







property for which state registration and the payment of a state tax or fee is required.

(b) Filing of Idaho state income tax returns.

(c) Permanent full-time employment or the hourly equivalent thereof in the state of Idaho.

(d) Registration to vote for state elected officials in Idaho at a general election.

(35) The state board of education and board of regents of the University of Idaho shall adopt uniform and standard rules and regulations applicable to all state colleges and universities now or hereafter established to determine residence status of any student and to establish procedures for review of that status.

(46) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected college or university is located; an appeal from the district court shall lie as in all civil actions.

(57) Nothing contained herein shall prevent the state board of education and board of regents of the University of Idaho from waiving tuition to be paid by nonresident students.

(68) Nothing contained in this act shall apply to junior colleges now or hereafter established, or to post-secondary vocational-technical schools now or hereafter established not connected to or a part of a state college or university.

(79) Nothing contained herein shall prevent the state board of education and board of regents of the University of Idaho from establishing quotas, standards for admission, standards for readmission, or other terms and requirements governing persons who are not residents for purposes of higher education.

(810) For students who apply for special graduate and professional programs including, but not limited to the WAMI (Washington, Alaska, Montana, Idaho) Regional Medical Program, the WICHE Student Exchange Programs, Creighton University School of Dental Science, the University of Utah College of Medicine, and the Washington, Oregon, Idaho (WOI) Regional Program in Veterinary Medical Education, no applicant shall be certified or otherwise designated as a beneficiary of such special program who has not been a resident of the state of Idaho for at least one (1) calendar year previous to the application date.

SECTION 2. This act shall be in full force and effect on and after January 15, 1993.

Approved April 1, 1992.

CHAPTER 120  
(S.B. No. 1431)

RS01101

AN ACT

RELATING TO THE COMMISSION ON HUMAN RIGHTS; AMENDING SECTION 67-5904, IDAHO CODE, TO INCREASE THE AMOUNT OF COMPENSATION PAID TO MEMBERS OF THE COMMISSION.



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

SECTION 1. That Section 67-5904, Idaho Code, be, and the same is hereby amended to read as follows:

**67-5904. ORGANIZATION OF COMMISSION -- COMPENSATION OF MEMBERS.** The commission shall annually select a president and vice president. Members shall each be compensated as provided by section 59-509(fh), Idaho Code. The commission may appoint a staff director to serve at its pleasure. Other subordinate staff necessary to accomplish the commission's mission shall be subject to the provisions of chapter 53, title 67, Idaho Code.

Approved April 1, 1992.

CHAPTER 121  
(S.B. No. 1440)

AN ACT

RELATING TO CONDUCT BY PUBLIC SERVANTS AND ETHICS IN GOVERNMENT; AMENDING CHAPTER 13, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1361A, IDAHO CODE, TO PROVIDE AN EXCEPTION TO STATE CONFLICT OF INTEREST LAWS FOR NONCOMPENSATED APPOINTED PUBLIC SERVANTS; AMENDING CHAPTER 2, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-209, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR NONCOMPENSATED PUBLIC OFFICIALS; AND AMENDING CHAPTER 7, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-704A, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR NONCOMPENSATED PUBLIC OFFICIALS.

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

SECTION 1. That Chapter 13, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-1361A, Idaho Code, and to read as follows:

**18-1361A. NONCOMPENSATED APPOINTED PUBLIC SERVANT -- EXCEPTION.** When a person is a public servant by reason of his appointment to a governmental entity board for which the person receives no salary or fees for his service on said board, it shall not constitute a violation of the provisions of subsection (1)(d) of section 18-1359, Idaho Code, for a public servant to contract with the public body of which he is a member if he strictly observes the following procedure:

(1) The contract is competitively bid and the public servant submits the low bid; and

(2) The public servant takes no part in the preparation of the contract or bid specifications, or voting on or approval of the contract or bid specifications; and

(3) The public servant makes full disclosure, in writing, to all members of the governing body, council or board of said public body of his interest and intention to bid on the contract; and



IN THE SENATE

SENATE BILL NO. 1431

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO THE COMMISSION ON HUMAN RIGHTS; AMENDING SECTION 67-5904, IDAHO CODE, TO INCREASE THE AMOUNT OF COMPENSATION PAID TO MEMBERS OF THE COMMISSION.

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

SECTION 1. That Section 67-5904, Idaho Code, be, and the same is hereby amended to read as follows:

67-5904. ORGANIZATION OF COMMISSION -- COMPENSATION OF MEMBERS. The commission shall annually select a president and vice president. Members shall each be compensated as provided by section 59-509(fh), Idaho Code. The commission may appoint a staff director to serve at its pleasure. Other subordinate staff necessary to accomplish the commission's mission shall be subject to the provisions of chapter 53, title 67, Idaho Code.

02/11 Senate intro - 1st rdg - to printing  
 02/12 Rpt prt - to St Aff  
 03/05 Rpt out - to 14th Ord  
 03/11 Rpt out amen - to engros  
 03/12 Rpt engros - 1st rdg - to 2nd rdg as amen  
 03/13 2nd rdg - to 3rd rdg as amen  
 03/16 3rd rdg as amen - PASSED - 24-14-4  
 NAYS--Bilyeu, Cameron, Crapo, Darrington, Furness,  
 John Hansen, Hartung, Hawkins, Larsen, Parry, Ricks,  
 Staker, Twigg, Vance.  
 Absent and excused--Beitelspacher, Dennis Hansen,  
 Thorne, Wetherell.  
 Title apvd - to House  
 03/17 House intro - 1st rdg as amen - to St Aff  
 03/30 Rpt out - rec d/p - to 2nd rdg as amen  
 03/30 2nd rdg - to 3rd rdg as amen  
 04/03 3rd rdg as amen - PASSED - 48-24-12  
 NAYS -- Antone, Barnes, Bell, Davis, Denney, Frasure,  
 Geddes, Hofman, Infanger, Jones(10), Jones(29),  
 Judd(8), Kempton, Loertscher, Mortensen(Mortensen),  
 Richardson, Sali, Schaefer, Sessions, Taylor,  
 Tippets, Wilde, Wood, Wright.  
 Absent and excused -- Adams, Alexander, Black(27),  
 Black(23), Field, Lazechko, Linford, Parks, Simpson,  
 Stubbs, Vandenberg, Vincent.  
 Title apvd - to Senate  
 04/03 To enrol  
 04/06 Rpt enrol  
 Pres/Sp signed - to Governor  
 04/09 Governor signed  
 Session Law Chapter 315  
 Effective: 07/01/92

S1430.....By State Affairs  
 ELECTIONS - SCHOOL - Amends existing law to provide that  
 absentee ballots for school elections may not be given to  
 electors more than thirty days before an election.

02/11 Senate intro - 1st rdg - to printing  
 02/12 Rpt prt - to St Aff

S1431.....By State Affairs  
 HUMAN RIGHTS COMMISSION - Amends existing law to increase  
 the compensation for members of the Human Rights Commission.

02/11 Senate intro - 1st rdg - to printing  
 02/12 Rpt prt - to St Aff  
 02/17 Rpt out - rec d/p - to 2nd rdg  
 03/18 2nd rdg - to 3rd rdg  
 03/19 3rd rdg - PASSED - 23-12-5  
 NAYS--Cameron, Crapo, Darrington, Furness, Hawkins,  
 Larsen, McRoberts, Newcomb, Parry, Ricks, Staker,  
 Thorne.  
 Absent and excused--Carlson, Donesley, John Hansen,  
 Lloyd, Tucker.  
 Title apvd - to House  
 02/20 House intro - 1st rdg - to St Aff  
 03/13 Rpt out - rec d/p - to 2nd rdg  
 03/16 2nd rdg - to 3rd rdg  
 03/24 3rd rdg - PASSED - 73-6-5  
 NAYS -- Childers(Childers), Denney, McEvoy, Sali,  
 Schaefer, Tilman.  
 Absent and excused -- Parks, Peters, Stennett,  
 Vandenberg, White.  
 Title apvd - to Senate  
 03/25 To enrol  
 03/26 Rpt enrol - Pres signed  
 03/27 Sp signed  
 03/30 To Governor  
 04/01 Governor signed  
 Session Law Chapter 120  
 Effective: 07/01/92

S1432.....By State Affairs  
 FUNERALS - PREPAID CONTRACTS - Amends existing law to permit  
 a licensed insurance agent who is not licensed as a mortu-  
 an or cemeterian to sell prepaid contracts for funeral  
 services.

02/11 Senate intro - 1st rdg - to printing  
 02/12 Rpt prt - to Comm/Lab

S1433.....By State Affairs  
 PUBLIC WORKS - Adds to and amends existing law to provide  
 for the establishment and payment of a prevailing wage on  
 public works projects.

02/11 Senate intro - 1st rdg - to printing  
 02/12 Rpt prt - to St Aff

S1434.....By Judiciary & Rules  
 VEHICLES - COMMERCIAL - RIDING ON - Amends existing law to  
 provide a limitation on damages to persons injured while  
 riding or climbing on commercial vehicles.

02/13 Senate intro - 1st rdg - to printing  
 02/14 Rpt prt - to Jud

S1435aa.....By Judiciary & Rules  
 CHILD SUPPORT - Repeals and amends existing law to require a  
 hearing prior to a child support obligation being estab-  
 lished.

02/14 Senate intro - 1st rdg - to printing  
 02/17 Rpt prt - to Jud  
 02/24 Rpt out - to 14th Ord  
 03/11 Rpt out amen - to engros  
 03/12 Rpt engros - 1st rdg - to 2nd rdg as amen  
 03/13 2nd rdg - to 3rd rdg as amen  
 03/16 3rd rdg as amen - PASSED - 41-0-1  
 NAYS--None.  
 Absent and excused--Wetherell.  
 Title apvd - to House

03/17 House intro - 1st rdg as amen - to Jud  
 03/31 Rpt out - rec d/p - to 2nd rdg as amen  
 2nd rdg - to 3rd rdg as amen  
 04/01 3rd rdg as amen - PASSED - 79-3-2  
 NAYS -- Field, Jenkins, Vandenberg.  
 Absent and excused -- Crow, Lazechko.  
 Title apvd - to Senate  
 To enrol  
 04/02 Rpt enrol - Pres signed  
 04/03 Sp signed  
 04/03 To Governor  
 04/08 Governor signed  
 Session Law Chapter 194  
 Effective: 07/01/92

S1436.....By Judiciary & Rules  
 ENVIRONMENT - CLEAN AIR ACT - Amends existing law to  
 increase the civil penalty for a violation of the Clean Air  
 Act provisions, to revise the standard for criminal air  
 quality violations, and to provide for air quality emergen-  
 cies, confidentiality of air emission data and the collec-  
 tion of permit fees.

02/17 Senate intro - 1st rdg - to printing  
 02/18 Rpt prt - to Health/Wel

S1437.....By State Affairs  
 INSURANCE - GUARANTY ASSOCIATION ACT - Amends existing law  
 to provide for exceptions to the application of the insur-  
 ance Guaranty Association Act, to provide for claims, to  
 provide when payment of dividends by member insurers is pro-



STATEMENT OF PURPOSE

RS 01101

The purpose of this legislation is to help ensure that the high quality of current Commission members is maintained by raising the honorarium for their service. The current Commission members receive the same honorarium given in 1969 (\$25), while the workload has increased dramatically. Several Commissioners serve at a personal financial sacrifice. It is important to maintain the diverse membership on the Commission.

FISCAL IMPACT

\$4,000.

9 Commissioners X \$25 (increase over existing honorarium) X an average of 17.8 days work per year = \$4,000.

Contact:  
Marilyn Shuler  
Idaho Human Rights Commission  
334-2873

House Educ 3/20/92.

1410 (RS 01097) Educ 2/10/92.  
1411 (RS 01237) Educ 2/10/92; 2/27/92.  
1412 (RS 01117) Educ 2/10/92; 2/28/92; 3/2/92.  
1413 (RS 01194) Educ 2/10/92.  
1414 (RS 01195) Educ 2/10/92.  
1415 (RS 01221) Educ 2/10/92; 2/28/92; 3/4/92; 3/5/92.  
1416 (RS 01077) Educ 2/10/92.  
1417 (RS 01215) Educ 2/10/92; 2/24/92.  
House Educ 3/18/92.  
1418 (RS 01159) Res/Env 2/10/92; 2/12/92; 2/14/92; 2/17/92.  
1419 (RS 01158) Res/Env 2/10/92.  
1420 (RS 01213) Res/Env 2/10/92; 2/12/92; 2/14/92; 2/17/92; 2/19/92; 2/21/92  
1421 (RS 01116) Res/Env 2/10/92.  
1422 (RS 01088) Res/Env 2/10/92; 2/12/92; 2/19/92; 2/21/92.  
1423 (RS 01132) Res/Env 2/10/92; 3/9/92.  
House Res/Con 3/23/92.  
1424 (RS 00961) Res/Env 2/10/92.  
1425 (RS 01188) Res/Env 2/10/92; 3/4/92.  
1426 (RS 00963) Res/Env 2/10/92.  
1427 (RS 00945) Res/Env 2/10/92.  
1428 (RS 01150) St Aff 2/10/92; 2/12/92.  
1429 (RS 00707) St Aff 2/10/92; 3/4/92.  
House St Aff 3/30/92.  
1430 (RS 01032) St Aff 2/10/92.  
1431 (RS 01101) St Aff 2/10/92; 2/14/92.  
House St Aff 3/13/92.  
1432 (RS 01147) Comm/Lab 2/27/92; St Aff 2/10/92.  
1433 (RS 00861) St Aff 2/10/92; 2/26/92; 3/4/92.



## **SENATE STATE AFFAIRS COMMITTEE**

**DATE:** *February 10, 1992*

**TIME:** *3:10 p.m.*

**PLACE:** *Room 437*

**PRESENT:** *Chairman Ricks, Senators, Crapo, Twiggs, Peavey, McRoberts, Hartung, Blackbird, and Donesley.*

**ABSENT/  
EXCUSED:** *Senator Calabretta.*

**MOTION CARRIED** **Blackbird MOVED**, seconded by **Crapo**, that the minutes of February 5, 1992 be approved as read. **MOTION CARRIED** by voice vote.

**MOTION CARRIED** **Crapo MOVED**, seconded by **McRoberts**, that the minutes of February 3, 1992, be approved as read. **MOTION CARRIED** by voice vote.

**RS 01150** **Chuck Moss** of the Division of Financial Management spoke to this RS. He said that this establishes a uniform performance audit process in Idaho state government under the auspices of the Performance Audit Oversight Board, with membership on the board from both the legislative and executive branches. The provisions of the act are effective July 1, 1993.

This bill would not require the expenditure of additional funds. It is drafted so that the legislature would provide the Performance Audit Oversight Board with spending authority for charges assessed by the board for services to state agencies. The board would be compensated for its services from general, dedicated and federal funds to be appropriated to the agencies. He said this is a result of a commitment made by the Governor when he vetoed a bill last year concerning this issue.

**MOTION CARRIED** **Blackbird MOVED**, seconded by **Peavey**, that **RS 01150** be sent to print. **Sweeney** said he hoped that we can print this so that we can have a hearing to compare this with **H 456** on the same subject and compare these two bills. **MOTION CARRIED** with a voice vote. **Crapo** voted **NO**. **Ricks** said he will put them both on the agenda for Wednesday.

**Blackbird, and Donesley voting AYE. Ricks, Twiggs, McRoberts, and Hartung voted NO. MOTION FAILED** on a tie vote.


**Hartung** asked if the committee could consider **RS 01101** before adjourning for the Senate to reconvene in the Senate Chambers. **Blackbird** asked if it would be possible to move to print the rest of the bills on the agenda at once in order to expedite things. It was decided to hear **RS 01101** first.

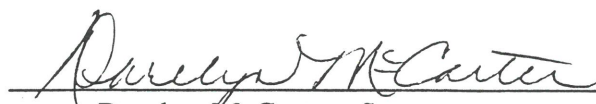
**RS 01101** **Marilyn Schuler** of the Commission on Human Rights spoke briefly to this RS saying that this legislation will help ensure that the high quality of current Commission members will be maintained by raising the honorarium for their services. The current Commission members receive the same honorarium given in 1969 (\$25), while the workload has increased dramatically. Several Commissioners serve at a personal financial sacrifice. She said this will have a fiscal impact of about \$4,000.00

**MOTION** **Sweeney MOVED**, seconded by **Twiggs**, that **RS 01101** be sent to print.  
**CARRIED** **MOTION CARRIED** by voice vote.

**MOTION** **Blackbird MOVED**, seconded by **Peavey**, that the last three RS's on the agenda be sent to print. These are **RS 00707** that Deletes a requirement for applicants for liquor licenses, **RS 01147** regarding Pre-paid funeral arrangements, and **RS 00861** regarding Public Works bidding processes. **MOTION CARRIED**  
**CARRIED** by voice vote.

Meeting adjourned at 4:15 p.m.

  
Mark G. Ricks, Chairman

  
Darelyn McCarter, Secretary



## **SENATE STATE AFFAIRS COMMITTEE**

**DATE:** *February 14, 1992*

**TIME:** *3:05 p.m.*

**PLACE:** *Room 437*

**PRESENT:** *Chairman Ricks, Senators, Crapo, Twiggs, Peavey, McRoberts, Hartung, Calabretta, and Blackbird. Gayle McGarry sat in for Sweeney, Ron Thompsen sat in for Donesley.*

**ABSENT/  
EXCUSED:** *Sweeney, Donesley.*

**MOTION** *Hartung MOVED*, seconded by **McRoberts**, that the minutes of February 12, 1992 be approved as corrected. **MOTION CARRIED** by voice vote.

**S 1362**

**MOTION** *McRoberts MOVED*, seconded by **Calabretta**, that **S 1362** amending existing law to eliminate a requirement that a notary public be a United State citizen, and to provide that a nonresident of Idaho regularly employed in the state is qualified for appointment as a notary public, be sent to the amending order. This bill was sent out of our committee on February 12, 1992, and needs some changes.

**CARRIED** **MOTION CARRIED** by voice vote.

### **GUBERNATORIAL APPOINTMENTS**

**MOTION** *Hartung MOVED*, seconded by **Blackbird**, that the name of **James R. Simpson** of Weiser, Idaho, who is being appointed to the Idaho Lottery Commission, be recommended to the Senate with a **DO CONFIRM** recommendation. **MOTION**

**CARRIED** **CARRIED** with a voice vote.

**RS 00746** *Crapo spoke to this RS saying that it is similar to a bill that was introduced last*

**Crapo, Twiggs, McRoberts, Hartung, Peavey, Calabretta, Donesley and Blackbird** will sponsor this.

**S 1431** The purpose of this legislation is to help ensure that the high quality of current Commission members is maintained by raising the honorarium for their services. This would increase the honorarium an additional \$25 per day.

**MOTION CARRIED** **Peavey MOVED**, seconded by **Hartung**, that **S 1431 be sent to the floor with a DO PASS recommendation. MOTION CARRIED** by voice vote. **Peavey** will sponsor this bill.

**S 1360** **Calabretta MOVED**, seconded by **McRoberts**, that **S 1360 be sent to the floor with a DO PASS recommendation**. She then spoke to her motion and said that this amends the Idaho Code and provides additional criteria wherein population may be used in determining the number of liquor licenses a city may issue. She said that a community shouldn't have to wait a decade to get additional licenses.

**Dixie Reid**, President of the Association of Idaho Cities spoke in support of this RS. There was a short discussion. **MOTION CARRIED** by voice vote. **Ricks, Crapo, Twiggs** voted **NO**. **Reed and Blackbird** will sponsor this bill.

**S 1337** **Ricks** spoke to this bill saying that this would allow joint use, ownership and/or operation of land equipment of facilities by fire protection districts and municipalities.

**MOTION CARRIED** **Calabretta MOVED**, seconded by **Peavey**, that **RS 00648 be sent to the floor with a DO PASS recommendation. MOTION CARRIED** with a voice vote.

Meeting adjourned at 3:28 p.m.

  
\_\_\_\_\_  
**Mark G. Ricks, Chairman**

  
\_\_\_\_\_  
**Darelyn McCarter, Secretary**



## STATE AFFAIRS COMMITTEE

**DATE:** March 13, 1992

**TIME:** 9:00 a.m.

**PLACE:** Statehouse, Room 412

**PRESENT:** Chairman Ahrens, Vice Chairman Peters, Representatives Alexander, Barnes, Crane, Deal, Jenkins, Judd, Lance, Loertscher, Sorensen, Stennett, Stoicheff, Stone, Sutton, Tippets, Vandenberg, White, Wood.

**ABSENT/  
EXCUSED:** Representatives Danielson, Newcomb.

**GUESTS:** Ken Norrie, Dept. of Fish and Game; Marilyn Shuler, Director, Human Rights Commission; Ben Ysursa, Chief Deputy, Secretary of State; Sen. Dennis Davis; Bruce Bistline, A.C.L.U.

The meeting was called to order by Chairman Ahrens at 9:00 a.m.

**Motion:** Rep. Deal, seconded by Rep. Jenkins, moved that the minutes of March 12, 1992 be approved as written. Motion carried.

**RS 00777C1** Ken Norrie stated that RS 00777C1 would prevent individuals from getting radio frequencies of collared wildlife and protect the animals from hunters.

**Motion:** Rep. Stoicheff moved to introduce RS 00777C1. Seconded by Rep. Barnes. Motion carried.

**RS 01527** Rep. Sorensen stated that RS 01527 would require convicted sex offenders to register with local law enforcement for a ten year period both during and after discharge from probation and parole. She requested that it be sent to the Judiciary and Rules Committee.

**Motion:** Rep. Wood, seconded by Rep. Stone, moved to introduce RS 01527 for printing and recommend it to the Judiciary and Rules Committee.

**S 1431** Marilyn Shuler testified that the honorarium currently paid (\$25) was established in 1969. She stated that the \$50 per day would be in line with honorariums of other commissions. Ms. Shuler stated that JFAC had approved the additional \$4,000 projected cost if S 1431 is approved.

**Motion:** Rep. Tippets, seconded by Rep. Deal, moved that S 1431 be sent to the floor with a Do Pass recommendation. Motion carried. Rep. Tippets will sponsor S 1431 on the floor of the House.

**H 813** Rep. Jenkins stated that H 813 would permit a county clerk to conduct an election by mail ballot upon the request of a county, city or other political subdivision. She gave a handout showing how mail balloting increased the voter turn out in several Oregon counties with a decreased cost per ballot. During questions, Rep. Jenkins stated that the decision to hold an election by mail would be up to the county clerk and the political subdivision.

Rep. Tippets asked if the State would have to pay for statewide elections held by mail. Ben Ysursa answered that the State does not pay for any elections with the exception of a prorated portion of the presidential

## HOUSE INDEX

| <u>Senate<br/>Bill<br/>No.</u> | <u>Introduced By</u>      | <u>Intro-<br/>duction<br/>Page</u> | <u>Subject Matter</u>   | <u>Final<br/>Vote<br/>Page</u> | <u>Final<br/>Action<br/>Page</u> | <u>Final<br/>Disposition</u>     |
|--------------------------------|---------------------------|------------------------------------|---|--------------------------------|----------------------------------|----------------------------------|
| 1423                           | Resources and Environment | 252                                | LANDS - STATE - Deletes obsolete language relating to the sale and lease of state lands . . . . . (S.A. - see Senate Journal)   | 372                            | 392                              | LAW                              |
| 1425                           | Resources and Environment | 222                                | WATER - MINIMUM STREAM FLOWS - Directs the Idaho Water Resource Board to seek an appropriation for minimum streamflows and lake levels in north Idaho . . . . .   | --                             | 222                              | House Resources and Conservation |
| 1429                           | State Affairs             | 252                                | LIQUOR, BEER, WINE LICENSES Deletes the requirement of United States citizenship to obtain a liquor, beer, or wine license . . . . . (S.A. - see Senate Journal)  | 402                            | 406                              | LAW                              |
| 1431                           | State Affairs             | 130                                | HUMAN RIGHTS COMMISSION Increases compensation for Human Rights Commission members . . . . .  | 310                            | 329                              | LAW                              |
| 1435                           | Judiciary and Rules       | 252                                | CHILD SUPPORT - Requires a hearing prior to establishment of a child support obligation . . . . . (S.A. - see Senate Journal)   | 382                            | 395                              | LAW                              |
| 1437                           | State Affairs             | 190                                | INSURANCE - GUARANTY ASSOCIATION ACT - Provides for exceptions to Insurance Guaranty Association Act application, provides for claims, provides when payment of dividends by member insurers is prohibited, and provides a procedure to aid in detection and prevention of insurer insolvencies . . . . . | 371                            | 392                              | LAW                              |
| 1438                           | Finance                   | 152                                | APPROPRIATIONS - Appropriates additional moneys to the Certified Shorthand Reporter's Board for FY 1991-92 . . . . .  | 182                            | 204                              | LAW                              |
| 1439                           | State Affairs             | 174                                | PROPERTY - REGULATORY TAKINGS - Requires a constitutional impact assessment by any government agency proposing or implementing policies which could affect a taking or deprivation of private property without due process of law . . . . .   | 287                            | 316                              | Vetoed                           |
| 1440                           | State Affairs             | 181                                | CONFLICT OF INTEREST Provides exceptions to the state conflict of interest laws for non-compensated appointive positions to boards or governmental positions . . .  | 311                            | 329                              | LAW                              |
| 1441                           | Judiciary and Rules       | 182                                | HEALTH AND WELFARE DISTRICT BOARD OF HEALTH Provides for an eight member district board of health in districts which serve eight counties, and provides that the special counsel for a health district may be appointed and may act as a special prosecuting attorney . . . . .                           | 309                            | 329                              | LAW                              |



Absent and excused - Black(27), Crow, Jenkins, Lance, Parks, Peters, Schaefer, Simpson, Vandenberg, White.  
Total - 10.

Total - 84.

Whereupon the Speaker declared **S 1441** passed the House. Title was approved and the bill ordered returned to the Senate.

**S 1302** was read the third time at length, section by section, and placed before the House for final consideration.

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

The question being, "Shall **S 1302** pass?"

Roll call resulted as follows:

AYES - Adams, Ahrens, Alexander, Antone, Barnes, Beaudoin, Bell, Black(23), Chamberlain, Childers(Childers), Crane, Cuddy, Danielson, Davis, Deal, Denney, Duncan, Field, Flandro, Frasure, Gannon, Geddes, Gould, Gurnsey, Hall, Hansen(20), Hansen(32), Hofman, Horvath, Infanger, Jenkins, Johnson, Jones(10), Jones(23), Jones(29), Judd(8), Judd(3), Kempton, Lance, Lasuen, Lazechko(Lazechko), Linford, Loertscher, Loosli, Loveland, Lucas, Mahoney, McEvoy, Montgomery, Mortensen(Mortensen), Nafziger, Newcomb, Pomeroy, Reid, Reynolds, Richardson, Robison, Sali, Schaefer, Sessions, Simpson, Sorensen, Steele, Steger, Stoicheff, Stone, Stubbs, Sutton, Taylor, Tilman, Tippets, Vickers, Vincent(Sweeney), Wilde, Wood, Wright, Mr. Speaker. Total - 76.

NAYS - None.

Absent and excused - Black(27), Crow, Montgomery, Parks, Peters, Stennett, Vandenberg, White. Total - 8.  
Total - 84.

Whereupon the Speaker declared **S 1302** passed the House. Title was approved and the bill ordered returned to the Senate.

**S 1431** was read the third time at length, section by section, and placed before the House for final consideration.

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

The question being, "Shall **S 1431** pass?"

Roll call resulted as follows:

AYES - Adams, Ahrens, Alexander, Antone, Barnes, Beaudoin, Bell, Black(27), Black(23), Chamberlain, Crane, Crow, Cuddy, Danielson, Davis, Deal, Duncan, Field, Flandro, Frasure, Gannon, Geddes, Gould, Gurnsey, Hall, Hansen(20), Hansen(32), Hofman, Horvath, Infanger, Jenkins, Johnson, Jones(10), Jones(23), Jones(29), Judd(8), Judd(3), Kempton, Lance, Lasuen, Lazechko(Lazechko), Linford, Loertscher, Loosli, Loveland, Lucas, Mahoney, Montgomery, Mortensen(Mortensen), Nafziger, Newcomb, Pomeroy, Reid, Reynolds, Richardson, Robison, Sessions, Simpson, Sorensen, Steele, Steger, Stoicheff, Stone, Stubbs, Sutton, Taylor, Tippets, Vickers, Vincent(Sweeney), Wilde, Wood, Wright, Mr. Speaker. Total - 73.

NAYS - Childers(Childers), Denney, McEvoy, Sali, Schaefer, Tilman. Total - 6.

Absent and excused - Parks, Peters, Stennett, Vandenberg, White. Total - 5.  
Total - 84.

Whereupon the Speaker declared **S 1431** passed the House. Title was approved and the bill ordered returned to the Senate.

**S 1337** was read the third time at length, section by section, and placed before the House for final consideration.

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

The question being, "Shall **S 1337** pass?"

Roll call resulted as follows:

AYES - Adams, Ahrens, Alexander, Antone, Barnes, Beaudoin, Bell, Black(23), Chamberlain, Childers(Childers), Crane, Crow, Cuddy, Danielson, Davis, Deal, Denney, Duncan, Field, Flandro, Frasure, Gannon, Geddes, Gould, Gurnsey, Hall, Hansen(20), Hansen(32), Hofman, Horvath, Infanger, Jenkins, Johnson, Jones(10), Jones(23), Jones(29), Judd(8), Judd(3), Kempton, Lance, Lasuen, Lazechko(Lazechko), Linford, Loertscher, Loosli, Loveland, Lucas, Mahoney, McEvoy, Montgomery, Mortensen(Mortensen), Nafziger, Newcomb, Parks, Pomeroy, Reid, Reynolds, Richardson, Robison, Sali, Schaefer, Sessions, Simpson, Sorensen, Steele, Steger, Stennett, Stoicheff, Stone, Stubbs, Sutton, Taylor, Tilman, Tippets, Vickers, Vincent(Sweeney), White, Wilde, Wood, Wright, Mr. Speaker. Total - 81.

NAYS - None.

Absent and excused - Black(27), Peters, Vandenberg. Total - 3.  
Total - 84.

Whereupon the Speaker declared **S 1337** passed the House. Title was approved and the bill ordered returned to the Senate.

**S 1295** was read the third time at length, section by section, and placed before the House for final consideration.

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

Mrs. Ahrens asked unanimous consent that, pursuant to Rule 38(3), she be excused from voting on **S 1295** due to a conflict of interest. There being no objection, it was so ordered.

The question being, "Shall **S 1295** pass?"

Roll call resulted as follows:

AYES - Adams, Alexander, Antone, Barnes, Beaudoin, Bell, Black(23), Chamberlain, Crane, Crow, Danielson, Davis, Deal, Duncan, Field, Flandro, Frasure, Gannon, Geddes, Gould, Gurnsey, Hall, Hansen(20), Hansen(32), Hofman, Horvath, Infanger, Jenkins, Johnson, Jones(10), Jones(23), Jones(29), Judd(8), Judd(3), Kempton, Lance, Lasuen, Lazechko(Lazechko), Linford, Loertscher, Loosli, Loveland, Lucas, Mahoney, Montgomery, Mortensen(Mortensen), Nafziger, Newcomb, Parks, Peters, Pomeroy, Reid, Reynolds, Richardson, Robison, Sessions, Simpson, Sorensen, Steele, Steger, Stennett, Stone, Stubbs, Tippets, Vandenberg, Vickers, Vincent(Sweeney), White, Wright, Mr. Speaker. Total - 70.

NAYS - Childers(Childers), Denney, McEvoy, Sali, Schaefer, Stoicheff, Taylor, Tilman, Wilde, Wood. Total - 10.

H 584 was placed on General Orders for consideration.

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

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

**HOUSE BILL NO. 730  
BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO BORON NEUTRON CAPTURE THERAPY CANCER RESEARCH AND DEVELOPMENT, CIGARETTE TAXES, AND DISTRIBUTION OF CIGARETTE TAXES; PROVIDING A SHORT TITLE; PROVIDING A STATEMENT OF LEGISLATIVE FINDINGS; AMENDING CHAPTER 17, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-1703, IDAHO CODE, TO PROVIDE FOR A BORON NEUTRON CAPTURE THERAPY ACCOUNT AND FOR THE ALLOCATION AND ADMINISTRATION OF MONEYS WITHIN THE BORON NEUTRON CAPTURE THERAPY ACCOUNT; AMENDING SECTION 63-2506, IDAHO CODE, TO IMPOSE AN ADDITIONAL TAX ON CIGARETTES; AND AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF REVENUES FROM SUCH ADDITIONAL TAX.

**HOUSE BILL NO. 731  
BY REVENUE AND TAXATION COMMITTEE  
AN ACT**

RELATING TO SNOWMOBILES; AMENDING SECTION 67-7103, IDAHO CODE, TO INCREASE FEES FOR NUMBERING AND FOR CERTIFICATES OF NUMBERS TO DEALERS, TO PROVIDE FOR THE NUMBER TO BE LOCATED ON THE RIGHT AND LEFT SIDE OF THE COWLING OF THE SNOWMOBILE AND TO PROVIDE FOR THE PURCHASE OF CERTIFICATES OF NUMBER FOR SNOWMOBILES USED FOR RENTAL PURPOSES; AMENDING SECTION 67-7106, IDAHO CODE, TO INCREASE THE HANDLING FEE THAT VENDORS MAY CHARGE; AMENDING SECTION 67-7107, IDAHO CODE, TO PROVIDE QUALIFICATIONS FOR PERSONS ON COUNTY ADVISORY COMMITTEES; AND AMENDING SECTION 67-7113, IDAHO CODE, TO INCREASE FINES.

H 730 and H 731 were introduced, read the first time by title, and referred to the Judiciary, Rules and Administration Committee for printing.

S 1318, S 1332 and S 1404, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules and Administration Committee.

S 1295, by Human Resources Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

S 1431, by State Affairs Committee, was introduced, read the first time by title, and referred to the State Affairs Committee.

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

**Second Reading of Bills and Joint Resolutions**

H 655, by Business Committee, was read the second time by title and filed for third reading.

HCR 49, by Commerce, Industry and Tourism Committee, was read the second time by title and filed for third reading.

H 606, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

S 1300, by Human Resources Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

H 546, having previously been read the third time at length, was placed before the House for final consideration.

The question being, "Shall H 546 pass?"

Roll call resulted as follows:

AYES - Adams, Ahrens, Antone, Barnes, Bell, Cuddy, Deal, Duncan, Field, Gannon, Gould, Gurnsey, Hansen(20), Hansen(32), Horvath, Jones(23), Judd(8), Judd(3), Lasuen, Linford, Loosli, Loveland, Lucas, Montgomery, Newcomb, Pomeroy, Reynolds, Robison, Steger, Stennett, Stone, Sutton, Vickers, White, Wilde, Wood, Mr. Speaker.  
Total - 37.

NAYS - Alexander, Beaudoin, Black(27), Black(23), Chamberlain, Childers, Crane, Crow, Danielson, Davis, Denney, Flandro, Frasure, Geddes, Hall, Hofman, Infanger, Jenkins, Johnson, Jones(10), Jones(29), Kempton, Lance(Lance), Lazechko(Salow), Loertscher, Mahoney, McEvoy, Mortensen(Mortensen), Nafziger, Parks, Peters, Reid, Richardson, Sali, Schaefer, Sessions, Simpson, Sorensen, Steele, Stoicheff, Taylor, Tilman, Tippets, Vandenberg, Vincent, Wright. Total - 46.

Absent and excused - Stubbs. Total - 1.

Paired Vote:

AYE - Bell NAY - Black(23)

AYE - Gould NAY - Crow

(Pair enumerated in roll call above.)

Total - 84.

Whereupon the Speaker declared H 546 failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

H 548 was read the third time at length, section by section, and placed before the House for final consideration.

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

The question being, "Shall H 548 pass?"

Roll call resulted as follows:

AYES - Adams, Ahrens, Alexander, Antone, Barnes, Beaudoin, Bell, Black(27), Chamberlain, Childers, Crane, Crow, Cuddy, Danielson, Davis, Deal, Denney, Duncan, Field, Flandro, Frasure, Gannon, Geddes, Gurnsey, Hall, Hansen(20), Hansen(32), Hofman, Horvath, Infanger, Jenkins, Johnson, Jones(10), Jones(23), Judd(8), Judd(3), Kempton, Lance(Lance), Lasuen, Lazechko(Salow), Linford, Loertscher, Loosli, Lucas, Mahoney, McEvoy, Montgomery,

The Committee takes no exception to nor recommends any changes in the attached documents.

Respectfully submitted,  
/s/ John O. Sessions, Chairman  
Transportation and Defense  
Committee

Mr. Montgomery asked unanimous consent that the foregoing committee recommendations be adopted. There being no objection, it was so ordered.

The foregoing letters were ordered filed in the office of the Chief Clerk.

Mrs. Ahrens asked unanimous consent that S 1477 be placed on General Orders for consideration. Ms. Lasuen objected.

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

#### Adjournment

Mr. Newcomb moved that the House adjourn until 9 a.m., Friday, March 27, 1992. Seconded by Mr. Stoicheff. Motion carried.

Whereupon the Speaker declared the House adjourned at 5:02 p.m.

TOM BOYD, Speaker

ATTEST:

PHYLLIS WATSON, Chief Clerk

#### EIGHTY-SECOND LEGISLATIVE DAY FRIDAY, MARCH 27, 1992

#### House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed all 84 members present.

Prayer was offered by Representative Elaine Hofman.

Mr. Horvath asked unanimous consent that Rule 70, with the exception of smoking, be suspended for the balance of the legislative day. There being no objection, it was so ordered.

#### Approval of Journal

March 27, 1992

Mr. Speaker:

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

LOVELAND, Chairman

Mr. Loveland moved that the report be adopted. Seconded by Mr. Hansen(20). Report adopted.

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

OFFICE OF THE GOVERNOR  
Boise

March 26, 1992

The Honorable Tom Boyd  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

|                   |       |
|-------------------|-------|
| H 465             | H 617 |
| H 490             | H 641 |
| H 607, as amended | H 643 |
| H 612             | H 697 |

Sincerely,  
/s/ CECIL D. ANDRUS  
Governor

OFFICE OF THE GOVERNOR  
Boise

March 26, 1992

The Honorable Tom Boyd  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

|                   |       |
|-------------------|-------|
| H 562             | H 729 |
| H 675             | H 740 |
| H 714             | H 748 |
| H 717, as amended | H 759 |

Sincerely,  
/s/ CECIL D. ANDRUS  
Governor

March 26, 1992

Mr. Speaker:

I transmit herewith enrolled S 1267, S 1295, S 1302, S 1311, S 1315, S 1318, S 1323, as amended, S 1325, S 1332, S 1337, S 1339, as amended, S 1342, S 1354, as amended, S 1373, S 1375, S 1376, S 1417, as amended, S 1431, S 1440, S 1441, S 1445, S 1471, S 1486, S 1487, S 1488, S 1489, S 1494, S 1495, S 1496, S 1497 and SJM 114 for the signature of the Speaker, and I return herewith enrolled H 688, H 741, H 581, H 672, H 796, H 782, H 786 and H 774 which have been signed by the President.

WOOD, Secretary

The Speaker announced he was about to sign enrolled S 1267, S 1295, S 1302, S 1311, S 1315, S 1318, S 1323, as amended, S 1325, S 1332, S 1337, S 1339, as amended, S 1342, S 1354, as amended, S 1373, S 1375, S 1376, S 1417, as amended, S 1431, S 1440, S 1441, S 1445, S 1471, S 1486, S 1487, S 1488, S 1489, S 1494, S 1495, S 1496, S 1497 and SJM 114, and, when so signed, ordered them returned to the Senate.



## SENATE INDEX

| Senate<br>Bill No. | Introduced<br>by           | Final<br>Action                      | flows, water conservation, lake and reservoir surface<br>management and the Snake River Basin. . . . .<br>Subject<br>Matter   | 97<br>Intro-<br>duction<br>Page | 151<br>Senate<br>Vote<br>Page | 151<br>Final<br>Disp.<br>Page |
|--------------------|----------------------------|--------------------------------------|---|---------------------------------|-------------------------------|-------------------------------|
| 1421               | Resources &<br>Environment | Senate<br>Resources &<br>Environment | MINES AND MINING - Amends existing law to<br>provide an exemption from the requirement to<br>submit maps and plans for surface mining operations<br>on federal lands if such operations are to be<br>conducted on five acres or less. . . . . | 97                              | -                             | 100                           |
| 1422               | Resources &<br>Environment | Senate<br>Resources &<br>Environment | WATER DISTRICTS - Repeals and adds to existing<br>law to recodify the water district statutes relating<br>to powers and duties of water districts. . . . .  | 97                              | -                             | 100                           |
| 1423               | Resources &<br>Environment | Law                                  | STATE LANDS - Repeals and amends existing law<br>to delete obsolete language relating to the sale and<br>lease of state lands. . . . .<br>Amended in Senate . . . . .   | 97<br>207                       | 227                           | 359                           |
| 1424               | Resources &<br>Environment | Senate<br>Resources &<br>Environment | HAZARDOUS WASTE - NUCLEAR MATERIALS -<br>Adds to existing law to provide that a transportation<br>permit is required for the transportation of nuclear<br>materials in the state. . . . .   | 98                              | -                             | 100                           |
| 1425               | Resources &<br>Environment | House<br>Resources &<br>Conservation | WATER - MINIMUM STREAMFLOWS - Adds to<br>existing law to direct the Idaho Water Resource<br>Board to seek an appropriation for minimum<br>streamflows and lake levels in north Idaho. . . . .<br>Statement of Legislative Intent . . . . .    | 98<br>200                       | 200                           | 200                           |
| 1426               | Resources &<br>Environment | Senate<br>Resources &<br>Environment | HAZARDOUS WASTE - NUCLEAR WASTE - Adds<br>to existing law to require a permit for the under-<br>ground storage of radioactive or nuclear waste. . .   | 98                              | -                             | 100                           |
| 1427               | Resources &<br>Environment | Senate<br>Resources &<br>Environment | STATE LANDS - Amends existing law to provide that<br>endowment lands, not school lands, may be leased<br>for up to forty-nine years for commercial purposes. .  | 98                              | -                             | 100                           |
| 1428               | State<br>Affairs           | Senate<br>State<br>Affairs           | AUDITS - PERFORMANCE - Adds to existing law<br>to establish a uniform performance audit process<br>under a performance audit oversight board, with<br>membership on the board from both the legislative<br>and executive branches. . . . .    | 101                             | -                             | 103                           |
| 1429               | State<br>Affairs           | Law                                  | LIQUOR LICENSES - Amends existing law to<br>delete the requirement of United States citizenship<br>to obtain a liquor, beer, or wine license. . . . .<br>Amended in Senate . . . . .  | 101<br>206                      | 226                           | 360                           |
| 1430               | State<br>Affairs           | Senate<br>State<br>Affairs           | SCHOOL ELECTIONS - Amends existing law to<br>provide that absentee ballots for school elections<br>may not be given to electors more than thirty days<br>before an election. . . . .  | 101                             | -                             | 103                           |
| 1431               | State<br>Affairs           | Law                                  | HUMAN RIGHTS COMMISSION - Amends existing<br>law to increase the compensation for members of the<br>Human Rights Commission. . . . .  | 101✓                            | 124✓                          | 335✓                          |
| 1432               | State<br>Affairs           | Senate<br>Commerce<br>& Labor        | FUNERALS - PREPAID CONTRACTS - Amends<br>existing law to permit a licensed insurance agent<br>who is not licensed as a mortician or cemerterian to<br>to sell prepaid contracts for funeral services. . . .                                   | 101                             | -                             | 103                           |
| 1433               | State<br>Affairs           | Senate<br>State<br>Affairs           | PUBLIC WORKS - Adds to and amends existing<br>law to provide for the establishment and payment<br>of a prevailing wage on public works projects. . .  | 101                             | -                             | 103                           |
| 1434               | Judiciary<br>& Rules       | Senate<br>Judiciary                  | COMMERCIAL VEHICLE INJURY - Amends<br>existing law to provide a limitation on damages   |                                 |                               |                               |

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 eleventh day of February in the year of our Lord one thousand nine hundred and ninety-two and of the Independence of the United States of America the two hundred and sixteenth year.

/s/ BY THE GOVERNOR CECIL D. ANDRUS  
/s/ SECRETARY OF STATE PETE T. CENARRUSA

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

#### Messages from the House

February 10, 1992

Mr. President:

I return herewith Enrolled S 1269 which has been signed by the Speaker.

WATSON, Chief Clerk

Enrolled S 1269 was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

#### Motions and Resolutions

Senator Burkett was recorded present at this order of business.

The President announced that SJM 112 was before the Senate for final consideration, the question being, "Shall the memorial be adopted?"

On motion by Senator Haun, seconded by Senator Hartung, SJM 112 was adopted by voice vote, title was approved, and the memorial ordered transmitted to the House.

The President announced that SCR 118 was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Dennis Hansen, seconded by Senator Blackbird, SCR 118 was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

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

##### S 1428

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO PERFORMANCE EVALUATION OF STATE AGENCIES; AMENDING CHAPTER 10, TITLE 67, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 67-1037, 67-1038, 67-1039, 67-1040, 67-1041, 67-1042, 67-1043, 67-1044, 67-1045, 67-1046, 67-1047, 67-1048, 67-1049, 67-1050, 67-1051 AND 67-1052, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE FOR A DECLARATION OF LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR THE

ESTABLISHMENT OF THE PERFORMANCE AUDIT OVERSIGHT BOARD, TO PROVIDE FOR MEMBERSHIP AND TERMS OF BOARD MEMBERS AND A CHAIRMAN, TO PROVIDE FOR PER DIEM ALLOWANCE AND EXPENSES, TO PROVIDE POWERS OF THE BOARD, TO PROVIDE FOR A DIRECTOR OF THE PERFORMANCE AUDIT OVERSIGHT BOARD, TO PROVIDE FOR pre-AUDIT SURVEYS, TO PROVIDE FOR AGENCY RESPONSE, TO PROVIDE FOR ISSUANCE OF AUDIT REPORTS, TO PROVIDE FOR INQUISITORIAL AUTHORITY, TO PROVIDE FOR ENFORCEMENT OF SUBPOENAS, TO PROVIDE FOR A QUORUM, TO PROVIDE FOR ASSISTANCE, TO PROVIDE FOR A CHARGE FOR AUDITS, AND PROVIDING AN EFFECTIVE DATE.

##### S 1429

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-910, IDAHO CODE, TO DELETE THE REQUIREMENT OF UNITED STATES CITIZENSHIP; AMENDING SECTION 23-1005, IDAHO CODE, TO DELETE THE REQUIREMENT OF UNITED STATES CITIZENSHIP; AMENDING SECTION 23-1010, IDAHO CODE, TO DELETE THE REQUIREMENT OF UNITED STATES CITIZENSHIP; AND AMENDING SECTION 23-1307, IDAHO CODE, TO DELETE THE REQUIREMENT OF UNITED STATES CITIZENSHIP.

##### S 1430

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO SCHOOL ELECTIONS; AMENDING SECTION 33-406, IDAHO CODE, TO PROVIDE THAT ABSENTEE BALLOTS FOR SCHOOL ELECTIONS MAY BE DELIVERED NOT MORE THAN THIRTY DAYS PRIOR TO THE ELECTION.

##### S 1431

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO THE COMMISSION ON HUMAN RIGHTS; AMENDING SECTION 67-5904, IDAHO CODE, TO INCREASE THE AMOUNT OF COMPENSATION PAID TO MEMBERS OF THE COMMISSION.

##### S 1432

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO PREPAID FUNERAL ARRANGEMENTS; AMENDING SECTION 54-1132, IDAHO CODE, TO PROVIDE THAT A LICENSED INSURANCE AGENT MAY BE ISSUED A CERTIFICATE OF AUTHORITY TO SELL PREPAID CONTRACTS FOR FUNERAL AND CEMETERY SERVICES AND MERCHANDISE WITHOUT LICENSURE AS A MORTICIAN OR CEMETERIAN, AND TO REQUIRE APPROVAL BY A LICENSED MORTICIAN OR CEMETERIAN OF ANY PREPAID CONTRACT SOLD BY AN INSURANCE AGENT; AND AMENDING SECTION 54-1138, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE.

##### S 1433

#### BY STATE AFFAIRS COMMITTEE AN ACT

RELATING TO DETERMINATION OF A PREVAILING WAGE FOR PUBLIC WORKS PROJECTS; AMENDING SECTION 44-1001, IDAHO CODE, TO PROVIDE FOR THE PAYING OF STANDARD PREVAILING WAGES IN EFFECT AS PAID IN THE COUNTY SEAT OF THE COUNTY IN WHICH THE WORK IS BEING

Whereupon the President declared **S 1318** passed, title was approved, and the bill ordered transmitted to the House.

**S 1291** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Carlson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Beitelspacher, Bilyeu, Carlson, Donesley, Kerrick, Lloyd, Osborne, Reed, Snodgrass, Sweeney, Thorne, Wetherell. Total - 12.

NAYS--Allyn, Benson, Blackbird, Brooks, Calabretta, Cameron, Crapo, Darrington, Davis, Furness, Dennis Hansen, John Hansen, Hartung, Haun, Hawkins, Larsen, McLaughlin, McRoberts, Newcomb, Noh, Parry, Peavey, Reents, Ricks, Scanlin, Staker, Twiggs, Vance. Total - 28.

Absent and excused--McDermott, Tucker. Total - 2.

Total - 42.

Whereupon the President declared that **S 1291** had failed to pass the Senate, and ordered the bill filed in the office of the Secretary.

On request by Senator Twiggs, granted by unanimous consent, **S 1292** retained its place on the calendar for one legislative day.

On request by Senator Staker, granted by unanimous consent, **S 1311** retained its place on the calendar for one legislative day.

**S 1332** 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--Allyn, Beitelspacher, Benson, Bilyeu, Blackbird, Brooks, Cameron, Carlson, Crapo, Darrington, Davis, Donesley, Furness, Dennis Hansen, John Hansen, Hartung, Haun, Hawkins, Kerrick, Larsen, Lloyd, McLaughlin, McRoberts, Newcomb, Noh, Osborne, Parry, Peavey, Reed, Reents, Ricks, Scanlin, Snodgrass, Staker, Sweeney, Thorne, Twiggs, Vance, Wetherell. Total - 39.

NAYS--Calabretta. Total - 1.

Absent and excused--McDermott, Tucker. Total - 2.

Total - 42.

Whereupon the President declared **S 1332** passed, title was approved, and the bill ordered transmitted to the House.

The President called Senator Darrington to the Chair.

**S 1404** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kerrick arose as sponsor of the

bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Allyn, Beitelspacher, Benson, Bilyeu, Blackbird, Brooks, Cameron, Carlson, Crapo, Darrington, Davis, Furness, Dennis Hansen, John Hansen, Hartung, Haun, Hawkins, Kerrick, Larsen, Lloyd, McDermott, McRoberts, Newcomb, Noh, Osborne, Parry, Peavey, Reed, Reents, Ricks, Scanlin, Snodgrass, Staker, Sweeney, Thorne, Twiggs, Vance, Wetherell. Total - 38.

NAYS--None.

Absent and excused--Calabretta, Donesley, McLaughlin, Tucker. Total - 4.

Total - 42.

Whereupon the Acting President declared **S 1404** passed, title was approved, and the bill ordered transmitted to the House.

**S 1295** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Reed arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Allyn, Beitelspacher, Benson, Bilyeu, Blackbird, Brooks, Calabretta, Cameron, Carlson, Darrington, Davis, Dennis Hansen, Hartung, Haun, Kerrick, Lloyd, McDermott, McLaughlin, McRoberts, Noh, Osborne, Peavey, Reed, Reents, Scanlin, Snodgrass, Sweeney, Twiggs, Vance, Wetherell. Total - 30.

NAYS--Crapo, Furness, John Hansen, Hawkins, Larsen, Newcomb, Parry, Ricks, Staker, Thorne. Total - 10.

Absent and excused--Donesley, Tucker. Total - 2.

Total - 42.

Whereupon the Acting President declared **S 1295** passed, title was approved, and the bill ordered transmitted to the House.

**S 1431** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Peavey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Allyn, Beitelspacher, Benson, Bilyeu, Blackbird, Brooks, Calabretta, Davis, Dennis Hansen, Hartung, Haun, Kerrick, McDermott, McLaughlin, Noh, Osborne, Peavey, Reed, Reents, Scanlin, Snodgrass, Sweeney, Twiggs, Vance, Wetherell. Total - 25.

NAYS--Cameron, Crapo, Darrington, Furness, Hawkins, Larsen, McRoberts, Newcomb, Parry, Ricks, Staker, Thorne. Total - 12.

Absent and excused--Carlson, Donesley, John Hansen, Lloyd, Tucker. Total - 5.

Total - 42.



Mr. President, I have withheld approval of sections of **Senate Bill 1464** fully mindful of my sacred responsibility to ensure that Idaho's budget is balanced. I will see to it that the budget is balanced, but it will be balanced with less disruption, more compassion, and on the basis of better information than went into the development of this flawed proposal.

It should also be noted that the action I have taken on this legislation in no way affects the Fiscal Year 1992 appropriation for public education in Idaho. Idaho's public schools will receive the full appropriation as approved by the last session of the Legislature and which I signed into law.

To the prophets of doom and economic malaise who would poor-mouth the Idaho economy, I can only say their pessimism is misplaced and their anxiety out of control. We will have a balanced budget in Fiscal Year 1992, guided by prudence and careful decision-making and built on the strength of a growing economy.

Sincerely,  
/s/ Cecil D. Andrus  
Governor

**S 1464**, including the line item veto, was referred to the Judiciary and Rules Committee for delivery to the office of the Governor.

The Governor's veto message was ordered filed in the office of the Secretary.

April 1, 1992

The Honorable C. L. "Butch" Otter  
President of the Senate  
State of Idaho  
Statehouse Mail

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1267, S 1295, S 1302, S 1315, S 1323**, as amended, **S 1332, S 1337, S 1342, S 1373, S 1375, S 1376, S 1417**, as amended, **S 1431, S 1440, S 1441, S 1445, S 1471, S 1486, S 1487, S 1488, S 1489, S 1494, S 1495**, and **S 1497**

Sincerely,  
/s/ Cecil D. Andrus  
Governor

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

The President called President Pro Tempore Crapo to the Chair.

#### Messages from the House

April 1, 1992

Mr. President:

I return herewith **S 1499**, as amended, as amended in the House, which has passed the House.

WATSON, Chief Clerk

On request by Senator Ricks, granted by unanimous consent, **S 1499**, as amended, as amended in the House, was referred to the Tenth Order of Business, Motions and Resolutions, for consideration as to possible concurrence in the House amendments.

Senator Thorne was recorded present at this order of business.

#### Motions and Resolutions

The President returned to the Chair.

The President announced that the House amendments to **S 1499**, as amended, 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 1499**, as amended, as amended in the House?"

On request by Senator Ricks, granted by unanimous consent, the Senate concurred in the House amendments to **S 1499**, as amended, as amended in the House.

**S 1499**, as amended, as amended in the House, was referred to the Judiciary and Rules Committee for engrossing.

Senator Burkett was recorded present at this order of business.

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

#### Reports of Standing Committees

April 2, 1992

The FINANCE Committee reports out **H 887** with the recommendation that it do pass.

PARRY, Chairman

**H 887** was filed for second reading.

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

#### Second Reading of Bills

**H 591**, as amended, by Environmental Affairs Committee, was read the second time at length and filed for third reading.

**H 883, H 875, and H 879**, by Appropriations Committee, were read the second time at length and filed for third reading.

**H 872**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 856**, as amended, by Ways and Means Committee, was read the second time at length and filed for third reading.

**H 763**, by Education Committee, was read the second time at length and filed for third reading.

**Idaho Human Rights Act**  
**1992 Legislative History Check Lists** S.B. 1431

67-59001

| Item                      | Included | Notes |
|---------------------------|----------|-------|
| Session Law               | ✓ R      |       |
| Bill                      | ✓ R      |       |
| Bill Status               | ✓ R      |       |
| Statement of Purpose      | ✓ R      |       |
| Committee Minutes         |          |       |
| - House                   | ✓ R      |       |
| - Senate                  | ✓ R      |       |
| Journal                   |          |       |
| - House                   | ✓ R      |       |
| - Senate                  | ✓ R      |       |
| Interim Committee Minutes | N/A R    |       |
|                           |          |       |