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OF THE
IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

THIRTY-SIXTH LEGISLATIVE DAY
MONDAY, FEBRUARY 14, 2005

Senate Chamber

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

Roll call showed all members present except Senator Andreason, absent and formally excused by the Chair; and Senators Burkett, Cameron, Keough, Lodge, Marley, Pearce, and Sweet, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Austyn Lewis, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senator Sweet was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 11, 2005, 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 Burkett and Marley were recorded present at this order of business.

SJM 102
BY RESOURCES AND ENVIRONMENT COMMITTEE
A JOINT MEMORIAL
TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, in 1995 and 1996, pursuant to provisions of the Endangered Species Act, the U.S. Fish and Wildlife Service reintroduced wolves into Idaho where they have since been managed by the federal government and the Nez Perce Tribe; and

WHEREAS, since reintroduction, the wolf population has grown steadily along with wolf-related livestock losses and other animal losses; and

WHEREAS, since the reintroduction, the central Idaho recovery area attained its share of the wolf population criteria necessary to initiate the delisting countdown. The delisting of wolves, however, will not occur until the states of Idaho, Montana and Wyoming have all established wolf management plans that are acceptable to the federal government; and

WHEREAS, in 2002, in preparation for delisting, the Idaho Department of Fish and Game, in conjunction with Idaho's Wolf Oversight Committee, completed an Idaho Wolf Conservation and Management Plan to facilitate the transfer of management authority to the state following delisting; and

WHEREAS, Montana has also established a plan. As of the date of this Joint Memorial, however, the state of Wyoming has not established a plan that is acceptable to the federal government; and

WHEREAS, a new federal regulation, "Endangered and Threatened Wildlife and Plants; Regulation for Nonessential Experimental Populations of the Western District Population Segment of the Gray Wolf," Federal Register, Volume 70, Number 4, Pages 1285-1311 (January 6, 2005) (to be codified at 50 C.F.R. part 17), scheduled to go into effect in February of 2005, gives the states of Idaho and Montana more authority to manage wolves inside a federally designated recovery area. The regulation will afford citizens more latitude to kill wolves that are about to attack livestock, including dogs that guard or herd livestock, on private land or public grazing allotments; and

WHEREAS, federal regulations do not allow citizens to protect their pet dogs or sporting dogs unless the dog is on private land owned or leased by the citizen, even though wolves do not tolerate any other canines in their vicinity, and citizens should be authorized to protect their pet dogs and sporting dogs in the same manner as provided for livestock, including dogs that guard or herd livestock; and

WHEREAS, the Defenders of Wildlife compensates citizens for livestock losses due to confirmed or probable wolf related incidents. In 2003, the Idaho Wolf Depredation Compensation Plan was established for the purpose of compensating citizens for unconfirmed livestock losses with annual funding provided through federal grants. Funding, however, has not always been sufficient to cover all claims; and

WHEREAS, wolf related losses of all dogs constitute the loss of private property and compensation should be provided in the same manner as provided for the loss of livestock. Additional funding is necessary to cover the full payment of all claims for loss of livestock and for the loss of all dogs. The state of Idaho reiterates its expectations relating to the commitment of the federal government to provide the state with funding pursuant to 7 U.S.C. section 426b, provisions of the ESA, all other applicable laws, and the Idaho Wolf Conservation and Management Plan.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge Congress to support broadening the federal regulation, "Endangered and Threatened Wildlife and Plants; Regulation for Nonessential Experimental Populations of the Western District Population Segment of the Gray Wolf," Federal Register, Volume 70, Number 4, Pages 1285-1311 (January 6, 2005) (to be codified at 50 C.F.R. part 17), to authorize citizens to protect their pet dogs and sporting dogs in the same manner as provided for livestock, including dogs that guard or herd livestock.

BE IT FURTHER RESOLVED, that we urge Congress to support the continued funding through federal grants of Idaho's Wolf Depredation Compensation Plan and the broadening of compensation criteria to provide compensation for wolf related losses of all dogs in the same manner as provided for the loss of livestock.

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 108
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 AN ALTERNATIVE TO RESTORING THE CAPITOL BUILDING THAT WOULD CONSIST OF ENLARGING THE EXISTING CAPITOL BUILDING BY THE ADDITION OF NEW BUILDING ADDITIONS ON THE EAST AND WEST ENDS OF THE EXISTING CAPITOL BUILDING IN ORDER TO MAINTAIN THE IDAHO CAPITOL BUILDING AS A WORKING CAPITOL BUILDING INTO THE FUTURE, AS WELL AS TO IDENTIFY THE ESTIMATED PROJECTED COSTS OF ANY ALTERNATIVES IT MIGHT EXAMINE OR RECOMMEND.

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

WHEREAS, the Idaho State Capitol Building, located at the seat of government, in Boise City, Ada County, is a public monument representing the spirit of Idaho's citizens, a symbol of Idaho's sovereignty and one of Idaho's most renowned architectural landmarks; and

WHEREAS, since construction began on the Idaho Capitol Building in 1905, the population of the state of Idaho has grown by almost 500%, from approximately 240,000 to approximately 1.4 million people, and the space needs of the state elected officials, the Legislature and the judiciary have long ago outgrown the existing Capitol Building; and

WHEREAS, the Capitol Building is not configured to provide adequate legislative hearing rooms, and members of the public frequently are not able to obtain physical access to standing committee and other legislative committee meetings and other public hearings; and

WHEREAS, current legislative hearing rooms in the Capitol Building often do not allow for public access in accordance with fire, safety and security standards; and

WHEREAS, the configuration of the current Capitol Building has restricted the location of elevators and stairways that might be used in an emergency; and

WHEREAS, new additions on the east and west ends of the Idaho Capitol Building could be used to address the space needs of the Legislature and constitutional officers, and could provide adequate hearing rooms for use by the Legislature and accommodate participation in the legislative process by Idaho's citizens; and

WHEREAS, new additions on the east and west ends of the Idaho Capitol Building would provide better handicapped access, as well as alternate high-speed elevator systems and emergency access to service the fire, safety and medical emergency needs of the entire building; and

WHEREAS, the United States Congress has provided additional space and facilities in the United States Capitol Building by the approach of adding additions to the original Capitol Building, and that approach has allowed the United States Capitol to deal with expanded facilities demands; and

WHEREAS, the goal of maintaining a working Capitol Building can best be achieved by providing additional space and facilities in the Capitol Building itself, rather than providing facilities in other buildings, remote from the Capitol Building;

WHEREAS, before embarking on existing approaches to construct a separate building to accommodate the Legislature's space and facility needs without considering other solutions that might better suit the long-range needs of the state, it would be prudent to examine all other alternative approaches and proposals; and

WHEREAS, an examination of an alternative approach during the interim between legislative sessions would allow the Legislature to obtain and profit from the advice and expertise of the Idaho Capitol Commission, the Department of Administration, and interested parties with architectural and restoration expertise.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of an alternative to restoring the Capitol Building that would consist of enlarging the existing Capitol Building by the addition of new building additions on the east and west ends of the existing Capitol Building, with the new additions to be attached to the Capitol Building, and with each new addition to contain its own separate HVAC and elevator systems, in order to provide new, modern hearing rooms and office space for the Idaho Legislature and to maintain the Idaho Capitol Building as a working Capitol Building into the future. As part of its study the committee should identify the estimated projected costs of any alternatives it might examine or recommend, as well as determine any statutory amendments that might be necessary to carry out any of its recommendations. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the study 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 Second Regular Session of the Fifty-eighth Idaho Legislature.

SJM 102 and **SCR 108** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

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

February 14, 2005

The JUDICIARY AND RULES Committee reports that **S 1108, S 1109, S 1110, S 1111, S 1112**, and **SCR 107** have been correctly printed.

DARRINGTON, Chairman

S 1108 and **S 1109** were referred to the Commerce and Human Resources Committee.

S 1110 was referred to the Transportation Committee.

S 1111 and **S 1112** were referred to the Local Government and Taxation Committee.

SCR 107 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 11, 2005

The RESOURCES AND ENVIRONMENT Committee reports out **S 1034** and **S 1035** with the recommendation that they do pass.

SCHROEDER, Chairman

S 1034 and **S 1035** were filed for second reading.

February 11, 2005

The JUDICIARY AND RULES Committee reports out **S 1061** with the recommendation that it do pass.

DARRINGTON, Chairman

S 1061 was filed for second reading.

February 11, 2005

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:

Paul Powell to the Public Charter School Commission, term to expire May 12, 2008;

William Goesling to the Public Charter School Commission, term to expire May 12, 2008;

Marianne Donnelly to the Public Charter School Commission, term to expire May 12, 2006;

Ann Souza to the Public Charter School Commission, term to expire May 12, 2007;

Esther Van Wart to the Public Charter School Commission, term to expire May 12, 2007; and

Kirk Miller to the Public Charter School Commission, term to expire May 12, 2006.

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.

February 11, 2005

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:

Lee Periman to the Idaho Bingo-Raffle Advisory Board, term to expire January 7, 2007.

BURTENSHAW, Chairman

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

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

Messages from the House

February 11, 2005

Mr. President:

I transmit herewith Enrolled **H 2** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 2** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

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

On request by Senator Davis, granted by unanimous consent, **SCR 101** retained its place on the calendar.

The President announced the State Affairs Committee report, having been held, relative to the Gubernatorial appointment of Tom Katsilometes was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Malepeai, seconded by Senator Davis, the Gubernatorial appointment of Tom Katsilometes as State Athletic Commissioner 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 1113
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO NUTRIENT MANAGEMENT PLANS; AMENDING SECTION 37-401, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE THAT ALL NUTRIENT MANAGEMENT PLANS SHALL BE OPEN TO THE PUBLIC AND AVAILABLE FOR INSPECTION AND COPYING.

S 1114
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO REGISTRATION OF ELECTORS; AMENDING SECTION 34-408, IDAHO CODE, TO PROVIDE THAT A LEGIBLE, ACCURATE AND COMPLETE REGISTRATION CARD RECEIVED IN THE OFFICE OF THE COUNTY CLERK DURING THE TWENTY-FOUR DAY PERIOD PRECEDING AN ELECTION SHALL BE ACCEPTED AND HELD BY THE COUNTY CLERK UNTIL THE DAY FOLLOWING THE ELECTION WHEN REGISTRATION REOPENS, AT WHICH TIME THE REGISTRATION SHALL BECOME EFFECTIVE.

S 1115
BY STATE AFFAIRS COMMITTEE
AN ACT
RELATING TO DISTRIBUTIONS OF MONEYS IN THE STATE LIQUOR FUND; AMENDING SECTION 23-401, IDAHO CODE, TO CLARIFY THAT THE LIQUOR ACCOUNT IS NOW THE LIQUOR FUND, TO CLARIFY THAT MONEYS IN THE STATE LIQUOR ACCOUNT ARE TO BE DEPOSITED IN THE LIQUOR FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 23-404, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS AND TO REVISE THE DISTRIBUTION OF MONEYS IN THE STATE LIQUOR FUND; AND AMENDING SECTION 63-3638A, IDAHO CODE, TO PROVIDE THAT SALES TAX ON LIQUOR BE PAID TO THE LIQUOR FUND AND TO MAKE A TECHNICAL CORRECTION.

S 1116
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO WATER; AMENDING SECTION 42-1503, IDAHO CODE, TO PROVIDE FOR APPLICATIONS TO APPROPRIATE WATER FROM THE WATER SUPPLY BANK FROM CERTAIN BASINS FOR MINIMUM STREAM FLOW PURPOSES AND TO MAKE TECHNICAL CORRECTIONS.

S 1117
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO THE ADMINISTRATIVE PROCEDURE ACT; AMENDING SECTION 67-5251, IDAHO CODE, TO REQUIRE THAT CERTAIN TESTIMONY INVOLVING MISREPRESENTATION OF PROFESSIONAL QUALIFICATIONS STATUTORILY REQUIRED BY THE STATE OF IDAHO BE DISREGARDED, TO PROVIDE FOR THE VACATION OF CERTAIN ORDERS AND TO PROVIDE FOR AGENCY ACTION UNDER CERTAIN CIRCUMSTANCES; AND DECLARING AN EMERGENCY.

S 1118
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT
RELATING TO WATER RIGHTS; AMENDING SECTION 42-202A, IDAHO CODE, TO PROVIDE THAT A SINGLE ANNUAL TEMPORARY PERMIT MAY BE ISSUED BY THE DEPARTMENT OF WATER RESOURCES TO THE STATE OF IDAHO, OR ANY OF ITS POLITICAL SUBDIVISIONS FOR THE EXCLUSIVE USE OF WATER FOR CONSTRUCTION OR MAINTENANCE OF PUBLIC FACILITIES, REGARDLESS OF THE NUMBER OF POINTS OF DIVERSION, NOT TO EXCEED ONE ACRE FOOT OF WATER PER YEAR, PER PERMIT.

S 1119
BY JUDICIARY AND RULES COMMITTEE
AN ACT
RELATING TO THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR; AMENDING THE HEADING FOR CHAPTER 88, TITLE 67, IDAHO CODE, TO PROVIDE THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR; AMENDING SECTION 67-8801, IDAHO CODE, TO PROVIDE FOR ESTABLISHMENT OF THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR; AMENDING SECTION 67-8802, IDAHO CODE, TO PROVIDE FOR THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR COMMISSION CREATION AND TO PROVIDE MEMBERSHIP OF THE DEPARTMENT OF HEALTH AND WELFARE BUREAU OF EMERGENCY MEDICAL SERVICES ON THE COMMISSION; AMENDING SECTION 67-8803, IDAHO CODE, TO PROVIDE FOR THE AWARDING OF THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR; AMENDING SECTION 67-8804, IDAHO CODE, TO PROVIDE FOR A POSTHUMOUS AWARD OF THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR; AMENDING SECTION 67-8805, IDAHO CODE, TO PROVIDE FOR THE DESIGN AND COST OF THE IDAHO LAW ENFORCEMENT, FIREFIGHTING AND EMS MEDAL OF HONOR; AND AMENDING CHAPTER 88, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-8806, IDAHO CODE, TO DEFINE TERMS.

S 1120
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO CONCEALED FIREARMS; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302H, IDAHO CODE, TO SET FORTH PROVISIONS FOR THE ISSUANCE OF A LICENSE TO CARRY CONCEALED FIREARMS TO QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS.

S 1121
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO ADOPTION; AMENDING SECTION 16-1501A, IDAHO CODE, TO PROVIDE THAT UNMARRIED BIOLOGICAL FATHERS ARE DEEMED TO BE ON NOTICE OF CERTAIN PREGNANCIES AND ADOPTION PROCEEDINGS AND TO PROVIDE THAT SUCH FATHERS HAVE THE RESPONSIBILITY TO ESTABLISH AND PROTECT THEIR RIGHTS; AMENDING SECTION 16-1504, IDAHO CODE, TO REVISE PROVISIONS RELATING TO NECESSARY CONSENTS TO ADOPTION; REPEALING SECTION 16-1505, IDAHO CODE; AMENDING SECTION 16-1506, IDAHO CODE, TO CLARIFY THE RELATIONSHIP BETWEEN CERTAIN PROVISIONS OF THE LAW RELATING TO ADOPTIONS AND TERMINATIONS OF PARENTAL RIGHTS AND THE PAYMENT OF CERTAIN EXPENSES IN CONNECTION WITH ADOPTION; AMENDING CHAPTER 15, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-1516, IDAHO CODE, TO REQUIRE COURT APPROVAL OF CERTAIN EXPENDITURES IN CONNECTION WITH THE PLACEMENT OF A CHILD FOR ADOPTION; AMENDING SECTION 16-2007, IDAHO CODE, TO CLARIFY WHEN NOTICE OF HEARING ON A PETITION FOR TERMINATION OF THE PARENT AND CHILD RELATIONSHIP IS REQUIRED TO BE SERVED ON A PUTATIVE FATHER; AMENDING SECTION 16-2008, IDAHO CODE, TO CLARIFY WHEN CERTAIN SOCIAL STUDIES OR INVESTIGATIONS ARE REQUIRED TO BE DIRECTED BY A COURT WITH RESPECT TO A PUTATIVE FATHER; AMENDING SECTION 18-1511, IDAHO CODE, TO CLARIFY THAT THE PAYMENTS OF CERTAIN EXPENSES SHALL NOT CONSTITUTE THE SALE OR BARTER OF A CHILD; AND REPEALING SECTION 18-1512, IDAHO CODE.

S 1122
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO CLANDESTINE DRUG LABORATORY CLEANUP; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 26, TITLE 6, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO SET FORTH THE PURPOSE OF THE CLANDESTINE DRUG LABORATORY CLEANUP ACT, TO DEFINE TERMS, TO REQUIRE THE PROMULGATION OF RULES, TO SET FORTH LAW ENFORCEMENT AGENCY RESPONSIBILITIES, TO SET FORTH CLEANUP RESPONSIBILITIES OF RESIDENTIAL PROPERTY OWNERS, TO PROVIDE FOR IMMUNITY AND TO PROVIDE FOR VOLUNTARY COMPLIANCE.

S 1123
BY EDUCATION COMMITTEE
AN ACT

RELATING TO CERTIFICATION OF TEACHERS; AMENDING SECTION 33-1201, IDAHO CODE, TO ADOPT REQUIREMENTS FOR CLASSROOM EXPERIENCE PRIOR TO CERTIFICATION IN IDAHO AND TO MAKE TECHNICAL CORRECTIONS.

S 1124
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5224, IDAHO CODE, TO PROVIDE THAT NO PENDING RULE OR PORTION THEREOF WHICH HAS SPECIFIED IN ITS NOTICE OF PROPOSED RULEMAKING PURSUANT TO SECTION 67-5221(c), IDAHO CODE, THAT THE RULE WOULD HAVE A NEGATIVE FISCAL IMPACT ON THE STATE GENERAL FUND GREATER THAN TEN THOUSAND DOLLARS ($10,000) DURING THE FISCAL YEAR WHEN THE PENDING RULE WILL BECOME EFFECTIVE, SHALL BECOME FINAL AND EFFECTIVE UNTIL IT HAS BEEN APPROVED BY CONCURRENT RESOLUTION.

S 1125
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5221, IDAHO CODE, TO REQUIRE THAT AN AGENCY INCLUDE IN A NOTICE OF PROPOSED RULEMAKING A CITATION TO THE SPECIFIC SECTION OF THE IDAHO CODE THAT HAS OCCASIONED THE RULEMAKING AND A SPECIFIC DESCRIPTION, IF APPLICABLE, OF ANY NEGATIVE FISCAL IMPACT ON THE STATE GENERAL FUND GREATER THAN TEN THOUSAND DOLLARS DURING THE FISCAL YEAR WHEN THE PENDING RULE WILL BECOME EFFECTIVE AND TO PROVIDE THAT THE ABSENCE OR ACCURACY OF A FISCAL IMPACT STATEMENT SHALL NOT AFFECT THE VALIDITY OR THE ENFORCEABILITY OF THE RULE; AND DECLARING AN EMERGENCY.

S 1113, S 1114, S 1115, S 1116, S 1117, S 1118, S 1119, S 1120, S 1121, S 1122, S 1123, S 1124, and **S 1125** 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 1092, by Commerce and Human Resources 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 25 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Malepeai arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS--None.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 25** passed, title was approved, and the bill ordered returned to the House.

H 21 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Williams arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS--None.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 21** passed, title was approved, and the bill ordered returned to the House.

S 1053 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS--None.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President declared **S 1053** passed, title was approved, and the bill ordered transmitted to the House.

S 1069 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS--None.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President declared **S 1069** passed, title was approved, and the bill ordered transmitted to the House.

S 1070 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS--None.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President declared **S 1070** passed, title was approved, and the bill ordered transmitted to the House.

The President called President Pro Tempore Geddes to the Chair.

S 1072 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS--None.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1072** passed, title was approved, and the bill ordered transmitted to the House.

S 1073 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS--None.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared **S 1073** passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

H 27 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS--Burtenshaw, Davis. Total - 2.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 27** passed, title was approved, and the bill ordered returned to the House.

H 28 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS--None.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 28** passed, title was approved, and the bill ordered returned to the House.

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

Petitions, Resolutions, and Memorials

On motion by Senator Davis, seconded by Senator Burkett, by voice vote the Senate recessed at 12:15 p.m. until the hour of 4:30 p.m. of this day.

RECESS
AFTERNOON SESSION

The Senate reconvened at 4:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators Andreason and Sweet, absent and formally excused by the Chair; and Senators Bunderson, Burkett, Cameron, Hill, Langhorst, Lodge, Pearce, and Stennett, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Presentation of Petitions, Resolutions, and Memorials.

SJM 103
BY RESOURCES AND ENVIRONMENT COMMITTEE
A JOINT MEMORIAL
TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, more than 22% of the state of Idaho is land controlled by the U.S. Bureau of Land Management; and

WHEREAS, Bureau of Land Management lands do not pay property taxes to help pay for services on those lands; and

WHEREAS, all county sheriffs in Idaho's forty-four counties must provide law enforcement services on Bureau of Land Management lands ranging from traffic accidents to homicide investigations on a regular and increasing basis; and

WHEREAS, the Bureau of Land Management reimburses twenty-four counties for services at a fraction of the actual cost while the other twenty counties receive no compensation; and

WHEREAS, there is no formula for compiling the reimbursement from the Bureau of Land Management to counties for law enforcement functions; and

WHEREAS, counties in Idaho receive reimbursement at a rate ranging from 0.1 cent per acre up to 88 cents per acre with the average being only 11.6 cents per acre; and

WHEREAS, the Idaho Sheriffs' Association and the Western State Sheriffs' Association have attempted to rectify the issue of additional funding and a standardized formula for distribution of that funding with the Bureau of Land Management for several years, but have not had any rectification of the matter.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the President of the United States and the Congress of the United States to pass legislation establishing an equitable reimbursement formula based upon the number of users or acreage or another equitable basis for the Bureau of Land Management to reimburse counties for local law enforcement services.

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

SJM 104
BY RESOURCES AND ENVIRONMENT COMMITTEE
A JOINT MEMORIAL
TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, more than 38% of the state of Idaho is land controlled by the U.S. Forest Service; and

WHEREAS, Forest Service lands do not pay property taxes to help pay for services on those lands; and

WHEREAS, county sheriffs in the thirty-six of Idaho's forty-four counties must provide law enforcement services on Forest Service lands ranging from traffic accidents to homicide investigations on a regular and increasing basis; and

WHEREAS, the Forest Service reimburses counties for services at a fraction of the actual cost; and

WHEREAS, there is no formula for compiling the reimbursement from the Forest Service to counties for law enforcement functions; and

WHEREAS, counties in Idaho receive reimbursement at a rate ranging from 0.4 cents per acre up to 54 cents per acre with the average being only 1.7 cents per acre; and

WHEREAS, the Idaho Sheriffs' Association and the Western State Sheriffs' Association have attempted to rectify the issue of additional funding and did establish an agreement with the Forest Service, to implement a standardized formula for any new money. However, no new money has been allocated, nor has the standardized formula been achieved.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the President of the United States and the Congress of the United States to pass legislation establishing an equitable reimbursement formula based upon the number of users or acreage or another equitable basis for the Forest Service to reimburse counties for local law enforcement services.

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

SJM 105
BY HEALTH AND WELFARE COMMITTEE
A JOINT MEMORIAL
TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, the Safe Drinking Water Act was originally passed by the United States Congress in 1974 to protect public health by regulating the nation's public drinking water supply and was thereafter amended in 1986 and 1996; and

WHEREAS, the United States Environmental Protection Agency (EPA) is charged with the administration of the Safe Drinking Water Act and is authorized to mandate certain priorities relating to the Act. Individual states play a central role in the implementation of the Act through the use of federal grants provided by the EPA; and

WHEREAS, in addition to the protection of public health, the Safe Drinking Water Act was intended to improve partnerships between the individual states in the administration and implementation of the Act; and

WHEREAS, the Tenth Amendment to the U.S. Constitution provides that certain rights shall be reserved to the states and the individual states are best equipped to determine their respective needs, including those relating to drinking water protection programs; and

WHEREAS, the state of Idaho is rural in nature and many of the drinking water systems within the state are small and cannot afford to comply with nonessential rules and regulations; and

WHEREAS, the drinking water system operators in the state of Idaho desire to protect the waters of Idaho for its citizens and visitors to the best of their abilities; and

WHEREAS, in order to address issues relevant to the state of Idaho and make decisions in the best interest of the most citizens of the state of Idaho, including the financing of infrastructure projects, the state of Idaho must have autonomous management of its drinking water programs, free from federal mandates relating to priorities of the Safe Drinking Water Act; and

WHEREAS, the state of Idaho is best equipped to design and develop innovative, efficient and productive safe drinking water protection and quality programs that will meet the needs of the residents of the state of Idaho within the budget and capacity of the state of Idaho; and

WHEREAS, the state of Idaho has the ability to improve drinking water protection outcomes in a cost-effective manner with statewide implementation driven by citizen needs, directed by the citizens, and under the review of the citizens through the Idaho Department of Environmental Quality.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the Congress of the United States to enact the appropriate legislation to authorize the individual states to autonomously implement the Safe Drinking Water Act in their respective states, and to provide federal funds to the states via block grants to be used for the implementation of the Act, in accordance with the determination of best use by each state, to protect the public health and environment of the people of each state.

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

SJM 106
BY EDUCATION 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 First Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the goal of the No Child Left Behind Act (NCLB) is to move all students to proficiency in reading, language and mathematics by 2014; and

WHEREAS, that goal can best be achieved by giving states flexibility to capitalize on their unique resources and populations; and

WHEREAS, Idaho has led the nation in school improvement reform by passage of the Idaho Reading Initiative, the creation of academic standards, the alignment of Idaho public school curricula, and the creation of the Idaho Standards Achievement Test (ISAT); and

WHEREAS, the NCLB provides that all Idaho schools receiving federal Title One funding must meet 41 Adequate Yearly Progress (AYP) criteria or be placed in "needs improvement" status; and

WHEREAS, Idaho schools have found that when calculating AYP, due to NCLB reporting requirements, students are routinely identified in more than one group creating an overrepresentation of students in need of improvement; and

WHEREAS, Idaho schools have found that the "N" size for a group within a school may need to be increased to better align with school enrollments; and

WHEREAS, Idaho believes that the basic AYP measurement system should be expanded to provide for the use of student growth scores; and

WHEREAS, flexibility in the NCLB participation rate for testing is needed to ensure fairness in accountability by providing exemptions for students with unusual patterns of attendance such as long-term illness, medical conditions, incarceration and detention; and

WHEREAS, Idaho is required to comply with the requirements of the Individuals with Disabilities Education Act (IDEA) as it relates to a student's IEP as well as the requirements of the NCLB as they relate to AYP, which in many cases are incongruent; and

WHEREAS, supplemental services and choice options would be more effective and cost-efficient if targeted to those students who require intervention; and

WHEREAS, Idaho believes it is more appropriate to offer students supplemental services prior to instituting public school choice options; and

WHEREAS, sanctions should only be imposed on those schools in which AYP has not been met by the same group in the same content area for two or more consecutive years; and

WHEREAS, many teachers who practice in rural settings teach multiple subject areas which makes the application of federal NCLB criteria unrealistic; therefore, states should be the prime determiner of Highly Qualified Teacher (HQT) status; and

WHEREAS, states should have the sole authority to determine the number of severely, emotionally and profoundly disabled students who should be exempt from NCLB requirements. At a minimum, increasing the allowable exemption from 1% to 2% would provide more flexibility; and

WHEREAS, in areas where NCLB funding is not adequately provided, the NCLB should be reduced commensurately.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge Congress to support amendments to the No Child Left Behind Act that will address the aforementioned.

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 President George W. Bush, 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 109
BY HEALTH AND WELFARE COMMITTEE
A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF HEALTH AND WELFARE GOVERNING INDOOR SMOKING AND RELATING TO DEFINITIONS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare governing indoor smoking and relating to definitions are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.02.23, Section 010, relating to Definitions, Subsections 02.b, 02.c, 02.d and 10 only, adopted as pending rules under Docket Number 16-0223-0401, be, and the same are hereby rejected and declared null, void and of no force and effect.

SCR 110
BY HEALTH AND WELFARE COMMITTEE
A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND AUTHORIZING THE LEGISLATIVE COUNCIL TO CREATE A COMMITTEE TO STUDY THE PREVALENCE OF CERVICAL CANCER AND HUMAN PAPILLOMAVIRUS IN WOMEN IN THE STATE OF IDAHO AND TO EVALUATE THE CURRENT METHODS OF PUBLIC EDUCATION AND ACCESS TO REGULAR CANCER SCREENING AND OPTIONS FOR INCREASING SCREENING ACCURACY.

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

WHEREAS, following breast cancer, cervical cancer is the second most common cancer in women worldwide; and

WHEREAS, according to federal governmental statistics, cervical cancer is the third most common gynecological cancer among American women, with approximately 12,200 new cases diagnosed annually, 4,100 of which result in fatalities; and

WHEREAS, with regular and accurate screening, cervical cancer is highly preventable and although widespread screening programs have helped to reduce death rates of women from cervical cancer, women are still dying even with such advanced medical techniques and evaluative procedures; and

WHEREAS, cervical cancer cases in the United States are generally attributed to a lack of education, a reduction of access available to regular cervical cancer screening and a lack of screening accuracy; and

WHEREAS, experience shows that increasing cervical cancer awareness among women, especially the underserved women within our state, significantly reduces the probability of mortality; and

WHEREAS, cervical cancer disproportionately affects minority women and women with lower incomes because they are less likely to have access to routine screening; and

WHEREAS, approximately one-half of all cervical cancer cases are in women who have been screened and ten percent of cases are in women who have not been screened within the last five years; and

WHEREAS, the median age of cervical cancer patients at diagnosis is 47 years, the youngest median age for all female reproductive cancers; and

WHEREAS, new screening technologies, including FDA-approved testing for human papillomavirus, which is the cause of virtually all cervical cancers, offer new opportunities to finally eliminate this potentially deadly disease through early identification of women at increased risk; and

WHEREAS, leading medical organizations, including the American College of Obstetricians and Gynecologists, the American Cancer Society, and the Association of Reproductive Health Professionals, have recently updated their screening guidelines to include FDA-approved testing for the human papillomavirus; and

WHEREAS, women are entitled to proper cervical cancer information, so that they can be empowered to make informed health care decisions, and have access to routine screening, including the 46 most accurate methods available; and

WHEREAS, the Legislature of the State of Idaho recognizes that through education and screening, women can lower their likelihood of developing cervical cancer, and that through early detection, cervical cancer can be successfully treated after it develops.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a Cervical Cancer Elimination Committee to take the lead in reviewing data regarding cervical cancer and human papillomavirus in women within this state and evaluating current methods used to provide women with information regarding cervical cancer, access to regular screening and options for increasing screening accuracy. In addition, the duties of the Committee shall include the identification of pockets of need, priority therapies and preventive vaccines which are effective in preventing and controlling the risk of cervical cancer. The Legislative Council shall appoint members from the Senate and the House of Representatives Health and Welfare Committees as members of the Committee.

BE IT FURTHER RESOLVED that the Committee, in collaboration with the Department of Health and Welfare and the American Academy of Pediatrics, the American Academy of Family Physicians, the American Cancer Society and the American College of Obstetricians and Gynecologists, shall report its findings of the causes and nature of cervical cancer, personal risk factors, the value of early detection and prevention, options for testing, new technologies, treatment costs, medical care reimbursement issues and physician education.

BE IT FURTHER RESOLVED that any advisors to the Committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the Committee's recommendations and proposed legislation.

BE IT FURTHER RESOLVED that all appropriate state agencies, as well as relevant professional/medical organizations may provide assistance to the Committee upon request of the chairperson.

BE IT FURTHER RESOLVED that the Committee shall timely report its findings and recommendations, including any proposed legislation to the Second Regular Session of the Fifty-eighth Idaho Legislature.

SCR 111
BY EDUCATION COMMITTEE
A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ESTABLISHING A GOAL TO PROVIDE INCREASED COMPENSATION FOR IDAHO'S PUBLIC SCHOOL EMPLOYEES.

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

WHEREAS, Idaho's public schools are the cornerstone of our state's democracy, as well as a critical component of our economic vitality; and

WHEREAS, research indicates that, next to a child's parents, the most critical factor in a student's educational life is the student's teacher; and

WHEREAS, Idaho's public school employees are an essential ingredient in ensuring that our schools are successful by educating and mentoring into citizenship the overwhelming majority of our state's children; and

WHEREAS, the Legislature wishes to recognize the dedication of all public school employees and to assure them that their well-being is among our highest priorities; and

WHEREAS, the federal No Child Left Behind Act requires school districts to employ highly qualified teachers; and

WHEREAS, the Legislature has, in the past, taken steps to increase the minimum entry level salary paid to teachers and allocated funds sufficient to raising the average salary of Idaho teachers but has been unable to sustain that commitment over an extended period of time; and

WHEREAS, the competition for knowledge and skilled workers has increased to the point where young people considering their futures have an array of choices that are economically more attractive than entering the teaching field including, for example, the average entry wage for nursing is $36,800, postal service clerks is $37,800, and dental hygienists is $44,800; and

WHEREAS, the compensation public school educators receive is a significant contributor to the decision whether to undertake a career in public education and then whether to remain in that profession; and

WHEREAS, the Governor's 2020 Blue Ribbon Task Force provided a recommendation to the Governor in October, 2003, establishing a goal to "attract the brightest new educators, retain skilled, veteran educators, and increase expectations for performance" by, in part, adopting the following recommendation: "Raise the beginning teacher salary starting in 2004 to reach $35,000 by 2008 and adjust the current scale to reflect this increased base to provide a professional wage for teachers and principals. Provide funding from the state to meet this salary increase."; and

WHEREAS, due to difficult economic circumstances, the Legislature has not increased the state's salary allocation base since fiscal year 2001; and

WHEREAS, during that same time frame inflation increased more than 16%; and

WHEREAS, the Legislature recognizes that our state's economy is beginning to rebound from several years of challenging times; and

WHEREAS, it is the prerogative of the Legislature to establish for itself a goal to guide its decisions in the future, to measure its progress on an annual basis, and to ensure that appropriate decisions are made during each legislative session.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we establish for ourselves a goal of increasing Idaho's beginning teacher salary to $35,000 by the 2008-2009 school year.

BE IT FURTHER RESOLVED that, by that same year, our goal is to fund the state's salary allocation, based on the experience and education table, so that the average salary for Idaho teachers will be no less than $55,000.

BE IT FURTHER RESOLVED that, by that same year, state funding for other categories of public school employees will have received increases of similar proportions.

SJR 102
BY EDUCATION COMMITTEE
A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE STATE BOARD OF EDUCATION, TO PROVIDE THAT THE RESPONSIBILITY OF THE STATE BOARD OF EDUCATION SHALL BE LIMITED TO SUPERVISION OF THE PUBLIC SCHOOL SYSTEM AND TO PROVIDE A SEPARATE BOARD OF REGENTS TO SUPERVISE THE PUBLIC INSTITUTIONS OF POSTSECONDARY EDUCATION IN THE STATE AND PERFORM SUCH OTHER FUNCTIONS AS PRESCRIBED BY LAW; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

SR 105
BY EDUCATION COMMITTEE
A SENATE RESOLUTION

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

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

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

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

RULE 42

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

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

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

SJM 103, SJM 104, SJM 105, SJM 106, SCR 109, SCR 110, SCR 111, and **SR 105** were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

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

The Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

February 14, 2005

The JUDICIARY AND RULES Committee reports that **SCR 108** has been correctly printed.

DARRINGTON, Chairman

SCR 108 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

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

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, **SCR 108** was placed at the head of the calendar.

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 1126
BY TRANSPORTATION COMMITTEE
AN ACT
RELATING TO HIGHWAY DISTRICT MEETINGS; REPEALING SECTIONS 40-1306A AND 40-1306B, IDAHO CODE, RELATING TO OPEN MEETINGS AND EXECUTIVE SESSIONS OF HIGHWAY DISTRICT BOARDS OF COMMISSIONERS.

S 1127
BY TRANSPORTATION COMMITTEE
AN ACT
RELATING TO AIRPORT FACILITIES; AMENDING SECTION 21-401, IDAHO CODE, TO DELETE THE ACREAGE LIMITATION FOR ACQUIRING LANDS FOR AIRPORT PURPOSES BY COUNTIES, HIGHWAY DISTRICTS AND CITIES AND TO MAKE A TECHNICAL CORRECTION.

S 1128
BY TRANSPORTATION COMMITTEE
AN ACT
RELATING TO INVERSE CONDEMNATION; AMENDING TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 25, TITLE 40, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO RESTRICT CERTAIN CLAIMS AND TO PROVIDE A TIME WITHIN WHICH CERTAIN ACTIONS SHALL BE COMMENCED OR BE BARRED, TO PROVIDE FOR THE FILING OF CLAIMS, TO PROVIDE FOR THE TOLLING OF THE STATUTE OF LIMITATIONS, TO PROVIDE FOR THE CONTENTS OF CLAIMS, TO PROVIDE FOR THE FILING OF CLAIMS BY CERTAIN RELATIVES, ATTORNEYS OR AGENTS AND TO PROVIDE FOR THE EFFECT OF INACCURACIES IN CLAIMS, TO PROVIDE FOR THE APPROVAL, PARTIAL APPROVAL OR DENIAL OF CLAIMS, TO PROVIDE FOR SUIT ON DENIED CLAIMS, TO PROVIDE FOR THE COMPROMISE AND SETTLEMENT OF CLAIMS, TO PROVIDE FOR CERTAIN SUITS IN THE EVENT CLAIMS ARE APPROVED OR PARTIALLY APPROVED BUT NOT SETTLED, TO PROVIDE FOR DAMAGES, TO PROVIDE FOR THE RELATIONSHIP TO OTHER LAW, TO PROVIDE FOR TAX LEVIES TO PAY CLAIMS OR JUDGMENTS, TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE AND TO PROVIDE FOR APPLICATION.

S 1129
BY TRANSPORTATION COMMITTEE
AN ACT
RELATING TO RECREATIONAL ACTIVITIES AND NOISE ABATEMENT; AMENDING SECTION 67-7125, IDAHO CODE, TO DELETE THE CORRECTION FACTOR APPLIED TO THE BASE LEVEL IN ASSESSING A VIOLATION OF ANY NOISE SUPPRESSING SYSTEM.

S 1130
BY TRANSPORTATION COMMITTEE
AN ACT
RELATING TO MOTORCYCLE SAFETY HELMETS; AMENDING SECTION 49-666, IDAHO CODE, TO REQUIRE THAT ALL PERSONS UNDER EIGHTEEN YEARS OF AGE WHO RIDE UPON OR WHO ARE PERMITTED TO OPERATE A MOTORCYCLE OR AN ALL-TERRAIN VEHICLE ON OR OFF ANY HIGHWAY SHALL WEAR A SAFETY HELMET.

S 1131
BY TRANSPORTATION COMMITTEE
AN ACT
RELATING TO PEDESTRIANS AND BICYCLES; AMENDING SECTION 49-720, IDAHO CODE, TO PROVIDE STOPPING REQUIREMENTS AT A STEADY RED TRAFFIC CONTROL LIGHT FOR PERSONS OPERATING A BICYCLE OR A HUMAN-POWERED VEHICLE.

S 1132
BY TRANSPORTATION COMMITTEE
AN ACT
RELATING TO INVESTIGATION OF REPORTED VIOLATION OF FAILING TO OBEY SCHOOL BUS WARNING DEVICES; AMENDING SECTION 49-1423, IDAHO CODE, TO PROVIDE THAT THE REGISTERED OWNER IS PRIMA FACIE THE DRIVER OF THE VEHICLE AT THE TIME OF THE ALLEGED VIOLATION IF THE INVESTIGATING PEACE OFFICER IS UNABLE TO ESTABLISH THE IDENTITY OF THE DRIVER OF THE VEHICLE INVOLVED IN THE VIOLATION, TO PROVIDE AN EXCEPTION AND TO MAKE TECHNICAL CHANGES.

S 1133
BY TRANSPORTATION COMMITTEE
AN ACT
RELATING TO RULES OF THE ROAD AND MAXIMUM SPEED LIMITS; AMENDING SECTION 49-201, IDAHO CODE, TO INCREASE THE MAXIMUM SPEED LIMIT

WHICH THE IDAHO TRANSPORTATION BOARD MAY SET FOR STATE HIGHWAYS TO SEVENTY-FIVE MILES PER HOUR; AND AMENDING SECTION 49-654, IDAHO CODE, TO INCREASE THE MAXIMUM SPEED LIMIT WHICH MAY BE SET ON STATE HIGHWAYS TO SEVENTY-FIVE MILES PER HOUR, AND TO REMOVE THE MAXIMUM SPEED LIMIT OF SIXTY-FIVE MILES PER HOUR ON INTERSTATE HIGHWAYS FOR VEHICLES WITH FIVE OR MORE AXLES OPERATING AT A GROSS WEIGHT OF MORE THAN TWENTY-SIX THOUSAND POUNDS.

S 1134
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO VULNERABLE ADULTS; AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1505B, IDAHO CODE, TO PROHIBIT THE SEXUAL ABUSE AND EXPLOITATION OF VULNERABLE ADULTS, TO DEFINE TERMS AND TO SET FORTH PENALTIES.

S 1135
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO AUTHORIZE THE ATTORNEY GENERAL TO NEGOTIATE RECIPROCAL AGREEMENTS WITH OTHER STATES RELATED TO THE RECOGNITION OF LICENSES TO CARRY CONCEALED WEAPONS AND TO PROVIDE THAT THE IDAHO STATE POLICE SHALL KEEP A RECORD OF RECIPROCAL AGREEMENTS.

S 1136
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO PERSONAL PROPERTY; AMENDING SECTION 55-403, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO ABANDONED OR UNCLAIMED PROPERTY IN THE POSSESSION OF A SHERIFF OR CITY POLICE DEPARTMENT; AND REPEALING SECTION 55-403A, IDAHO CODE, RELATING TO THE DISPOSAL OF FIREARMS AND OTHER ITEMS.

S 1137
BY JUDICIARY AND RULES COMMITTEE
AN ACT

RELATING TO PEACE OFFICER STANDARDS AND TRAINING; AMENDING SECTION 19-510A, IDAHO CODE, TO CLARIFY THAT ONLY CERTIFIED PEACE OFFICERS HAVE THE AUTHORITY GIVEN BY STATUTE TO PEACE OFFICERS OF THE STATE OF IDAHO AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-5109, IDAHO CODE, TO AUTHORIZE THE PEACE OFFICER STANDARDS AND TRAINING COUNCIL TO ESTABLISH MINIMUM BASIC TRAINING AND CERTIFICATION STANDARDS FOR STATE CORRECTION OFFICERS AND FOR ADULT PROBATION AND PAROLE OFFICERS; AND AMENDING SECTION 20-209C, IDAHO CODE, TO CLARIFY THAT ONLY CERTIFIED PEACE OFFICERS HAVE THE AUTHORITY GIVEN BY STATUTE TO PEACE OFFICERS OF THE STATE OF IDAHO AND TO MAKE TECHNICAL CORRECTIONS.

S 1138
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO FISH AND GAME; AMENDING CHAPTER 4, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-417, IDAHO CODE, TO PROVIDE THAT CERTAIN STATUTORY LICENSE APPLICANTS MAY MAKE VOLUNTARY DONATIONS TO IDAHO HUNTERS FEEDING THE HUNGRY, INC., IN CONJUNCTION WITH THEIR LICENSE APPLICATIONS AND TO PROVIDE CERTAIN REQUIREMENTS FOR THE DEPARTMENT OF FISH AND GAME IN RELATION TO VOLUNTARY DONATIONS; AND TO PROVIDE AN EFFECTIVE DATE.

S 1139
BY RESOURCES AND ENVIRONMENT COMMITTEE
AN ACT

RELATING TO THE GOVERNOR'S OFFICE OF SPECIES CONSERVATION; AMENDING SECTION 67-818, IDAHO CODE, TO REVISE THE DUTIES OF THE OFFICE, TO REVISE CRITERIA FOR THE DEVELOPMENT OF CERTAIN STATE POLICY AND MANAGEMENT PLANS, TO REQUIRE THE OFFICE TO PREPARE AND SUBMIT A REPORT TO THE LEGISLATURE RELATING TO INVASIVE SPECIES AND TO PROVIDE THAT THE REPORT IS SUBJECT TO THE APPROVAL, AMENDMENT OR REJECTION BY CONCURRENT RESOLUTION OF THE LEGISLATURE; AND DECLARING AN EMERGENCY.

S 1140
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO FAMILY PLANNING; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-209n, IDAHO CODE, TO SET FORTH LEGISLATIVE FINDINGS, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE SHALL APPLY FOR A FAMILY PLANNING DEMONSTRATION WAIVER, TO REQUIRE THE DIRECTOR TO ESTABLISH BASELINE BIRTHRATES AND TO PROVIDE A REPORT TO THE LEGISLATURE AND TO DEFINE TERMS.

S 1141
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO PEER REVIEW PROCEDURES FOR SKILLED NURSING FACILITIES; AMENDING SECTION 39-1392a, IDAHO CODE, TO DEFINE ADDITIONAL TERMS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-1392e, IDAHO CODE, TO INCLUDE REFERENCES TO SKILLED NURSING FACILITIES WITHIN PROCEDURES SPECIFIED.

S 1142
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO THE TREASURE VALLEY AIR QUALITY COUNCIL AND OTHER REGIONAL AIR QUALITY COUNCILS; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 67, TITLE 39, IDAHO CODE, TO PROVIDE A STATEMENT OF LEGISLATIVE

FINDINGS AND INTENT, TO ESTABLISH A TREASURE VALLEY AIR QUALITY COUNCIL, TO AUTHORIZE THE ESTABLISHMENT OF REGIONAL AIR QUALITY COUNCILS, TO REQUIRE ESTABLISHMENT OF A CITIZENS COMMITTEE, TO PROVIDE DEFINITIONS, TO PROVIDE A DECLARATION OF POLICIES AND PURPOSES, TO SPECIFY MEMBERSHIP OF THE TREASURE VALLEY AIR QUALITY COUNCIL, TO PROVIDE FOR MEMBERSHIP OF REGIONAL AIR QUALITY COUNCILS, TO SPECIFY DUTIES AND POWERS OF THE TREASURE VALLEY AIR QUALITY COUNCIL AND REGIONAL AIR QUALITY COUNCILS, TO PROVIDE FOR A QUORUM AND PROCEDURES, TO PROVIDE FOR DEVELOPMENT OF A TREASURE VALLEY AIR QUALITY PLAN, TO PROVIDE FOR IMPLEMENTATION OF THE TREASURE VALLEY AIR QUALITY PLAN, TO CREATE A TREASURE VALLEY AIR QUALITY TRUST FUND, TO PROVIDE FOR DEVELOPMENT OF AN AIR QUALITY PLAN OF A REGIONAL COUNCIL, TO PROVIDE FOR IMPLEMENTATION OF A REGIONAL AIR QUALITY PLAN AND TO CREATE A REGIONAL AIR QUALITY TRUST FUND.

S 1143
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO MEDICAL ASSISTANCE; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-209n, IDAHO CODE, TO PROVIDE A MEDICAID BUY-IN FOR WORKERS WITH DISABILITIES, TO PROVIDE REQUIREMENTS, TO PROVIDE ELIGIBILITY REQUIREMENTS AND TO PROVIDE FOR PREMIUMS.

S 1144
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE EDUCATION SUPPORT PROGRAM; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1002H, IDAHO CODE, TO PROVIDE A NEW SCHOOL FACILITY SUPPORT FACTOR, TO SPECIFY THE METHOD OF CALCULATION OF THE SUPPORT FACTOR AND TO PROVIDE ALLOCATION OF MONEYS FROM THE SALES TAX DISTRIBUTION FUND; AMENDING SECTION 63-3638, IDAHO CODE, AS AMENDED BY SECTION 3, CHAPTER 104, LAWS OF 2004, TO PROVIDE THAT THE AMOUNT REQUIRED BY THE PROVISIONS OF THE NEW SCHOOL FACILITY SUPPORT FACTOR BE TRANSFERRED FROM THE STATE TAX DISTRIBUTION FUND AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 63-316, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND PROVIDING EFFECTIVE DATES.

S 1145
BY EDUCATION COMMITTEE
AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO CODE, TO REVISE THE DEFINITION FOR "PUBLIC VIRTUAL SCHOOL"; AMENDING SECTION 33-5203, IDAHO CODE, TO REVISE LIMITATIONS APPLICABLE TO THE CREATION OF PUBLIC CHARTER SCHOOLS AND TO REVISE TERMINOLOGY; AMENDING SECTION 33-5204, IDAHO CODE, TO PROVIDE THAT THE BOARD OF DIRECTORS OF A PUBLIC CHARTER SCHOOL SHALL BE DEEMED PUBLIC AGENTS AUTHORIZED BY THE PUBLIC CHARTER SCHOOL COMMISSION, TO PROVIDE THAT THE BOARD OF DIRECTORS OF A PUBLIC CHARTER SCHOOL SHALL FUNCTION INDEPENDENTLY OF THE PUBLIC CHARTER SCHOOL COMMISSION EXCEPT AS PROVIDED IN THE CHARTER, TO PROVIDE AN EXCEPTION TO THE APPLICATION OF REFERENCED CODE SECTIONS AND TO REVISE TERMINOLOGY; AMENDING SECTION 33-5205, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO PETITIONS TO ESTABLISH PUBLIC CHARTER SCHOOLS; AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5205A, IDAHO CODE, TO PROVIDE FOR TRANSFERS OF CHARTERS; AMENDING SECTION 33-5206, IDAHO CODE, TO PROVIDE THAT EDUCATIONAL EXPERIENCE SHALL BE COUNTED BY A SCHOOL DISTRICT FOR ANY TEACHER WHO HAS BEEN EMPLOYED IN A PUBLIC CHARTER SCHOOL, TO PROVIDE THAT A COPY OF THE APPROVED PETITION SHALL BE PROVIDED TO THE STATE BOARD OF EDUCATION UPON APPROVAL OF THE PETITION BY THE AUTHORIZED CHARTERING ENTITY AND TO PROVIDE FOR THE DISTRIBUTION OF ASSETS WHEN A CHARTER IS REVOKED OR THE BOARD OF DIRECTORS OF THE PUBLIC CHARTER SCHOOL TERMINATES THE CHARTER; AMENDING SECTION 33-5207, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE CHARTER APPEAL PROCEDURE; AMENDING SECTION 33-5208, IDAHO CODE, TO PROVIDE THAT ALL FEDERAL EDUCATIONAL FUNDS SHALL BE ADMINISTERED AND DISTRIBUTED TO PUBLIC CHARTER SCHOOLS THAT HAVE BEEN DESIGNATED AS REQUIRED BY THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-5209, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE THAT A DECISION TO REVOKE A CHARTER OR TO DENY A REVISION OF A CHARTER MAY BE APPEALED DIRECTLY TO THE STATE BOARD OF EDUCATION AND TO PROVIDE THAT THE STATE BOARD OF EDUCATION SHALL SUBSTANTIALLY FOLLOW CERTAIN PROCEDURES WITH RESPECT TO SUCH APPEAL; AND AMENDING SECTION 33-5210, IDAHO CODE, TO REVISE TERMINOLOGY.

S 1146
BY EDUCATION COMMITTEE
AN ACT

RELATING TO PUBLIC SCHOOL TEACHERS AND NONCERTIFICATED SCHOOL DISTRICT EMPLOYEES; AMENDING SECTION 33-1216, IDAHO CODE, TO PROVIDE THAT ELIGIBILITY FOR SICK LEAVE SHALL BE PROPORTIONATE TO THE HOURS WORKED PER WEEK FOR THOSE EMPLOYEES WHO REGULARLY WORK AT LEAST TWENTY HOURS PER WEEK AND TO MAKE TECHNICAL CORRECTIONS.

S 1147
BY EDUCATION COMMITTEE
AN ACT

RELATING TO CERTIFICATED EMPLOYEES OF A PUBLIC SCHOOL DISTRICT; AMENDING SECTION 33-514A, IDAHO CODE, TO SPECIFY CONDITIONS FOR THE ISSUANCE OF A LIMITED ONE YEAR CONTRACT.

S 1148
BY EDUCATION COMMITTEE
AN ACT

RELATING TO NONCERTIFICATED PERSONNEL OF PUBLIC SCHOOL DISTRICTS; AMENDING SECTION 33-517, IDAHO CODE, TO PROVIDE A PROCEDURE FOR RESOLUTION OF PROPOSED TERMINATION OF EMPLOYMENT OF NONCERTIFICATED PERSONNEL AND TO MAKE A TECHNICAL CORRECTION.

S 1149
BY EDUCATION COMMITTEE
AN ACT

RELATING TO THE IDAHO DIGITAL LEARNING ACADEMY; AMENDING SECTION 33-5502, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 33-5504, IDAHO CODE, TO PROVIDE THAT THE ACADEMY BOARD OF DIRECTORS SHALL EMPLOY A CURRICULUM AND INSTRUCTION COORDINATOR AND SHALL OBTAIN HOUSING FOR OPERATIONS OF THE ACADEMY; AMENDING SECTION 33-5505, IDAHO CODE, TO REVISE THE DEFINITIONS OF "HOST DISTRICT" AND "IDAHO DIGITAL LEARNING ACADEMY"; AND AMENDING SECTION 33-5507, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.

S 1126, S 1127, S 1128, S 1129, S 1130, S 1131, S 1132, S 1133, S 1134, S 1135, S 1136, S 1137, S 1138, S 1139, S 1140, S 1141, S 1142, S 1143, S 1144, S 1145, S 1146, S 1147, S 1148, and **S 1149** 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 5:05 p.m. until the hour of 10:45 a.m., Tuesday, February 15, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary