerk

S 1386, S 1412, S 1413, S 1414, S 1357, as amended, and S 1348, as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 28, 2012

Dear Mr. President:

I return herewith Enrolled S 1343, S 1363, S 1365, S 1366, and S 1373, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled S 1343, S 1363, S 1365, S 1366, and S 1373 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 29, 2012

Dear Mr. President:

I return 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, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

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 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1303, as amended in the House, by Agricultural Affairs Committee, was read the first time at length and filed for second reading.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 693, by Ways and Means Committee, was read the second time at length and filed for third reading.

H 563 and H 697, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

H 660, by Ways and Means Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage 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 third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 693 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS–Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared H 693 passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 697 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKenzie, Rice, Siddoway, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 28.

NAYS–Fulcher, McKague, Mortimer, Nuxoll, Pearce, Schmidt, Vick. Total - 7.

Total - 35.

Whereupon the President declared H 697 passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Winder, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of H 660 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 660 be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 660 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Lodge disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES–Andreason, Bair, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Bilyeu. Total - 1.

Total - 35.

Whereupon the President declared H 660 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Twelfth Order of Business.

Second Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 32.

NAYS–None.

Absent and excused–Bilyeu, Bock, LeFavour. Total - 3.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1303, as amended in the House, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Goedde, Heider, Hill, Keough, LeFavour, Lodge, Malepeai, McKenzie, Schmidt, Smyser, Stennett, Toryanski, Vick, Werk, Winder. Total - 24.

NAYS–Bair, Fulcher, Hammond, Johnson, McKague, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Tippets. Total - 11.

Paired and voting included in roll call:
AYE - Bilyeu NAY - Fulcher

Total - 35.

Whereupon the President declared S 1303, as amended in the House, passed, title was approved, and the bill was referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 29, 2012

The JUDICIARY AND RULES Committee reports that SR 105, SR 106, and SR 107 have been correctly printed.

DARRINGTON, Chairman

SR 105, SR 106, and SR 107 were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote the Senate recessed at 12:55 p.m. until the hour of 1:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Broadsword, Lodge and McKague, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 29, 2012

The JUDICIARY AND RULES Committee reports that Enrolled S 1343, S 1363, S 1365, S 1366, S 1373, S 1256, as amended in the House, S 1390, as amended, S 1395, S 1406, S 1407, S 1409, S 1410, and S 1408 were delivered to the Office of the Governor at 11:55 a.m., March 29, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 29, 2012

The JUDICIARY AND RULES Committee reports that S 1386, S 1412, S 1413, S 1414, S 1357, as amended, and S 1348, as amended, have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled S 1386, S 1412, S 1413, S 1414, S 1357, as amended, and S 1348, as amended, and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

March 29, 2012

Dear Mr. President:

I transmit herewith H 477, as amended, and H 698, which have passed the House.

ALEXANDER, Chief Clerk

H 477, as amended, and H 698 were filed for first reading.

March 29, 2012

Dear Mr. President:

I return herewith S 1415 and S 1416, which have passed the House.

ALEXANDER, Chief Clerk

S 1415 and S 1416 were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

H 477, as amended, by Local Government Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 698, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

Senators McKague, Broadsword, and Lodge were recorded present at this order of business.

March 29, 2012

The EDUCATION Committee reports out H 662 and H 698 with the recommendation that they do pass.

GOEDDE, Chairman

H 662 and H 698 were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 29, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

S 1344

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 29, 2012

Dear Mr. President:

I transmit herewith H 701, H 702, and H 703, which have passed the House.

ALEXANDER, Chief Clerk

H 701, H 702, and H 703 were filed for first reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

H 701, **H 702**, and **H 703**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 29, 2012

The FINANCE Committee reports out **H 701**, **H 702**, and **H 703** with the recommendation that they do pass.

CAMERON, Chairman

H 701, **H 702**, and **H 703** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

H 662 and **H 698**, by Education Committee, were read the second time at length and filed for third reading.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage 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 second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Darrington, Davis, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS–None.

Absent and excused–Andreason, Cameron, Corder, Fulcher. Total - 4.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 701 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS–None.

Absent and excused–Andreason, Corder. Total - 2.

Total - 35.

Whereupon the President declared **H 701** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 702 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 702** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Broadsword, Chairman and Senators McKague and LeFavour to escort the committee from the House of Representatives, consisting of Representatives Schaefer, Lake and Killen, into the Senate Chamber. The House committee informed the President and the members of the Senate that the House had completed its business and was ready to adjourn *Sine Die*.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 703 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **H 703** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate consideration of **SR 105** be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that **SR 105** was before the Senate for final consideration.

Moved by Senator Toryanski, seconded by Senator Stennett, that **SR 105** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared **SR 105** adopted, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate consideration of **SR 106** be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that **SR 106** was before the Senate for final consideration.

Moved by President Pro Tempore Hill, seconded by Senator Mortimer, that **SR 106** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS–Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared **SR 106** adopted, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

Moved by Senator Winder, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate consideration of **SR 107** be suspended. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that **SR 107** was before the Senate for final consideration.

Moved by Senator Davis, seconded by Senator Mortimer, that SR 107 be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS–Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared SR 107 adopted, title was approved, and the resolution ordered filed in the office of the Secretary of the Senate.

On request by Senator Heider, granted by unanimous consent, the following Statement of Legislative Intent for **HJR 2** was ordered spread upon the pages of the Journal:

STATEMENT OF LEGISLATIVE INTENT

HJR 2

This amendment to the Constitution of the State of Idaho expressly guarantees the citizens of Idaho the right to hunt, fish and trap within the rules and regulations set forth by the Idaho Department of Fish and Game. Furthermore, it provides that the right to hunt, fish or trap may be lost due to a violation of the rules or regulations set forth by the Idaho Department of Fish and Game or other statute. Although hunting, fishing and trapping are preferred methods for managing wildlife, the amendment recognizes that in some instances other methods of management may be necessary. Private property and water rights should not be affected by this resolution.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of H 563 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 563 be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS–None.

Absent and excused–Hammond. Total - 1.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 563 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS–Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared H 563 passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 662 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

Whereupon the President declared H 662 passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage 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 third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES–Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 698 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES–Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 28.

NAYS–Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Total - 35.

Whereupon the President declared **H 698** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

March 29, 2012

Dear Mr. President:

I transmit herewith Enrolled **H 695**, **H 696**, **H 639**, as amended, **H 687**, and **H 691** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 695**, **H 696**, **H 639**, as amended, **H 687**, and **H 691** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

March 29, 2012

The JUDICIARY AND RULES Committee reports that **S 1303**, as amended in the House, **S 1415**, and **S 1416** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1303**, as amended in the House, **S 1415**, and **S 1416** and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Hammond, Chairman, and Senators Nuxoll and Bilyeu to notify the House of Representatives that the Senate had completed its business and was ready to adjourn *Sine Die*. The committee was excused.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senator Darrington, Chairman, and Senators Smyser and Malepeai to notify the Governor that the Senate had completed its business and was ready to adjourn *Sine Die*. The committee was excused.

The committee appointed to wait upon the House of Representatives returned and reported that it had delivered the Senate's message. The committee conveyed the Speaker's response to the President and the members of the Senate.

The President thanked and discharged the committee.

The committee appointed to wait upon the Governor returned and reported that it had delivered the Senate's message. The committee conveyed the Governor's response to the President and the members of the Senate.

The President thanked and discharged the committee.

President Pro Tempore Hill ordered the Sergeant at Arms to retrieve the Idaho State flags that had been raised over the Senate Chamber during the Second Regular Session of the Sixty-first Legislature of the State of Idaho. The flags were then presented to Senators Smyser, LeFavour, Hammond, McKague, Bilyeu, Broadsword, Malepeai, Andreason and Darrington, in honor of their exemplary service to the Senate.

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote the Second Regular Session of the Sixty-first Legislature of the Idaho Senate adjourned *Sine Die* at 7:10 p.m., Thursday, March 29, 2012, in honor of retiring Senators Darrington, Andreason, Malepeai, Broadsword, Bilyeu, McKague, Hammond, LeFavour and Smyser.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

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[Note: The following is action recorded after Senate *Sine Die*:]

March 30, 2012

Dear Mr. President:

I transmit herewith Enrolled **H 693**, **H 697**, **H 660**, **H 701**, **H 702**, **H 703**, **H 563**, **H 662**, and **H 698** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **H 693**, **H 697**, **H 660**, **H 701**, **H 702**, **H 703**, **H 563**, **H 662**, and **H 698** and ordered them returned to the House.

March 30, 2012

Dear Mr. President:

I return herewith Enrolled **S 1303**, as amended in the House, **S 1415**, **S 1416**, **S 1386**, **S 1412**, **S 1413**, **S 1414**, **S 1357**, as amended, and **S 1348**, as amended, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1303**, as amended in the House, **S 1415**, **S 1416**, **S 1386**, **S 1412**, **S 1413**, **S 1414**, **S 1357**, as amended, and **S 1348**, as amended, were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 30, 2012

The JUDICIARY AND RULES Committee reports that Enrolled **S 1303**, as amended in the House, **S 1415**, **S 1416**, **S 1386**, **S 1412**, **S 1413**, **S 1414**, **S 1357**, as amended, and **S 1348**, as amended, were delivered to the Office of the Governor at 2 p.m., March 30, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 3, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1231, as amended, **S 1243**, as amended in the House, as amended in the House, **S 1256**, as amended in the House, **S 1270**, **S 1271**, **S 1279**, **S 1280**, **S 1286**, **S 1293**, **S 1295**, as amended, **S 1303**, as amended in the House, **S 1304**, **S 1326**, **S 1327**, **S 1328**, **S 1329**, **S 1330**, **S 1337**, as amended, **S 1338**, **S 1341**, **S 1343**, **S 1360**, **S 1383**, as amended, **S 1388**, **S 1389**, **S 1391**, **S 1392**, **S 1394**, **S 1395**, **S 1396**, **S 1397**, **S 1398**, **S 1399**, **S 1400**, **S 1402**, **S 1403**, **S 1404**, **S 1405**, **S 1406**, **S 1407**, **S 1409**, **S 1410**, **S 1412**, **S 1413**, **S 1414**, **S 1415**, and **S 1416**

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 5, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

S 1255, as amended, as amended, **S 1274**, as amended in the House, **S 1294**, as amended, **S 1309**, **S 1313**, **S 1348**, as amended, **S 1356**, as amended, **S 1357**, as amended, **S 1363**, **S 1365**, **S 1366**, **S 1370**, **S 1373**, **S 1386**, **S 1390**, as amended, **S 1393**, **S 1401**, and **S 1408**

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

April 10, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I hereby advise you that I have transmitted today to the Secretary of State, the following Senate Bill, which was allowed to become law without my signature:

S 1321, as amended

as prescribed by the Constitution.

Idaho Code 36-111 establishes a set-aside feeding account funded by a portion of the fee for antelope, elk and deer tags. The statute provided for $1.50 from each tag and put at least half that amount into the separate feeding account to be used for winter feeding and winter range rehabilitation.

Previously, statue allowed for expenditure of winter feeding account funds for all costs associated with winter feeding. Senate Bill 1321a restricts expenditures to only "blocks, pellets and hay." Current winter feeding expenditures that appear to be restricted by S1321a are: 1) motorized vehicle travel costs used to deliver winter feed; 2) emergency temporary personnel costs associated with winter feeding; 3) travel reimbursement costs for volunteers, and 4) equipment costs, such as feed troughs, sleds, and winter feed storage facilities.

Necessary costs associated with winter feeding, but not covered by the winter feeding fund, most likely will be shifted to other license-funded budgets, diminishing other programs important to sportsmen. There would no longer be any "problem solving" of winter feeding issues via range rehabilitation.

Hunters, who have long supported the mission off this account to support emergency winter feeding and long-term natural feeding via winter range rehabilitation would find the use of their license funds restricted.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

CERTIFICATE

State of Idaho)
)
Senate Chamber, Boise, Idaho)

We, BRAD LITTLE, President of the Senate, and JENNIFER NOVAK, Secretary of the Senate, do hereby certify and attest as follows:

That the daily Senate Journal of the proceedings of March 29, 2012 Legislative Day, has been read and approved:

And, said Journal contains a true, complete, and accurate record of all Senate proceedings of said day, including final actions by the Senate and the Governor of the State of Idaho, as statutorily mandated.

IN WITNESS WHEREOF, we have hereunto set our hand this April 11, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary

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