

JOURNAL
of the
STATE SENATE



SECOND REGULAR SESSION
and
FIRST EXTRAORDINARY SESSION

of the
FIFTY-EIGHTH LEGISLATURE

of the
STATE OF IDAHO
2006

[March 20, 2006

SENATE JOURNAL

219

March 17, 2006

The Senate advanced to the Eleventh Order of Business.

Mr. President:

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

I return herewith S 1430, S 1431, S 1432, S 1434, S 1435, and S 1436 which have passed the House.

JUKER, Chief Clerk

S 1430, S 1431, S 1432, S 1434, S 1435, and S 1436 were referred to the Judiciary and Rules Committee for enrolling.

March 17, 2006

Mr. President:

I transmit herewith Enrolled HCR 47, HCR 60, HCR 36, HCR 37, HJM 14, and HJM 20 for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled HCR 47, HCR 60, HCR 36, HCR 37, HJM 14, and HJM 20 and ordered them returned to the House.

March 17, 2006

Mr. President:

I return herewith Enrolled S 1259, S 1260, S 1316, S 1317, S 1348, S 1360, and S 1383 which have been signed by the Speaker.

JUKER, Chief Clerk

Enrolled S 1259, S 1260, S 1316, S 1317, S 1348, S 1360, and S 1383 were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

Senator Sweet was recorded present at this order of business.

The President Pro Tempore announced that SP 101 was before the Senate for final consideration, the question being, "Shall the proclamation be adopted?"

On motion by Senator Cameron, seconded by Senator Siennett, SP 101 was adopted by voice vote and the proclamation ordered filed in the office of the Secretary of the Senate.

The President Pro Tempore announced that HCR 55 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Werk, seconded by Senator Coiner, HCR 55 was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

S 1456

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN FUNDS FOR CAPITAL OUTLAY; APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND PROVIDING CONDITIONS RELATING TO THE BAYHORSE MINE PROPERTY PURCHASE.

S 1457

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE USE OF SALARY SAVINGS; PROHIBITING THE TRANSFER OF PERSONNEL COST DOLLARS UNLESS AUTHORIZED BY THE BOARD OF EXAMINERS; REQUIRING THE DEPARTMENT OF CORRECTION TO COMPLY WITH THE OPEN COMPETITIVE BID PROCESS UNLESS THE BOARD OF EXAMINERS DECLARES AN EMERGENCY; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO VIDEO-TELECONFERENCING; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF THE GENERAL FUND; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; AND DECLARING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

S 1456 and S 1457 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 421, as amended in the Senate, and H 422, as amended in the Senate, by Revenue and Taxation Committee, were read the first time at length and filed for second reading.

H 800, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 736, as amended, by State Affairs Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

H 808, H 809, H 810, H 811, H 812, and H 813, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

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H 800 was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Burtenshaw and Williams arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Burtenshaw, Cameron, Corder, Darrington, Davis, Geddes, Hill, Keough, Marley, Pearce, Richardson, Stegner, Stennett, Williams. Total - 14.

NAYS--Andreason, Brandt, Broadsword, Bunderson, Burkett, Coiner, Compton, Fulcher, Gannon, Goedde, Jorgenson, Kelly, Langhorst, Little, Lodge, Malepeai, McGee, McKenzie, Schroeder, Sweet, Werk. Total - 21.

Total - 35.

Whereupon the President declared that **H 800** had failed to pass the Senate and ordered the bill returned to the House.

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

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 2:15 p.m. until the hour of 3:15 p.m. of this day.

**RECESS
AFTERNOON SESSION**

The Senate reconvened at 3:15 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Sweet, absent and formally excused by the Chair; and Senators Burkett, Fulcher, Goedde, and Pearce, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 30, 2006

The FINANCE Committee reports out **H 849**, **H 851**, and **H 852** with the recommendation that they do pass.

CAMERON, Chairman

H 849, **H 851**, and **H 852** were filed for second reading.

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

Third Reading of Bills

Senators Burkett, Fulcher, Goedde, and Pearce were recorded present at this order of business.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 844** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **H 844** was read the third time at length, section by section, and put upon its final passage.

H 844 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Brandt, Broadsword, Bunderson, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hill, Jorgenson, Keough, Little, Lodge, McGee, McKenzie, Pearce, Richardson, Schroeder, Stegner, Williams. Total - 27.

NAYS--Burkett, Kelly, Langhorst, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Sweet. Total - 1.

Total - 35.

Whereupon the President declared **H 844** passed, title was approved, and the bill ordered returned to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1484** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency, and **S 1484** was read the third time at length, section by section, and put upon its final passage.

S 1484 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

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

NAYS--None.

Absent and excused--Sweet. Total - 1.

Total - 35.

SENATE INDEX

| House Bill No. | Introduced by | Final Action | Subject Matter | Introduction Page | Senate Vote Page | Final Disp. Page | House Bill No. |
|----------------|--------------------|----------------------|---|-------------------|------------------|------------------|----------------|
| 791 | Ways & Means | Law | COAL FIRED POWER PLANT - MORATORIUM - Adds to existing law to provide legislative intent; and to place a two year moratorium on issuing any variances, licenses or permits for construction of certain coal fired power plants or applying for variances, licenses or local conditional use, or building or air permits. | 236 | 273 | 295 | 801 |
| 793 | Appropriations | Law | APPROPRIATIONS - HUMAN RESOURCES DIVISION Appropriates \$2,878,500 to the Office of the Governor for the Human Resources Division for fiscal year 2007; limits the number of authorized full-time equivalent positions to 36; and directs the allocation of salary savings. | 202 | 238 | 255 | 802 803 |
| 794 | Appropriations | Law | APPROPRIATIONS - AGRICULTURAL RESEARCH/COOPERATIVE EXTENSION PROGRAM Appropriates \$30,622,000 to the Board of Regents of the University of Idaho for the Agricultural Research and Cooperative Extension Service Program for FY 2007. | 202 | 238 | 255 | |
| 795 | Ways & Means | Law | PUBLIC UTILITIES COMMISSION - STATE TAX COMMISSION - INDUSTRIAL COMMISSION - Provides for a salary increase for members of the Public Utilities Commission, the State Tax Commission and the Industrial Commission commencing in July 1, 2006. | 236 | 290 | 304 | 804 |
| 796 | Revenue & Taxation | Law | SALES TAX EXEMPTION - POLLUTION CONTROL EQUIPMENT - Amends existing law to revise the tax exemption applicable to pollution control equipment. | 202 | 266 | 288 | |
| 797 | Appropriations | Law | APPROPRIATIONS - ENDOWMENT FUND INVESTMENT BOARD - Appropriates \$621,900 to the State Board of Land Commissioners for the Endowment Fund Investment Board for fiscal year 2007; limits the number of full-time equivalent positions to 4; provides for continuous appropriation authority for moneys in the Endowment Administration Fund for consulting fees, bank custodial fees and portfolio-related costs; provides legislative intent regarding the transfer of moneys from the various earning reserve funds to the income funds; and directs the allocation of salary savings. | 202 | 238 | 255 | 805 |
| 798 | Appropriations | Law | APPROPRIATIONS - WATER RESOURCES DEPARTMENT - Appropriates \$23,062,900 to the Department of Water Resources for fiscal year 2007; limits the number of full-time equivalent positions to 180; and directs the allocation of salary savings. | 202 | 239 | 255 | 808 |
| 799 | Appropriations | Law | APPROPRIATIONS - PUBLIC UTILITIES COMMISSION - Appropriates \$4,475,200 to the Public Utilities Commission for fiscal year 2007; limits the number of full-time equivalent positions to 49; and directs the allocation of salary savings. | 202 | 239 | 255 | 809 |
| 800 | Ways & Means | Failed in the Senate | WATER RIGHTS - Amends existing law relating to water to revise provisions regarding rights associated with permits and licenses relating to ground water recharge. | 219 | 283 | 283 | |