

(1959)

February 18]

Motions and Resolutions

At this time, Senator Davis introduced the senior class and a teacher from Emmett High School.

At this time, Senator Burt introduced a history class from St. Theresa's Academy.

At this time, Senator Barlow read the following Statement of Intent.

"We understand that amendment to S. B. No. 41 was proposed with the thought that a person representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of said church, should not be required to register. A copy of the amendment is attached.

We would like to point out that there is no intent in S. B. No. 41 to require such a representative to register and we do not believe that if it is enacted, the provisions would be, or could reasonably be, construed to require such a representative to register."

Signed this 18th day of February, 1959.

- K. C. Barlow, Cassia
- Vernon Daniel, Payette
- Fred M. Cooper, Caribou
- Ernest Gaffney, Benewah
- James B. Donart, Washington

SENATE BILL NO. 41

PROPOSED AMENDMENT

Section 5. REGISTRATION EXCEPTIONS.—The provisions of this act shall not apply to duly appointed or elected officials of counties, cities, towns, villages, public boards and public institutions when appearing on behalf of themselves or on matters pertaining to their respective political subdivisions. There is also excepted from this act professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where such professional service is not otherwise connected with legislative action. And further, the provisions of this act shall not apply to a person when representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of said church.

Senator Barlow requested unanimous consent that the Statement of Intent and the Proposed Amendment to Senate Bill No. 41 be spread upon the Senate Journal.

There being no objection, the President Pro Tempore ordered the Statement of Intent read by Senator Barlow and the proposed amendment to Senate Bill No. 41 spread upon the Senate Journal.

At this time, the President Pro Tempore announced that Senate Bill No. 89 had been returned from the House and would be retained at the desk.

Introduction, First Reading and Reference of Bills

Senate Bill No. 29, as amended, by Young (Jefferson), and Bergeson, was introduced, read the first time at length and filed for second reading, as amended.

Hansen, John Hansen, Hartung, Hyde, Lacy, Mackin, Madsen, Marley, McLaughlin, McRoberts, Noh, Parry, Peavey, Reed, Reents, Ricks, Rydalch, Smyser, Staker, Sweeney, Tucker, Twiggs, Vance, Wetherell. Total - 39.

NAYS-None.

Absent and excused-Blackbird, Thorne, Tominaga. Total - 3.

Total - 42.

More than two-thirds having voted in the affirmative, the President declared the rules suspended and announced that **SCR 142** was before the Senate for final consideration.

Moved by Senator John Hansen, seconded by Senator Mackin, that **SCR 142** be adopted.

The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES-Anderson, Beck, Beitelspacher, Bilyeu, Brooks, Burkett, Calabretta, Carlson, Christiansen, Crapo, Darrington, Davis, Donesley, Furness, Gilbert, Dennis Hansen, John Hansen, Hartung, Hyde, Lacy, Mackin, Madsen, Marley, McLaughlin, McRoberts, Noh, Parry, Peavey, Reed, Reents, Ricks, Rydalch, Smyser, Staker, Sweeney, Tominaga, Tucker, Twiggs, Vance, Wetherell. Total - 40.

NAYS-None.

Absent and excused-Blackbird, Thorne. Total - 2.

Total - 42.

Whereupon the President declared **SCR 142** adopted, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Mackin, granted by unanimous consent, the following Statement of Legislative Intent was ordered spread upon the pages of the Journal:

Legislative Intent for **SCR 142**

It is the concern of this legislature that the definition of pay for performance not be misunderstood.

It is hereby declared that it is the intent of the legislature that pay for performance shall be awarded for solid, mainstream, dependable performance as determined through a job performance evaluation and criteria described in this resolution and Idaho Code 67-5309C.

It is further declared that pay for performance should not be misunderstood to mean that pay increases be awarded only for superlative, "above and beyond the call of duty" job performance.

It is further declared that the job performance evaluation of a supervisor include, as a significant factor, how well he or she executes job performance evaluation of his or her subordinate employees where required to do such evaluation.

It is further declared that it is the intent of this legislature that 5.3% money be made available to colleges and universities for increases, based upon job performance, for classified and nonclassified employees. These increases, except as provided by law, shall be based upon job performance.

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

S 1572

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 334, LAWS OF 1989; AND DECLARING AN EMERGENCY.

S 1573

By FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE BUDGET RESERVE ACCOUNT; AMENDING SECTION 57-814, IDAHO CODE, TO PROVIDE FOR INVESTMENT AND DISPOSITION OF INTEREST EARNINGS; AND DECLARING AN EMERGENCY.

S 1572 and **S 1573** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 603, by Environmental Affairs Committee, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

H 555, by Local Government Committee, was introduced, read the first time at length, and referred to the Commerce and Labor Committee.

H 596, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

Second Reading of Bills

H 521, by Judiciary, Rules and Administration Committee, was read the second time at length and filed for third reading.

S 1459, by Health and Welfare Committee, was read the second time at length and filed for third reading.

S 1545, by Resources and Environment Committee, was read the second time at length and filed for third reading.

S 1551 and **S 1553**, by Local Government and Taxation Committee, were read the second time at length and filed for third reading.

H 524, by Crane, was read the second time at length and filed for third reading.

H 503 and **H 569**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

(1990)

On request by Senator Thorne, granted by unanimous consent, the following Statement of Legislative Intent was ordered spread upon the pages of the Journal:

LEGISLATIVE INTENT FOR S 1551

The Local Government and Taxation Committee wishes to take this opportunity to express its understanding and intent concerning S 1551. The provisions of this bill depart from some longstanding practices, and it is proper that the officials who will be called upon to interpret and administer those provisions have the benefit of our intent in enacting it into law.

The overriding concern of the Committee is to start the process of developing an inventory of those properties that have been exempted from ad valorem taxes. There is nothing inherently wrong with granting exemptions from taxes; it has been a part of our tax system for decades. There is something inherently wrong, however, when citizens are denied access to information about properties that are exempted from taxation. Our present system severely limits the ordinary citizen's ability to know what properties are subject to taxation. This is not the fault of any person or persons; it is simply the way the system works.

With these conditions in mind, the Local Government and Taxation Committee has proposed several changes, which, when implemented, will provide a means for providing accurate, meaningful information concerning property taxes to our citizens. This is to be accomplished primarily by posting statistics which show the dollar value of properties exempted from taxes for several categories of properties.

Our specific intent in enacting S 1551 is as follows:

County officers should be granted the widest possible discretion in granting or denying exemptions from ad valorem taxation for fraternal, benevolent, or charitable corporations and societies. These are the entities who are doing "good work" in the community. The county officers are closest to the conditions, and are the most knowledgeable about the conditions. Their expertise, knowledge, and concern should control.

A. It is not the intent of the Committee that a full appraisal be made of each property for which an exemption is claimed under the provisions of Section 63-105C, Idaho Code. Rather, it is our intent that the county officers use any reasonable means or methods to arrive at a value for properties exempted from taxation under the provisions of this section, including a declaration from the applicant as to the value of the property claimed for exemption.

B. It is not the intent of the Committee that the individual properties or ownership be identified in the required posting of exempted properties under the provisions of Section 63-105C, Idaho Code. Rather, it is our intent that a simple, readable, understandable table or chart be posted, showing the total dollar value of the exempted properties, suitably detailed to show the values exempted for the entire county, and the values exempted in each taxing district.

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

S 1599

BY JUDICIARY AND RULES COMMITTEE

AN ACT
RELATING TO NEWSPAPERS PUBLISHING LEGAL NOTICES; AMENDING SECTION 60-109, IDAHO CODE, TO REVISE QUALIFICATIONS AND REQUIREMENTS MAKING NEWSPAPERS ELIGIBLE TO PUBLISH OR PRINT LEGAL NOTICES OR ADVERTISEMENTS.

S 1600

BY STATE AFFAIRS COMMITTEE

AN ACT
RELATING TO THE DAIRY PRODUCTS COMMISSION; AMENDING SECTION 25-3108, IDAHO CODE, TO INCREASE THE COMPENSATION FOR MEMBERS OF THE DAIRY PRODUCTS COMMISSION.

S 1601

BY STATE AFFAIRS COMMITTEE

AN ACT
RELATING TO THE FISH AND GAME COMMISSION; AMENDING SECTION 36-104, IDAHO CODE, TO PROVIDE ADDITIONAL DUTIES OF THE FISH AND GAME COMMISSION REGARDING TROPHY FISHERIES.

S 1602

BY STATE AFFAIRS COMMITTEE

AN ACT
RELATING TO ORGANIC FOOD PRODUCTS; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 11, TITLE 22, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR ADMINISTRATION, ENFORCEMENT AND RULES AND REGULATIONS, TO PROVIDE PENALTIES, TO PROHIBIT CERTAIN REPRESENTATIONS AS REGARDING FOOD PRODUCTS, TO PROVIDE FEES, TO PROVIDE AN ORGANIC FOOD PRODUCTS ADMINISTRATION ACCOUNT, AND TO PROVIDE AN ORGANIC FOOD ADVISORY COUNCIL.

S 1603

BY STATE AFFAIRS COMMITTEE

AN ACT
RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1319, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE APPLICATION OF THE PROVISIONS OF THE SECTION FOR MEMBERS OF THE SYSTEM WITH CREDITED SERVICE AS A MEMBER OF THE IDAHO LEGISLATURE; AMENDING SECTION 59-1321, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE APPLICATION OF THE PROVISIONS OF THE SECTION FOR MEMBERS OF THE SYSTEM WITH CREDITED SERVICE AS A MEMBER OF THE IDAHO LEGISLATURE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

S 1599, S 1600, S 1601, S 1602, and S 1603 were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

STATEMENT OF LEGISLATIVE INTENT
S 1154

It is the intent of the Legislature that accounts, books, and records of a public utility's holding company, parent, affiliate, or subsidiary will be examined by the Commission only for the purpose of determining the reasonableness of costs arising out of transactions with the affiliate which may result in recovery of these costs by the public utility through utility rates. It is the further intent of the Legislature to permit a public utility or its affiliate to object to the scope of such examinations by Commission employees, through a motion filed with the Commission, and that the Commission be the final arbiter as to the necessary scope of the examination.

S 1165 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Thorne arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

The President called Senator Cameron to the Chair.

Roll call resulted as follows:

AYES--Andreason, Boatright, Branch, Bunderson, Burtenshaw, Cameron, Davis, Deide, Frasure, Geddes, Ingram, Ipsen, Keough, King, McLaughlin, Noh, Riggs, Risch, Sandy, Schroeder, Sorensen, Stegner, Stennett, Thorne, Wheeler, Whitworth. Total - 26.

NAYS--Darrington, Dunklin, Hawkins, Lee, Richardson. Total - 5.

Absent and excused--Crow, Danielson, Parry, Twiggs. Total - 4.

Total - 35.

Whereupon the Acting President declared S 1165 passed, title was approved, and the bill ordered transmitted to the House.

S 1099 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator King arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Boatright, Branch, Bunderson, Burtenshaw, Cameron, Crow, Danielson, Darrington, Davis, Deide, Dunklin, Frasure, Geddes, Hawkins, Ingram, Ipsen, Keough, King, Lee, McLaughlin, Noh, Richardson, Riggs, Risch, Sandy, Schroeder, Sorensen, Stegner, Stennett, Thorne, Twiggs, Wheeler, Whitworth. Total - 34.

NAYS--None.

Absent and excused--Parry. Total - 1.

Total - 35.

Whereupon the Acting President declared S 1099 passed, title was approved, and the bill ordered transmitted to the House.

S 1221 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator King arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Boatright, Branch, Bunderson, Burtenshaw, Cameron, Crow, Danielson, Darrington, Davis, Deide, Dunklin, Frasure, Geddes, Hawkins, Ingram, Ipsen, Keough, King, Lee, McLaughlin, Noh, Richardson, Riggs, Risch, Sandy, Schroeder, Sorensen, Stegner, Stennett, Thorne, Twiggs, Wheeler, Whitworth. Total - 34.

NAYS--None.

Absent and excused--Parry. Total - 1.

Total - 35.

Whereupon the Acting President declared S 1221 passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Crow, granted by unanimous consent, S 1235 was recommitted to the Commerce and Human Resources Committee.

S 1145 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Boatright, Branch, Bunderson, Burtenshaw, Cameron, Crow, Danielson, Darrington, Davis, Deide, Dunklin, Frasure, Geddes, Hawkins, Ingram, Ipsen, Keough, King, Lee, McLaughlin, Noh, Richardson, Riggs, Risch, Sandy, Schroeder, Sorensen, Stegner, Stennett, Thorne, Twiggs, Wheeler, Whitworth. Total - 34.

NAYS--None.

Absent and excused--Parry. Total - 1.

Total - 35.

Whereupon the Acting President declared S 1145 passed, title was approved, and the bill ordered transmitted to the House.

S 1139, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Ingram, granted by unanimous consent, S 1139, as amended, retained its place on the Third Reading Calendar.

Roll call resulted as follows:

AYES--Bailey, Brandt, Burtenshaw, Cameron, Darrington, Gannon, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, Noble, Pearce, Richardson, Sorensen, Sweet, Williams. Total - 19.

NAYS--Andreason, Bunderson, Burkett, Calabretta, Compton, Kennedy, Malepeai, Marley, McWilliams, Noh, Schroeder, Werk. Total - 12.

Absent and excused--Davis, Geddes, Stegner, Stennett. Total - 4.

Total - 35.

Whereupon the President declared **H 377** passed, title was approved, and the bill ordered returned to the House.

H 384 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--Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 384** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Noh, granted by unanimous consent, **H 283**, as amended, retained its place on the Third Reading Calendar for Friday, April 4, 2003.

H 83 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Brandt, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--None.

Absent and excused--Bunderson, Schroeder. Total - 2.

Total - 35.

Whereupon the President declared **H 83** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Noh, granted by unanimous consent, the following Statement of Legislative Intent for **H 83** was ordered spread upon the pages of the Journal:

STATEMENT OF LEGISLATIVE INTENT
H 83

In approving **H 83**, the Idaho Senate is only authorizing a long-term commercial lease on the parcels of state lands described therein, with the expectation that any leases executed by the Board of Land Commissioners will best serve the interests of the endowed institutions. This action should in no way be interpreted by the public, potential investors, lenders, local citizens or others, as making any statement or endorsement as to the merits or risks of any development which may be undertaken as a result of or in conjunction with such leases.

/s/ Laird Noh, Chairman
Resources and Environment Committee

H 363 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sorensen arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stennett, Sweet, Werk. Total - 29.

NAYS--None.

Absent and excused--Brandt, Davis, Geddes, Noble, Stegner, Williams. Total - 6.

Total - 35.

Whereupon the President declared **H 363** passed, title was approved, and the bill ordered returned to the House.

H 382 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stennett, Sweet, Werk. Total - 28.

H 376, H 386, H 369, as amended, and **H 394** were filed for first reading.

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

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

S 1238

**BY FINANCE COMMITTEE
AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE INDIRECT SUPPORT SERVICES PROGRAM FOR FISCAL YEAR 2006; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR THE INDIRECT SUPPORT SERVICES PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2006; AUTHORIZING AN ADDITIONAL FULL-TIME EQUIVALENT POSITION FOR THE PHYSICAL HEALTH SERVICES PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICAL ASSISTANCE SERVICES PROGRAM FOR FISCAL YEAR 2005; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; AND PROVIDING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

S 1238 was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

H 377, H 378, H 379, H 380, H 381, H 382, H 383, H 384, and **H 385**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

H 376, by Ways and Means Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

H 386, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 369, as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

H 394, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

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

Third Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of

H 331 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 331** was read the third time at length, section by section, and put upon its final passage.

H 331 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, 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, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 331** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Goedde, granted by unanimous consent, the following Statement of Legislative Intent of **H 331** was ordered spread upon the pages of the Journal:

**STATEMENT OF LEGISLATIVE INTENT
H 331**

The current physician's reimbursement system employed by the Industrial Commission is seriously flawed. The Advisory Committee to the Industrial Commission has struggled unsuccessfully to correct the problem for over two years. **H 331** adopts a fee schedule and affords the Industrial Commission the authority to set conversion factors. It is understood that overall physician reimbursement may decrease by 10% by taking into consideration current billings for services outside the norm. The Industrial Commission shall consider conversion factors employed by health insurers in Idaho as well as conversion factors employed by other states in our region when establishing the original conversion factors.

Additionally, when setting conversion factors, the Commission must be conscious of the need for access to services for injured workers. Should the legislature find that the Commission has not exercised diligence and restraint, it is acknowledged that future legislatures may opt to establish said factors in statute.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 364** 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 364** was read the third time at length, section by section, and put upon its final passage.

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