

GENERAL LAWS
OF THE
STATE OF IDAHO



PASSED BY
THE FIRST REGULAR SESSION OF THE
SIXTIETH IDAHO LEGISLATURE

Convened January 12, 2009
Adjourned May 8, 2009

Volume 2

**Idaho Official Directory and Roster of State Officials and Members
of State Legislature follows the Index.**

PUBLISHED BY AUTHORITY OF THE
SECRETARY OF STATE

BEN YSURSA
Secretary of State
Boise, Idaho

CHAPTER 194
(H.B. No. 241)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-663, IDAHO CODE, TO REVISE PROVISIONS FOR POSTED SPEED LIMITS RELATING TO THE OPERATION OF NEIGHBORHOOD ELECTRIC VEHICLES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-663, Idaho Code, be, and the same is hereby amended to read as follows:

49-663. RESTRICTED USE OF NEIGHBORHOOD ELECTRIC VEHICLES ON HIGHWAYS. (1) It is unlawful to operate a neighborhood electric vehicle on any highway with a posted speed limit of over ~~twenty~~ thirty-five (~~235~~) miles per hour.

(2) It is unlawful for a person operating a neighborhood electric vehicle to cross any highway with a posted speed limit greater than ~~twenty~~ forty-five (~~245~~) miles per hour.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 20, 2009.

CHAPTER 195
(H.B. No. 194, As Amended in the Senate)

AN ACT

RELATING TO SPORT SHOOTING ACTIVITIES; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 27, TITLE 6, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR A LIMITATION OF LIABILITY ON CERTAIN SPORT SHOOTING ACTIVITIES, TO PROVIDE EXCEPTIONS AND TO CLARIFY CONSTRUCTION RELATING TO CERTAIN PROVISIONS; AND AMENDING SECTION 6-904B, IDAHO CODE, TO PROVIDE AN EXCEPTION TO GOVERNMENTAL LIABILITY RELATING TO CERTAIN SPORT SHOOTING RANGES.

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

SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 27, Title 6, Idaho Code, and to read as follows:

CHAPTER 27
IDAHO SPORT SHOOTING ACTIVITIES IMMUNITY ACT

6-2701. DEFINITIONS. As used in this chapter:

(1) "Engaged in sport shooting activities" means entering and exiting a sport shooting range, preparing to shoot, waiting to shoot, shooting and assisting another person in shooting. The term includes being a spectator, receiving training or otherwise being present on a sport shooting range for any reason;

(2) "Participant" means any person who engages in sport shooting activities, whether or not a fee is paid to participate in such sport shooting activities;

(3) "Sport shooting activities" means the use of firearms, airguns and archery equipment for target practice, competition, training, instruction or other similar activities;

(4) "Sport shooting instructor" means a person who holds a current instructor certification issued by the Idaho department of fish and game, the Idaho state police, the national rifle association or other nationally recognized organization, which certifies shooting instructors who are engaged, whether or not for compensation, in instructing, training or coaching a participant in sport shooting activities;

(5) "Sport shooting official" means a person who holds a current certification as a referee, match director, range officer, range master or other similar function issued by the national rifle association, United States practical shooting association, national range officers institute, USA shooting, international shooting sports federation or other nationally or internationally recognized organization which certifies match officials who are engaged in supervising sport shooting activities;

(6) "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery or any other similar sport shooting;

(7) "Sport shooting range operator" means an individual, group or club, partnership, limited liability company or corporation, whether or not operating for profit, which owns, operates or otherwise provides a range for sport shooting activities; and

(8) "Sport shooting sponsor" means an individual, group or club, partnership, limited liability company or corporation, whether or not operating for profit, which promotes or conducts sport shooting activities.

6-2702. LIMITATION OF LIABILITY ON SPORT SHOOTING ACTIVITIES. (1) Except as provided in subsection (2) or (3) of this section, a sport shooting range operator, sport shooting sponsor, sport shooting official or sport shooting instructor shall not be liable for any injury, including an injury causing death, to a participant engaged in sport shooting activities and, except as provided in subsection (2) or (3) of this section, no participant or participant's representative, may maintain an action against, or recover from, a sport shooting range operator, sport shooting sponsor, sport shooting official or sport shooting instructor for an injury to, or the death of, a participant engaged in sport shooting activities.

(2) Nothing in subsection (1) of this section shall prevent or limit the liability of a sport shooting range operator, sport shooting sponsor, sport shooting official or sport shooting range instructor:

(a) If the sport shooting range operator, sport shooting sponsor, sport shooting official or sport shooting instructor:

(i) Commits an act or omission that constitutes gross negligence or willful and wanton disregard for the safety of the participant and that act or omission caused the injury;

(ii) Intentionally injures the participant;

(iii) Fails to exercise ordinary care in the sport shooting range operator's, sport shooting sponsor's, sport shooting official's or sport shooting instructor's own use of a firearm, airgun or archery equipment; or

(iv) Provides firearms, airguns or archery equipment to a participant and fails to exercise ordinary care to determine that the provided firearms, airguns or archery equipment are in a safe operating condition.

(b) Under liability provisions as set forth in the products liability laws;

(c) Under the liability provisions set forth in chapter 9, title 6, Idaho Code; or

(d) Under the provisions of the Idaho worker's compensation law, section 72-101, Idaho Code, et seq.

(3) Nothing in subsection (1) of this section shall prevent or limit the liability of a sport shooting range operator if a participant sustains an injury because of a dangerous latent condition which was known or should have been known to the sport shooting range operator and for which warning signs had not been conspicuously posted.

(4) Nothing in this section shall be construed to enlarge or otherwise adversely affect the liability of any party. This section shall not be construed to impair any defense and any other immunity or bar to a civil lawsuit shall remain in effect.

SECTION 2. That Section 6-904B, Idaho Code, be, and the same is hereby amended to read as follows:

6-904B. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity and its employees while acting within the course and scope of their employment and without malice or criminal intent and without gross negligence or reckless, willful and wanton conduct as defined in section 6-904C, Idaho Code, shall not be liable for any claim which:

1. Arises out of the detention of any goods or merchandise by any law enforcement officer.

2. Arises out of the cancellation or rescission, or the failure to cancel or rescind, any motor vehicle registration and license plates for failure of the owner to verify or maintain motor vehicle liability insurance coverage.

3. Arises out of the issuance, denial, suspension or revocation of, or failure or refusal to issue, deny, suspend, or revoke a permit, license, certificate, approval, order or similar authorization.

4. Arises out of the failure to make an inspection, or the making of an inadequate inspection of any property, real or personal, other than the property of the governmental entity performing the inspection.

5. Arises out of any act or omission providing or failing to provide medical care to a prisoner or person in the custody of any city, county or state jail, detention center or correctional facility.

6. Arises out of a decision of the state commission of pardons and parole or its executive director when carrying out the business of the commission.

7. Arises out of a decision, act or omission of a city, county, the Idaho board of correction or Idaho department of correction when carrying out duties and responsibilities as set forth in chapter 8, title 20, Idaho Code.

8. Arises out of the operation of a sport shooting range as defined in section 6-2701, Idaho Code.

Approved April 21, 2009.

CHAPTER 196
(S.B. No. 1088, As Amended in the House)

AN ACT

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-420H, IDAHO CODE, TO ESTABLISH THE EARTH SCIENCES AND LAPIDARY SPECIAL LICENSE PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck, each neighborhood electric vehicle and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds and that complies with the federal motor vehicle safety standards as defined in section 49-107, Idaho Code, shall be:

Vehicles one (1) and two (2) years old	\$48.00
Vehicles three (3) and four (4) years old	\$36.00
Vehicles five (5) and six (6) years old	\$36.00
Vehicles seven (7) and eight (8) years old	\$24.00
Vehicles over eight (8) years old	\$24.00

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered plate system of Idaho for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

(2) For all school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school approved activities, the annual fee shall be twenty-four dollars (\$24.00).

(3) For all motorcycles and motor-driven cycles which comply with the federal motor vehicle safety standards, operated upon the public highways the annual fee shall be nine dollars (\$9.00).

(4) For operation of an all-terrain vehicle, utility type vehicle or motorbike, excluding a motorbike with an engine displacement of fifty (50) cubic centimeters or less, on public lands, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be paid. In addition, the registration fee specified in section 67-7122, Idaho Code, shall be paid as provided in section 67-7122, Idaho Code. The registration and restricted vehicle license plate exemption provided in section 49-426(2), Idaho Code, applies to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles used for the purposes described in subsection (2) of section 49-426, Idaho Code.

(5) For all motor homes the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(6) Registration fees shall not be subject to refund.

(7) A financial institution or repossession service contracted to a financial institution repossessing vehicles under the terms of a security agreement shall move the vehicle from the place of repossession to the financial institution's place of business on a repossession plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective purchaser for a period not to exceed ninety-six (96) hours. The

registration fees for repossession plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee. The repossession plate shall be issued on an annual basis by the department.

(8) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars (\$15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C, 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E, 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E, ~~and~~ 49-420G ~~and~~ 49-420H, Idaho Code, there shall be an initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special plate programs. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

(~~8~~9) Any vehicle that does not meet federal motor vehicle safety standards shall not be registered and shall not be permitted to operate on public highways of the state, as defined in section 40-117, Idaho Code, unless otherwise specifically authorized.

SECTION 2. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-420H, Idaho Code, and to read as follows:

49-420H. EARTH SCIENCES AND LAPIDARY PLATES. (1) On and after January 1, 2010, any person who is the owner of a vehicle registered under the provisions of section 49-402, Idaho Code, or registered under any other section of law for which the purchase of special plates is allowed, may apply for and, upon department approval, receive earth sciences and lapidary license plates in lieu of regular license plates. The provisions of this section shall not apply to any vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds. Availability of earth sciences and lapidary license plates for other vehicles shall be subject to the rules, policies and procedures of the department.

(2) In addition to the regular registration fee required in chapter 4, title 49, Idaho Code, the applicant shall be charged a fee of thirty-five dollars (\$35.00) for the initial issuance of plates, and twenty-five dollars (\$25.00) upon each succeeding annual registration. Thirteen dollars (\$13.00) of the initial fee and thirteen dollars (\$13.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program. Twenty-two dollars (\$22.00) of each initial fee and twelve dollars (\$12.00) of each renewal fee shall be transferred by the state treasurer for deposit to the Idaho gem club, an Idaho nonprofit organization, and shall be used to provide classes for kindergarten through grade 6 to promote understanding about earth sciences and lapidary.

(3) Whenever title or interest in a vehicle registered under the provisions of this section is transferred or assigned, the owner may transfer the special plates to another vehicle upon payment of the required transfer

fees. The owner may only display the plates on another vehicle upon receipt of the new registration from the department.

(4) The earth sciences and lapidary license plate shall be of a color and design in accordance with the provisions of section 49-402C, Idaho Code. The design and any slogan on the plate shall be acceptable to the Idaho gem club and shall be approved by the transportation department utilizing a numbering system as determined by the department. Initial costs of the plate program, including costs of plate design, shall be paid by the Idaho gem club.

(5) Sample earth sciences and lapidary license plates may be purchased for a fee of thirty dollars (\$30.00), thirteen dollars (\$13.00) of which shall be deposited in the state highway account and seventeen dollars (\$17.00) of which shall be transferred for deposit to the Idaho gem club, and shall be used to provide classes for kindergarten through grade 6 to promote understanding about the earth sciences and lapidary.

SECTION 3. This act shall be in full force and effect on and after January 1, 2010.

Approved April 21, 2009.

CHAPTER 197

(S.B. No. 1110, As Amended in the House)

AN ACT

RELATING TO RESTRICTIONS ON PUBLIC BENEFITS; AMENDING SECTION 67-7903, IDAHO CODE, TO REVISE THE DOCUMENTATION THAT MAY BE USED TO VERIFY LAWFUL PRESENCE IN THE UNITED STATES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-7903, Idaho Code, be, and the same is hereby amended to read as follows:

67-7903. VERIFICATION OF LAWFUL PRESENCE -- EXCEPTIONS -- REPORTING. (1) Except as otherwise provided in subsection (3) of this section or where exempted by federal law, each agency or political subdivision of this state shall verify the lawful presence in the United States of each natural person eighteen (18) years of age or older who applies for state or local public benefits or for federal public benefits for the applicant.

(2) This section shall be enforced without regard to race, religion, gender, ethnicity or national origin.

(3) Verification of lawful presence in the United States shall not be required:

(a) For any purpose for which lawful presence in the United States is not required by law, ordinance or rule;

(b) For obtaining health care items and services that are necessary for the treatment of an emergency medical condition of the person involved and are not related to an organ transplant procedure;

(c) For short-term, noncash, in-kind emergency disaster relief;

(d) For public health assistance for immunizations with respect to immunizable diseases and testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;

(e) For programs, services or assistance, such as soup kitchens, crisis counseling and intervention and short-term shelter specified by federal law or regulation that:

(i) Deliver in-kind services at the community level, including services through public or private nonprofit agencies;

- (ii) Do not condition the provision of assistance, the amount of assistance provided or the cost of assistance provided on the individual recipient's income or resources; and
- (iii) Are necessary for the protection of life or public safety;
- (f) For prenatal care;
- (g) For postnatal care not to exceed twelve (12) months; or
- (h) For food assistance for a dependent child under eighteen (18) years of age.

Notwithstanding the provisions of this subsection (3), for the county indigent program, the limitations contained in section 31-3502(18)B., Idaho Code, shall apply.

(4) An agency or a political subdivision shall verify the lawful presence in the United States of each applicant eighteen (18) years of age or older for federal public benefits or state or local public benefits by:

(a) Employing electronic means to verify an applicant is legally present in the United States; or

(b) Requiring the applicant to provide:

(i) An Idaho driver's license or an Idaho identification card issued pursuant to section 49-2444, Idaho Code; ~~or~~

(ii) A valid driver's license or similar document issued for the purpose of identification by another state or territory of the United States, if such license or document contains a photograph of the individual or such other personal identifying information relating to the individual that the director of the department of health and welfare or, with regard to unemployment compensation benefits, the director of the department of labor finds, by rule, sufficient for purposes of this section; ~~or~~

(iii) A United States military card or a military dependent's identification card; ~~or~~

(iv) A United States coast guard merchant mariner card; ~~or~~

(v) A native American tribal document; ~~or~~

(vi) A copy of an executive office of immigration review, immigration judge or board of immigration appeals decision, granting asylee status;

(vii) A copy of an executive office of immigration review, immigration judge or board of immigration appeals decision, indicating that the individual may lawfully remain in the United States;

(viii) Any United States citizenship and immigration service issued document showing refugee or asylee status or that the individual may lawfully remain in the United States;

(ix) Any department of state or customs and border protection issued document showing the individual has been permitted entry into the United States on the basis of refugee or asylee status, or on any other basis that permits the individual to lawfully enter and remain in the United States; or

(x) A valid United States passport; and

(c) Requiring the applicant to provide a valid social security number that has been assigned to the applicant; and

(d) Requiring the applicant to attest, under penalty of perjury and on a form designated or established by the agency or the political subdivision, that:

(i) The applicant is a United States citizen or legal permanent resident; or

(ii) The applicant is otherwise lawfully present in the United States pursuant to federal law.

(5) Notwithstanding the requirements of subsection (4) (b) of this section, the agency or political subdivision may establish by appropriate legal procedure such rules or regulations to ensure that certain individuals law-

fully present in the United States receive authorized benefits including, but not limited to, homeless state citizens.

(6) For an applicant who has attested pursuant to subsection (4) (d) of this section stating that the applicant is an alien lawfully present in the United States, verification of lawful presence for federal public benefits or state or local public benefits shall be made through the federal systematic alien verification of entitlement program, which may be referred to as the "SAVE" program, operated by the United States department of homeland security or a successor program designated by the United States department of homeland security. Until such verification of lawful presence is made, the attestation may be presumed to be proof of lawful presence for purposes of this section.

(a) Errors and significant delays by the SAVE program shall be reported to the United States department of homeland security to ensure that the application of the SAVE program is not wrongfully denying benefits to legal residents of this state.

(b) Agencies or political subdivisions may adopt variations of the requirements of subsection (4) (d) of this section to improve efficiency or reduce delay in the verification process or to provide for adjudication of unique individual circumstances in which the verification procedures in this section would impose unusual hardship on a legal resident of this state; except that the variations shall be no less stringent than the requirements of subsection (4) (d) of this section.

(c) A person who knowingly makes a false, fictitious or fraudulent statement or representation in an attestation executed pursuant to subsection (4) (d) or (6) (b) of this section shall be guilty of a misdemeanor.

(7) An agency or political subdivision may accept as prima facie evidence of an applicant's lawful presence in the United States the information required in subsection (4) of this section, as may be modified by subsection (5) of this section, when issuing a professional license or a commercial license.

Law without signature.

CHAPTER 198
(S.B. No. 1054)

AN ACT

RELATING TO THE RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM; AMENDING SECTION 49-2902, IDAHO CODE, TO PROVIDE FOR ANNUAL FUNDING FOR THE ADMINISTRATION OF THE PROGRAM.

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

SECTION 1. That Section 49-2902, Idaho Code, be, and the same is hereby amended to read as follows:

49-2902. INTERAGENCY WORKING GROUP CREATED. (1) An interagency working group is hereby created to advise the department of agriculture on issues and policies in support of the department of agriculture's administration of the rural economic development and integrated freight transportation program established in section 49-2901, Idaho Code. The interagency working group shall participate in planning and identifying program needs and shall carry out its duties specified in section 49-2903, Idaho Code. Before recommending state funding, using state dedicated funds, and recommending priorities, the interagency working group shall seek pertinent information,

facts and data from state and local governments, and agencies regarding rural freight transportation issues.

(2) The interagency working group shall be composed of eight (8) members:

(a) Four (4) members shall be appointed by the director of the Idaho transportation department, two (2) of whom shall be employees of the Idaho transportation department with a working knowledge of rail and truck freight transportation and intermodal entities, one (1) member, not a state employee, shall represent freight shipping interests, and one (1) member shall be a representative from the local highway technical assistance council;

(b) Three (3) members shall be appointed by the director of the department of agriculture, two (2) of whom shall be employees of the department of agriculture with a working knowledge of economic development issues, and one (1) member, not a state employee, shall represent business development and financing interests; and

(c) One (1) member shall be appointed by the director of the department of commerce and shall be an employee with knowledge of rural economic development issues.

(d) At the beginning of each state fiscal year, the director of the Idaho transportation department shall designate one (1) of his appointees as cochairman, and the director of the department of agriculture shall designate one (1) of his appointees as cochairman.

(e) Each member appointed shall serve at the pleasure of the appointing authority, provided however, the service of state employee members shall run concurrently with their state employment. Nonstate employee members shall serve one (1) term of five (5) years, but may be appointed to serve nonconsecutive terms, and shall be reimbursed according to the provisions of section 59-509(b), Idaho Code.

(f) The interagency working group shall meet at such times as necessary and appropriate to review applications for funds distributed pursuant to the provisions of this chapter, but not less frequently than annually.

(3) The department of agriculture shall determine and provide for amounts appropriated to the fund, from interest only an one-time annual amount not to exceed three percent (3%) of total assets for planning and operating expenses and staff assistance and support from the department of agriculture and the Idaho transportation department in order to administer the program, and to administer the fund established in section 49-2904, Idaho Code.

Approved April 22, 2009.

CHAPTER 199

(S.B. No. 1086, As Amended in the House)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-420H, IDAHO CODE, TO PROVIDE FOR AN IDAHO FREEMASON LICENSE PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck, each neighborhood electric vehicle and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds and that complies with the federal motor vehicle safety standards as defined in section 49-107, Idaho Code, shall be:

Vehicles one (1) and two (2) years old	\$48.00
Vehicles three (3) and four (4) years old	\$36.00
Vehicles five (5) and six (6) years old	\$36.00
Vehicles seven (7) and eight (8) years old	\$24.00
Vehicles over eight (8) years old	\$24.00

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered plate system of Idaho for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

(2) For all school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school approved activities, the annual fee shall be twenty-four dollars (\$24.00).

(3) For all motorcycles and motor-driven cycles which comply with the federal motor vehicle safety standards, operated upon the public highways the annual fee shall be nine dollars (\$9.00).

(4) For operation of an all-terrain vehicle, utility type vehicle or motorbike, excluding a motorbike with an engine displacement of fifty (50) cubic centimeters or less, on public lands, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be paid. In addition, the registration fee specified in section 67-7122, Idaho Code, shall be paid as provided in section 67-7122, Idaho Code. The registration and restricted vehicle license plate exemption provided in section 49-426(2), Idaho Code, applies to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles used for the purposes described in subsection (2) of section 49-426, Idaho Code.

(5) For all motor homes the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(6) Registration fees shall not be subject to refund.

(7) A financial institution or repossession service contracted to a financial institution repossessing vehicles under the terms of a security agreement shall move the vehicle from the place of repossession to the financial institution's place of business on a repossession plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective purchaser for a period not to exceed ninety-six (96) hours. The registration fees for repossession plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to

the registration fee. The repossession plate shall be issued on an annual basis by the department.

(8) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars (\$15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C, 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E, 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E, ~~and~~ 49-420G ~~and~~ 49-420H, Idaho Code, there shall be an initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special plate programs. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

~~(89)~~ Any vehicle that does not meet federal motor vehicle safety standards shall not be registered and shall not be permitted to operate on public highways of the state, as defined in section 40-117, Idaho Code, unless otherwise specifically authorized.

SECTION 2. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-420H, Idaho Code, and to read as follows:

49-420H. IDAHO FREEMASON PLATES. (1) Any person who is the owner of a vehicle registered under the provisions of section 49-402, Idaho Code, may apply for and upon department approval receive special Idaho freemason license plates in lieu of regular license plates. The provisions of this section shall not apply to any vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds. Availability of freemason plates for other vehicles shall be subject to the rules, policies and procedures of the department.

(2) In addition to the regular registration fee required in chapter 4, title 49, Idaho Code, the applicant shall be charged a fee of thirty-five dollars (\$35.00) for the initial issuance of plates and twenty-five dollars (\$25.00) upon each succeeding annual registration. Thirteen dollars (\$13.00) of the initial fee and thirteen dollars (\$13.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program. Twenty-two dollars (\$22.00) of each initial fee and twelve dollars (\$12.00) of each renewal fee shall be deposited by the department to the Grand Lodge of Idaho Charitable Fund and shall be used by the Grand Lodge of Idaho exclusively for the purpose of supporting charitable activities with which the freemasons are involved and for any other purpose deemed worthy of funding by the Grand Lodge of Idaho.

(3) Whenever title or interest in a vehicle registered under the provisions of this section is transferred or assigned, the owner may transfer the special plates to another vehicle upon payment of the required transfer fees. The owner may only display the plates on another vehicle upon receipt of the new registration from the department.

(4) The license plate design shall be acceptable to the Grand Lodge of Idaho and shall be approved by the department and shall utilize a numbering

system as determined by the department. Initial costs of the plate program, including costs of plate design, shall be paid by the Grand Lodge of Idaho.

(5) Sample Idaho freemason license plates may be purchased for a fee of thirty dollars (\$30.00), thirteen dollars (\$13.00) of which shall be deposited in the state highway account and seventeen dollars (\$17.00) of which shall be transferred to the Grand Lodge of Idaho.

SECTION 3. This act shall be in full force and effect on and after January 1, 2010.

Approved April 22, 2009.

CHAPTER 200

(S.B. No. 1121, As Amended in the House)

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO PROVIDE FOR NOTICE AND PUBLIC HEARING IN THE CASE OF A PETITION FOR A PUBLIC VIRTUAL CHARTER SCHOOL, TO PROVIDE FOR COMMENTS, TO PROVIDE FOR NOTICE AND PUBLIC HEARING IN THE CASE OF A PETITION FOR A NON-VIRTUAL PUBLIC CHARTER SCHOOL, TO PROVIDE FOR COMMENTS, TO PROVIDE FOR REVIEW OF CERTAIN PETITIONS AND PUBLIC HEARINGS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 33-5205, Idaho Code, be, and the same is hereby amended to read as follows:

33-5205. PETITION TO ESTABLISH PUBLIC CHARTER SCHOOL. (1) Any group of persons may petition to establish a new public charter school, or to convert an existing traditional public school to a public charter school.

(a) A petition to establish a new public charter school, including a public virtual charter school, shall be signed by not fewer than thirty (30) qualified electors of the attendance area designated in the petition. Proof of elector qualifications shall be provided with the petition.

(b) A petition to establish a new public virtual school must be submitted directly to the public charter school commission. A petition to establish a new public charter school, other than a new public virtual school, shall first be submitted to the local board of trustees in which the public charter school will be located. A petition shall be considered to be received by an authorized chartering entity as of the next scheduled meeting of the authorized chartering entity after submission of the petition.

(c) The board of trustees may either: (i) consider the petition and approve the charter; or (ii) consider the petition and deny the charter; or (iii) refer the petition to the public charter school commission, but such referral shall not be made until the local board has documented its due diligence in considering the petition. Such documentation shall be submitted with the petition to the public charter school commission. If the petitioners and the local board of trustees have not reached mutual agreement on the provisions of the charter, after a reasonable and good faith effort, within sixty (60) days from the date the charter petition is received, the petitioners may withdraw their petition from the local board of trustees and may submit their charter petition to the public charter school commission, provided it is signed by thirty (30) qualified electors as required by subsection (1) (a) of this section. Docu-

mentation of the reasonable and good faith effort between the petitioners and the local board of trustees must be submitted with the petition to the public charter school commission.

(d) The public charter school commission may either: (i) consider the petition and approve the charter; or (ii) consider the petition and deny the charter.

(e) A petition to convert an existing traditional public school shall be submitted to the board of trustees of the district in which the school is located for review and approval. The petition shall be signed by not fewer than sixty percent (60%) of the teachers currently employed by the school district at the school to be converted, and by one (1) or more parents or guardians of not fewer than sixty percent (60%) of the students currently attending the school to be converted. Each petition submitted to convert an existing school or to establish a new charter school shall contain a copy of the articles of incorporation and the bylaws of the nonprofit corporation, which shall be deemed incorporated into the petition.

(2) Not later than sixty (60) days after receiving a petition signed by thirty (30) qualified electors as required by subsection (1) (a) of this section, the authorized chartering entity shall hold a public hearing for the purpose of discussing the provisions of the charter, at which time the authorized chartering entity shall consider the merits of the petition and the level of employee and parental support for the petition. In the case of a petition submitted to the public charter school commission, such public hearing must be not later than sixty (60) days after receipt of the petition, which may be extended to ninety (90) days if both parties agree to an extension, ~~and.~~

In the case of a petition for a public virtual charter school, if the primary attendance area described in the petition of a proposed public virtual charter school extends within the boundaries of five (5) or fewer local school districts, the public charter school commission shall provide notice in writing of the public hearing no less than thirty (30) days prior to such public hearing to those local school districts. Such ~~the~~ public hearing shall also include any oral or written comments that an authorized representative of the local school districts in which the proposed public charter school would be physically located may provide regarding the merits of the petition and any potential impacts on the school districts.

In the case of a petition for a non-virtual public charter school submitted to the public charter school commission, the board of the district in which the proposed public charter school will be physically located, shall be notified of the hearing in writing, by the public charter school commission, no less than thirty (30) days prior to the public hearing. Such public hearing shall include any oral or written comments that an authorized representative of the school district in which the proposed public charter school would be physically located may provide regarding the merits of the petition and any potential impacts on the school district. The hearing shall also include any oral or written comments that petitioners may provide regarding any potential impacts on such school district. If the school district chooses not to provide any oral or written comments as provided for in this subsection (2), such school district shall notify the public charter school commission of such decision. Following review of ~~the any~~ petition and ~~the any~~ public hearing provided for in this section, the authorized chartering entity shall either approve or deny the charter within sixty (60) days after the date of the public hearing, provided however, that the date may be extended by an additional sixty (60) days if the petition fails to contain all of the information required in this section, or if both parties agree to the extension. This public hearing shall be an opportunity for public participation and oral presentation by the public. This hearing is not a contested case hearing as described in chapter 52, title 67, Idaho Code.

(3) An authorized chartering entity may approve a charter under the provisions of this chapter only if it determines that the petition contains the requisite signatures, the information required by subsections (4) and (5) of this section, and additional statements describing all of the following:

(a) The proposed educational program of the public charter school, designed among other things, to identify what it means to be an "educated person" in the twenty-first century, and how learning best occurs. The goals identified in the program shall include how all educational thoroughness standards as defined in section 33-1612, Idaho Code, shall be fulfilled.

(b) The measurable student educational standards identified for use by the public charter school. "Student educational standards" for the purpose of this chapter means the extent to which all students of the public charter school demonstrate they have attained the skills and knowledge specified as goals in the school's educational program.

(c) The method by which student progress in meeting those student educational standards is to be measured.

(d) A provision by which students of the public charter school will be tested with the same standardized tests as other Idaho public school students.

(e) A provision which ensures that the public charter school shall be state accredited as provided by rule of the state board of education.

(f) The governance structure of the public charter school including, but not limited to, the person or entity who shall be legally accountable for the operation of the public charter school, and the process to be followed by the public charter school to ensure parental involvement.

(g) The qualifications to be met by individuals employed by the public charter school. Instructional staff shall be certified teachers as provided by rule of the state board of education.

(h) The procedures that the public charter school will follow to ensure the health and safety of students and staff.

(i) A plan for the requirements of section 33-205, Idaho Code, for the denial of school attendance to any student who is an habitual truant, as defined in section 33-206, Idaho Code, or who is incorrigible, or whose conduct, in the judgment of the board of directors of the public charter school, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public charter school is detrimental to the health and safety of other pupils, or who has been expelled from another school district in this state or any other state.

(j) Admission procedures, including provision for overenrollment. Such admission procedures shall provide that the initial admission procedures for a new public charter school, including provision for overenrollment, will be determined by lottery or other random method, except as otherwise provided herein. If initial capacity is insufficient to enroll all pupils who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to children of founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; second, to siblings of pupils already selected by the lottery or other random method; and third, an equitable selection process such as by lottery or other random method. If capacity is insufficient to enroll all pupils for subsequent school terms, who submit a timely application, then the admission procedures may provide that preference shall be given in the following order: first, to pupils returning to the public charter school in the second or any subsequent year of its operation; second, to children of

founders, provided that this admission preference shall be limited to not more than ten percent (10%) of the capacity of the public charter school; third, to siblings of pupils already enrolled in the public charter school; and fourth, an equitable selection process such as by lottery or other random method. There shall be no carryover from year to year of the list maintained to fill vacancies. A new lottery shall be conducted each year to fill vacancies which become available.

(k) The manner in which an annual audit of the financial and programmatic operations of the public charter school is to be conducted.

(l) The disciplinary procedures that the public charter school will utilize, including the procedure by which students may be suspended, expelled and reenrolled, and the procedures required by section 33-210, Idaho Code.

(m) A provision which ensures that all staff members of the public charter school will be covered by the public employee retirement system, federal social security, unemployment insurance, worker's compensation insurance, and health insurance.

(n) The public school attendance alternative for students residing within the school district who choose not to attend the public charter school.

(o) A description of the transfer rights of any employee choosing to work in a public charter school that is approved by the board of trustees of a school district, and the rights of such employees to return to any noncharter school in the same school district after employment at such charter school.

(p) A provision which ensures that the staff of the public charter school shall be considered a separate unit for purposes of collective bargaining.

(q) The manner by which special education services will be provided to students with disabilities who are eligible pursuant to the federal individuals with disabilities education act, including disciplinary procedures for these students.

(r) A plan for working with parents who have students who are dually enrolled pursuant to section 33-203, Idaho Code.

(s) The process by which the citizens in the area of attendance shall be made aware of the enrollment opportunities of the public charter school.

(t) A proposal for transportation services as required by section 33-5208(4), Idaho Code.

(u) A plan for termination of the charter by the board of directors, to include:

(i) Identification of who is responsible for dissolution of the charter school;

(ii) A description of how payment to creditors will be handled;

(iii) A procedure for transferring all records of students with notice to parents of how to request a transfer of student records to a specific school; and

(iv) A plan for the disposal of the public charter school's assets.

(4) The petitioner shall provide information regarding the proposed operation and potential effects of the public charter school including, but not limited to, the facilities to be utilized by the public charter school, the manner in which administrative services of the public charter school are to be provided and the potential civil liability effects upon the public charter school and upon the authorized chartering entity.

(5) At least one (1) person among a group of petitioners of a prospective public charter school shall attend a public charter school workshop offered by the state department of education. The state department of education shall provide notice of dates and locations when workshops will

be held, and shall provide proof of attendance to workshop attendees. Such proof shall be submitted by the petitioners to an authorized chartering entity along with the charter petition.

(56) The public charter school commission may approve a charter for a public virtual school under the provisions of this chapter only if it determines that the petition contains the requirements of subsections (3) and (4) of this section and the additional statements describing the following:

- (a) The learning management system by which courses will be delivered;
- (b) The role of the online teacher, including the consistent availability of the teacher to provide guidance around course material, methods of individualized learning in the online course and the means by which student work will be assessed;
- (c) A plan for the provision of professional development specific to the public virtual school environment;
- (d) The means by which public virtual school students will receive appropriate teacher-to-student interaction, including timely, frequent feedback about student progress;
- (e) The means by which the public virtual school will verify student attendance and award course credit. Attendance at public virtual schools shall focus primarily on coursework and activities that are correlated to the Idaho state thoroughness standards;
- (f) A plan for the provision of technical support relevant to the delivery of online courses;
- (g) The means by which the public virtual school will provide opportunity for student-to-student interaction; and
- (h) A plan for ensuring equal access to all students, including the provision of necessary hardware, software and internet connectivity required for participation in online coursework.

Approved April 22, 2009.

CHAPTER 201

(S.B. No. 1141, As Amended, As Amended)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-104, IDAHO CODE, TO PROVIDE THAT THE FISH AND GAME COMMISSION MAY ESTABLISH PROCEDURES RELATING TO THE APPLICATION FOR THE PURCHASE OF CONTROLLED HUNT BONUS OR PREFERENCE POINTS BY SPORTSMEN AND TO REFERENCE CERTAIN FEES; AMENDING SECTION 36-416, IDAHO CODE, TO REVISE AND TO PROVIDE FOR LICENSE FEES; REPEALING SECTION 36-1104, IDAHO CODE, RELATING TO SPECIAL BEAVER TAGS; AMENDING SECTION 36-1104A, IDAHO CODE, TO DELETE REFERENCE TO LYNX TAGS AND FEES AND TO PROVIDE FOR OTTER TAGS AND FEES; STATING LEGISLATIVE INTENT RELATING TO CERTAIN MONITORING; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-104, Idaho Code, be, and the same is hereby amended to read as follows:

36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Organization -- Meetings. The members of the commission shall annually meet at their offices and organize by electing from their membership a chairman, who shall hold office for a period of one (1) year, or until his successor has been duly elected. In addition to the regular annual meeting, to be held in January, said commission shall hold other regular quarterly meetings each year at such places within the state as the commission shall select for the trans-

action of business. Special meetings may be called at any time and place by the chairman or a majority of the members of the commission. Notice of the time, place and purpose of any and all special meetings shall be given by the secretary to each member of the commission prior to said meeting.

(b) Authorization for Commission Powers and Duties. For the purpose of administering the policy as declared in section 36-103, Idaho Code, the commission is hereby authorized and empowered to:

1. Investigate and find facts regarding the status of the state's wildlife populations in order to give effect to the policy of the state hereinbefore announced.

2. Hold hearings for the purpose of hearing testimony, considering evidence and determining the facts as to when the supply of any of the wildlife in this state will be injuriously affected by the taking thereof, or for the purpose of determining when an open season may be declared for the taking of wildlife. Whenever said commission determines that the supply of any particular species of wildlife is being, or will be, during any particular period of time, injuriously affected by depletion by permitting the same to be taken, or if it should find a longer or different season, or different bag limit should be adopted for the better protection thereof, or if it finds that an open season may be declared without endangering the supply thereof, then it shall make a rule or proclamation embodying its findings in respect to when, under what circumstances, in which localities, by what means, what sex, and in what amounts and numbers the wildlife of this state may be taken.

3. Whenever it finds it necessary for the preservation, protection, or management of any wildlife of this state, by reason of any act of God or any other sudden or unexpected emergency, declare by temporary rule or proclamation the existence of such necessity, and the cause thereof, and prescribe and designate all affected areas or streams, and close the same to hunting, angling or trapping, or impose such restrictions and conditions upon hunting, angling or trapping as said commission shall find to be necessary. Every such temporary rule shall be made in accordance with the provisions of chapter 52, title 67, Idaho Code.

4. At any time it shall deem necessary for the proper management of wildlife on any game preserve in the state of Idaho, declare an open season in any game preserve as it deems appropriate.

5. (A) Upon notice to the public, hold a public drawing giving to license holders, under the wildlife laws of this state, the privilege of drawing by lot for a controlled hunt permit authorizing the person to whom issued to hunt, kill, or attempt to kill any species of wild animals or birds designated by the commission under such rules as it shall prescribe.

(B) The commission may, under rules or proclamations as it may prescribe, authorize the director to issue additional controlled hunt permits and collect fees therefor authorizing landowners of property valuable for habitat or propagation purposes of deer, elk or antelope, or the landowner's designated agent(s) to hunt deer, elk or antelope in controlled hunts containing the eligible property owned by those landowners in units where any permits for deer, elk or antelope are limited.

(C) A nonrefundable fee as specified in section 36-416, Idaho Code, shall be charged each applicant for a controlled hunt permit. Successful applicants for controlled hunt permits shall be charged the fee as specified in section 36-416, Idaho Code. Additionally, a fee may be charged for telephone and credit card orders in accordance with subsection (e)11. of section 36-106, Idaho Code. The department shall include a checkoff form to allow applicants to designate one dollar (\$1.00) of such nonrefundable application fee for transmittal to the reward fund of citizens

against poaching, inc., an Idaho nonprofit corporation. The net proceeds from the nonrefundable fee shall be deposited in the fish and game account and none of the net proceeds shall be used to purchase lands.

(D) The commission may by rule establish procedures relating to the application for the purchase of controlled hunt bonus or preference points by sportsmen and the fee for such application shall be as specified in section 36-416, Idaho Code.

6. Adopt rules pertaining to the importation, exportation, release, sale, possession or transportation into, within or from the state of Idaho of any species of live, native or exotic wildlife or any eggs thereof.

7. Acquire for and on behalf of the state of Idaho, by purchase, condemnation, lease, agreement, gift, or other device, lands or waters suitable for the purposes hereinafter enumerated in this paragraph. Whenever the commission proposes to purchase a tract of land in excess of fifteen (15) acres, the commission shall notify the board of county commissioners of the county where this land is located of the intended action. The board of county commissioners shall have ten (10) days after official notification to notify the commission whether or not they desire the commission to hold a public hearing on the intended purchase in the county. The commission shall give serious consideration to all public input received at the public hearing before making a final decision on the proposed acquisition. Following any land purchase, the fish and game commission shall provide, upon request by the board of county commissioners, within one hundred twenty (120) days, a management plan for the area purchased that would address noxious weed control, fencing, water management and other important issues raised during the public hearing. When considering purchasing lands pursuant to this paragraph, the commission shall first make a good faith attempt to obtain a conservation easement, as provided in chapter 21, title 55, Idaho Code, before it may begin proceedings to purchase, condemn or otherwise acquire such lands. If the attempt to acquire a conservation easement is unsuccessful and the commission then purchases, condemns or otherwise acquires the lands, the commission shall record in writing the reasons why the attempt at acquiring the conservation easement was unsuccessful and then file the same in its records and in a report to the joint finance-appropriations committee. The commission shall develop, operate, and maintain the lands, waters or conservation easements for said purposes, which are hereby declared a public use:

(A) For fish hatcheries, nursery ponds, or game animal or game bird farms;

(B) For game, bird, fish or fur-bearing animal restoration, propagation or protection;

(C) For public hunting, fishing or trapping areas to provide places where the public may fish, hunt, or trap in accordance with the provisions of law, or the regulation of the commission;

(D) To extend and consolidate by exchange, lands or waters suitable for the above purposes.

8. Enter into cooperative agreements with educational institutions, and state, federal, or other agencies to promote wildlife research and to train students for wildlife management.

9. Enter into cooperative agreements with state and federal agencies, municipalities, corporations, organized groups of landowners, associations, and individuals for the development of wildlife rearing, propagating, management, protection and demonstration projects.

10. In the event owners or lawful possessors of land have restricted the operation of motor-propelled vehicles upon their land, the commission, upon consultation with all other potentially affected landowners, and

having held a public hearing, if requested by not less than ten (10) residents of any county in which the land is located, may enter into cooperative agreements with those owners or possessors to enforce those restrictions when the restrictions protect wildlife or wildlife habitat. Provided, however, the commission shall not enter into such agreements for lands which either lie outside or are not adjacent to any adjoining the proclaimed boundaries of the national forests in Idaho.

(A) The landowners, with the assistance of the department, shall cause notice of the restrictions, including the effective date thereof, to be posted on the main traveled roads entering the areas to which the restrictions apply. Provided, however, that nothing in this subsection shall allow the unlawful posting of signs or other information on or adjacent to public highways as defined in subsection (5) of section 40-109, Idaho Code.

(B) Nothing in this section authorizes the establishment of any restrictions that impede normal forest or range management operations.

(C) No person shall violate such restrictions on the use of motor-propelled vehicles or tear down or lay down any fencing or gates enclosing such a restricted area or remove, mutilate, damage or destroy any notices, signs or markers giving notice of such restrictions. The commission may promulgate rules to administer the restrictions and cooperative agreements addressed in this subsection.

11. Capture, propagate, transport, buy, sell or exchange any species of wildlife needed for propagation or stocking purposes, or to exercise control of undesirable species.

12. Adopt rules pertaining to the application for, issuance of and administration of a lifetime license certificate system.

13. Adopt rules governing the application and issuance of permits for and administration of fishing contests on waters under the jurisdiction of the state. The fee for each permit shall be as provided for in section 36-416, Idaho Code.

14. Adopt rules governing the application for and issuance of licenses by telephone and other electronic methods.

15. Enter into agreements with cities, counties, recreation districts or other political subdivisions for the lease of lands or waters, in accordance with all other applicable laws, including applicable provisions of titles 42 and 43, Idaho Code, to cost-effectively provide recreational opportunities for taxpayers or residents of those local governments or political subdivisions.

(c) Limitation on Powers. Nothing in this title shall be construed to authorize the commission to change any penalty prescribed by law for a violation of its provisions, or to change the amount of license fees or the authority conferred by licenses prescribed by law.

(d) Organization of Work. The commission shall organize the department, in accordance with the provisions of title 67, Idaho Code, into administrative units as may be necessary to efficiently administer said department. All employees of the department except the director shall be selected and appointed by the director in conformance with the provisions of chapter 53, title 67, Idaho Code.

SECTION 2. That Section 36-416, Idaho Code, be, and the same is hereby amended to read as follows:

36-416. SCHEDULE OF LICENSE FEES.

(a) Sport Licenses

License	Resident	Non-Resident
Combination License	\$ 31.75	\$ 198.00 <u>238.25</u>
Hunting License	11.00	139.75 <u>153.00</u>
Fishing License	24.00	80.25 <u>96.50</u>
Sr. Combination License (65 and Older)	10.00	N/A
Sportsman's Pak License	108.50	N/A
Jr. Combination License	15.75	N/A
Jr. Hunting License	5.50	N/A
Jr. Mentored Hunting License	N/A	5.50 <u>30.00</u>
Youth Small Game License	5.50	5.50 <u>18.25</u>
Youth Hunter Education		
Graduate Hunting License	3.25	3.25
Jr. Fishing License	12.00	12.00 <u>20.00</u>
Disabled Combination License	3.25	N/A
Disabled Fishing License	3.25	N/A
Military Furlough Combination License	15.75	N/A
Military Furlough Fishing License	15.75	N/A
Small Game Hunting License	N/A	80.00 <u>96.00</u>
Daily Fishing (1st-day) License	9.75	9.75 <u>11.00</u>
Consecutive Day Fishing License	5.00	5.00 <u>6.00</u>
3 Day Fishing with Salmon/Steelhead		
Permit	N/A	29.75 <u>35.75</u>
Nongame Hunting License	N/A	27.50 <u>33.75</u>

(b) Sport Tags

Deer Tag	\$ 18.00	\$ 256.75 <u>300.00</u>
<u>Controlled Hunt Deer Tag</u>	<u>18.00</u>	<u>300.00</u>
Jr. or Sr. or Disabled American Veteran Deer Tag	9.00	N/A
Jr. Mentored Deer Tag	N/A	9.00 <u>22.00</u>
<u>Elk A Tag</u>	29.00	370.75 <u>415.00</u>
<u>Elk B Tag</u>	<u>29.00</u>	<u>415.00</u>
<u>Controlled Hunt Elk Tag</u>	<u>29.00</u>	<u>415.00</u>
Jr. or Sr. or Disabled American Veteran Elk Tag	14.75	N/A
Jr. Mentored Elk Tag	N/A	14.75 <u>38.00</u>
Bear Tag	9.75	150.00 <u>184.25</u>
Jr. or Sr. or Disabled American Veteran Bear Tag	5.00	N/A
Jr. Mentored Bear Tag	N/A	5.00 <u>22.00</u>
Turkey Tag	18.00	65.75 <u>78.25</u>

Jr. or Sr. or Disabled American Veteran Turkey Tag	9.00	N/A
Jr. Mentored Turkey Tag	N/A	9.00 18.00
Mountain Lion Tag	9.75	150.00 184.25
Gray Wolf Tag	9.75	150.00 184.25
Antelope Tag	29.50	256.75 310.00
 Moose Tag	 165.00	 1,750.00 2,100.00
Sheep Tag	165.00	1,750.00 2,100.00
Goat Tag	165.00	1,750.00 2,100.00
Sandhill Crane Tag	18.00	65.75
(c) Sport Permits		
Bear Baiting Permit	\$ 11.00	\$ 11.00 30.00
Hound Hunter Permit	11.00	100.00 168.00
WMA Upland Game Bird Permit	22.00	22.00 50.00
Archery Permit	16.50	16.50 18.25
Muzzleloader Permit	16.50	16.50 18.25
Salmon Permit	11.00	11.00 24.00
Steelhead Permit	11.00	11.00 24.00
Federal Migratory Bird Harvest Info. Permit	0.00	0.00 3.00
Handicapped Disabled Archery Permit	0.00	0.00
2-Pole Fishing Permit	12.00	12.00 13.75
<u>Turkey Controlled Hunt Permit</u>	6.00	6.00
<u>Sage/Sharptail Grouse Permit</u>	<u>3.00</u>	<u>3.00</u>
<u>Disabled Hunt Motor Vehicle Permit</u>	<u>0.00</u>	<u>0.00</u>
(d) Commercial Licenses and Permits		
Raptor Captive Breeding Permit	\$ 65.75	\$ 65.75 78.75
Falconry Permit	27.25	N/A
Falconry Capture Permit	N/A	139.75 168.00
Jr. Trapping License	5.50	N/A
Trapping License	25.00	250.00 300.00
Taxidermist-Fur Buyer License		
5 year license	175.00	N/A
1 year license	38.25	139.00 168.25

Shooting Preserve Permit	329.75	N/A
Commercial Wildlife Farm License	137.50	N/A
Commercial Fishing License	110.00	220.00 265.00
Wholesale Steelhead License	165.00	165.00 198.25
Retail Steelhead Trout Buyer's License	33.00	33.00 39.25
(e) Commercial Tags		
Bobcat Tag	\$ 8.25 3.00	\$ 8.25 3.00
Lynx Tag	8.25	8.25
Beaver Tag	5.50	5.50
<u>Otter Tag</u>	<u>3.00</u>	<u>3.00</u>
Net Tag	55.00	55.00 65.75
Crayfish/Minnow Tag	1.25	1.25 3.00
(f) Miscellaneous-Other Licenses		
Duplicate License	\$ 5.50	\$ 5.50 6.50
Shooting Preserve License	11.00	11.00 22.00
Captive Wolf License	22.00	N/A
(g) Miscellaneous-Other Tags		
Duplicate Tag	\$ 5.50	\$ 5.50 6.50
Wild Bird Shooting Preserve Tag	5.50	5.50 6.50
(h) Miscellaneous-Other Permits-Points-Fees		
Falconry In-State Transfer Permit	\$ 5.50	\$ N/A
Falconry Meet Permit	N/A	21.75 26.25
<u>Rehab Permit</u>	<u>3.00</u>	<u>3.00</u>
<u>Educational Fishing Permit</u>	<u>0.00</u>	<u>0.00</u>
<u>Live Fish Importation Permit</u>	<u>3.00</u>	<u>3.00</u>
<u>Sport Dog and Falconry Training Permit</u>	<u>3.00</u>	<u>3.00</u>
<u>Wildlife Transport Permit</u>	<u>3.00</u>	<u>3.00</u>
<u>Scientific Collection Permit</u>	<u>50.00</u>	<u>50.00</u>
Private Park Permit	21.75	21.75 26.25
Wildlife Import Permit	21.75	21.75 26.25
Wildlife Export Permit	11.00	11.00 13.25
Wildlife Release Permit	11.00	11.00 13.25
Captive Wildlife Permit	21.75	21.75 26.25
Fishing Tournament Permit	21.75	21.75 25.00
Dog Field Trial Permit	33.00	33.00 40.00
Live Fish Transport Permit	21.75	21.75 26.25
Controlled Hunt Application Fee	4.50	4.50 13.00
<u>Fee for Application for the Purchase of</u>		
<u>Controlled Hunt Bonus or Preference</u>		

<u>Points</u>	<u>4.50</u>	<u>4.50</u>
Nursing Home Fishing Permit	33.00	N/A

SECTION 3. That Section 36-1104, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 36-1104A, Idaho Code, be, and the same is hereby amended to read as follows:

36-1104A. SPECIAL BOBCAT OR ~~LYNX~~ OTTER EXPORT TAGS -- FEE. The commission may provide for, and regulate the issuance of, a special tag to be attached to the hide of any bobcat or any ~~lynx~~ otter legally taken in the state of Idaho. A tag shall be authority to export bobcat or ~~lynx~~ otter hides taken in Idaho as provided by regulation of the U.S. fish and wildlife service.

The commission may set the price to be charged for such tags, at a cost not to exceed the fee as specified in section 36-416, Idaho Code, per tag.

No export tag shall be issued for any bobcat or ~~lynx~~ otter hide not taken in Idaho.

SECTION 5. LEGISLATIVE INTENT. The Legislature recognizes a benefit to the public from elk and mule deer population monitoring to assess abundance, sex ratios and juvenile production and from studies to monitor survival and mortality factors of elk, deer and moose. It is the intent of the Legislature that the Department of Fish and Game continue to monitor and study populations of elk, deer and moose, including predation by wolves, to provide this beneficial information.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after April 15, 2009.

Approved April 22, 2009.

CHAPTER 202
(S.B. No. 1145)

AN ACT

RELATING TO FIREARMS, EXPLOSIVES AND OTHER DEADLY WEAPONS; AMENDING SECTION 18-3302H, IDAHO CODE, TO PROVIDE THAT CERTAIN INFORMATION IS CONFIDENTIAL AND EXEMPT FROM DISCLOSURE; AND AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE THAT CERTAIN RECORDS ARE EXEMPT FROM DISCLOSURE.

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

SECTION 1. That Section 18-3302H, Idaho Code, be, and the same is hereby amended to read as follows:

18-3302H. CARRYING OF CONCEALED FIREARMS BY QUALIFIED RETIRED LAW ENFORCEMENT OFFICERS. (1) A county sheriff shall issue a license to carry a concealed firearm to a qualified retired law enforcement officer provided that the provisions of this section are met.

(2) As used in this section:

(a) "Firearm" means a handgun and does not include:

(i) Any machine gun, as defined in 26 U.S.C. section 5845(b);

(ii) Any firearm silencer, as defined in 18 U.S.C. section 921; or

(iii) Any destructive device, as defined in 18 U.S.C. section 921.

(b) "Qualified retired law enforcement officer" means an individual who:

- (i) Retired in good standing from service with a public agency as a law enforcement officer, provided that such retirement was for reasons other than mental instability;
- (ii) Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest;
- (iii) Before such retirement, was regularly employed as a law enforcement officer for an aggregate of fifteen (15) years or more, or retired from service with such agency after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
- (iv) Has a nonforfeitable right to benefits under the retirement plan of the agency;
- (v) During the most recent twelve (12) month period has met, at his own expense, the standards for training and qualification of this state, as required at the discretion of the sheriff under paragraph (d) of this subsection or the agency from which he retired for active law enforcement officers, to carry a concealed firearm;
- (vi) Is not chronically under the influence of alcohol, or under the influence of another intoxicating or hallucinatory drug or substance in violation of any provision of federal or state law;
- (vii) Is not prohibited by federal law from receiving a firearm;
- (viii) Has a current and valid photographic identification issued by the agency from which the individual retired from service as a law enforcement officer;
- (ix) Provides by his affidavit, in triplicate, sworn and signed by him under penalty of perjury, that he meets all of the conditions set forth in this subsection (2);
- (x) Pays the fees charged by the sheriff pursuant to this section; and
- (xi) Completes the original application or renewal application as provided by this section.

(c) "Retired in good standing" means that at the time of his retirement, he was not under investigation, or subject to discipline, for any violation of this state's law enforcement code of conduct.

(d) "Standards for training and qualification in this state" means that when issuing a license pursuant to this section, the sheriff may require the applicant to demonstrate familiarity with a firearm by any of the following methods, provided the sheriff may require an applicant to complete more than one (1) firearms safety or training course:

- (i) Completion of any hunter education or hunter safety course approved by the department of fish and game or a similar agency of another state;
- (ii) Completion of any national rifle association firearms safety or training course, or any national rifle association hunter education course;
- (iii) Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, community college, college, university, or private or public institution or organization or firearms training school, utilizing instructors certified by the national rifle association or the Idaho state police;
- (iv) Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators,

special deputies, or any division or subdivision of a law enforcement agency or security enforcement agency;

(v) Presentation of evidence of equivalent experience with a firearm through participation in organized shooting competitions or military service;

(vi) Completion of any firearms training or training or safety course or class conducted by a state certified or national rifle association certified firearms instructor; or

(vii) Any other firearms safety training that the sheriff may deem appropriate.

(3) The original and renewal license applications under this section shall be in triplicate, in a form to be prescribed by the director of the Idaho state police, and shall ask the name, address, description and signature of the licensee, date of birth, social security number, military status, identification of the law enforcement agency from which the applicant retired, and the driver's license number or state identification card number of the licensee if used for identification in applying for the license. The application shall indicate that provision of the social security number is optional. In implementing the provisions of this section, the sheriff shall make applications readily available at the office of the sheriff or at other public offices in his jurisdiction.

(4) The fee for original issuance of a license under this section shall be twenty dollars (\$20.00), paid to the sheriff. The sheriff may also collect any additional fees necessary to cover the cost of processing and the cost of materials for the license, which shall also be paid to the sheriff.

(5) An original or renewed license issued pursuant to this section shall be in a form substantially similar to that of the Idaho driver's license and shall be valid for a period of one (1) year. The license shall bear the signature, name, address, date of birth, picture of the licensee, expiration date, and the driver's license number or state identification card number of the licensee if used for identification in applying for the license, and shall state that the licensee is a qualified retired law enforcement officer. Upon issuing a license under the provisions of this section, the sheriff shall notify the Idaho state police on a form or in a manner prescribed by the director of the Idaho state police.

(6) A qualified retired law enforcement licensee under this section may renew his license if he applies for renewal at any time before or within ninety (90) days after the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete a renewal application pursuant to subsection (3) of this section and an affidavit pursuant to subsection (2) of this section. A renewed license shall take effect upon the expiration date of the prior license.

(7) The fee for renewal of the license, which must be paid on a yearly basis, shall be twelve dollars (\$12.00), paid to the sheriff. The sheriff may also collect any additional fees necessary to cover the processing costs and the cost of materials for the license, which shall also be paid to the sheriff. A licensee renewing after the expiration date of the license shall pay a late renewal penalty of ten dollars (\$10.00) in addition to the renewal fee. The renewal penalty fee, if any, shall be paid to the sheriff.

(8) A current and valid photographic identification issued by the agency from which the individual retired from service as a law enforcement officer, together with a license issued by the sheriff pursuant to this section, shall serve as a license to carry a firearm for a qualified retired law enforcement officer under 18 U.S.C. section 926C.

(9) The sheriff of the county where the license was issued or the sheriff of the county where the person resides shall have the power to revoke a license issued under this section pursuant to the provisions of section 18-3302(15), Idaho Code.

(10) A county sheriff, deputy sheriff, or county employee who issues a license to carry a concealed weapon pursuant to this section shall not incur any civil or criminal liability as the result of the performance of his duties under this section.

(11) A city, county or other political subdivision of this state shall not modify the requirements of this section, nor shall a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A civil action may be brought to enjoin a wrongful refusal to issue a license or a wrongful modification of the requirements of this section. The civil action shall be brought in the county in which the application was made.

(13) In lieu of or in addition to qualification to carry a concealed firearm under this section, a retired law enforcement officer may apply for a license to carry concealed weapons under section 18-3302, Idaho Code.

(14) Information relating to an applicant or licensee received or maintained pursuant to this section by the sheriff or Idaho state police is confidential and exempt from disclosure under section 9-338, Idaho Code.

SECTION 2. That Section 9-340B, Idaho Code, be, and the same is hereby amended to read as follows:

9-340B. RECORDS EXEMPT FROM DISCLOSURE -- LAW ENFORCEMENT RECORDS, INVESTIGATORY RECORDS OF AGENCIES, EVACUATION AND EMERGENCY RESPONSE PLANS, WORKER'S COMPENSATION. The following records are exempt from disclosure:

(1) Investigatory records of a law enforcement agency, as defined in section 9-337(7), Idaho Code, under the conditions set forth in section 9-335, Idaho Code.

(2) Juvenile records of a person maintained pursuant to chapter 5, title 20, Idaho Code, except that facts contained in such records shall be furnished upon request in a manner determined by the court to persons and governmental and private agencies and institutions conducting pertinent research studies or having a legitimate interest in the protection, welfare and treatment of the juvenile who is thirteen (13) years of age or younger. If the juvenile is petitioned or charged with an offense which would be a criminal offense if committed by an adult, the name, offense of which the juvenile was petitioned or charged and disposition of the court shall be subject to disclosure as provided in section 20-525, Idaho Code. Additionally, facts contained in any records of a juvenile maintained under chapter 5, title 20, Idaho Code, shall be furnished upon request to any school district where the juvenile is enrolled or is seeking enrollment.

(3) Records of the custody review board of the Idaho department of juvenile corrections, including records containing the names, addresses and written statements of victims and family members of juveniles, shall be exempt from public disclosure pursuant to section 20-533A, Idaho Code.

(4) (a) The following records of the department of correction:

(i) Records of which the public interest in confidentiality, public safety, security and habilitation clearly outweighs the public interest in disclosure as identified pursuant to the authority of the Idaho board of correction under section 20-212, Idaho Code;

(ii) Records that contain any identifying information, or any information that would lead to the identification of any victims or witnesses;

(iii) Records that reflect future transportation or movement of a prisoner;

(iv) Records gathered during the course of the presentence investigation;

(v) Records of a prisoner, as defined in section 9-337(10), Idaho Code, or probationer shall not be disclosed to any other prisoner or probationer.

(b) Records of buildings, facilities, infrastructures and systems held by or in the custody of any public agency only when the disclosure of such information would jeopardize the safety of persons or the public safety. Such records may include emergency evacuation, escape or other emergency response plans, vulnerability assessments, operation and security manuals, plans, blueprints or security codes. For purposes of this section "system" shall mean electrical, heating, ventilation, air conditioning and telecommunication systems.

(c) Records of the commission of pardons and parole shall be exempt from public disclosure pursuant to section 20-213A, Idaho Code, and section 20-223, Idaho Code. Records exempt from disclosure shall also include those containing the names, addresses and written statements of victims.

(5) Voting records of the sexual offender classification board. In accordance with section 18-8315, Idaho Code, the written record of the vote to classify an offender as a violent sexual predator by each board member in each case reviewed by that board member shall be exempt from disclosure to the public and shall be made available upon request only to the governor, the chairman of the senate judiciary and rules committee, and the chairman of the house of representatives judiciary, rules and administration committee, for all lawful purposes.

(6) Records of the sheriff or Idaho state police received or maintained pursuant to sections 18-3302 and 18-3302H, Idaho Code, relating to an applicant or licensee.

(7) Records of investigations prepared by the department of health and welfare pursuant to its statutory responsibilities dealing with the protection of children, the rehabilitation of youth, adoptions and the commitment of mentally ill persons.

(8) Records including, but not limited to, investigative reports, resulting from investigations conducted into complaints of discrimination made to the Idaho human rights commission unless the public interest in allowing inspection and copying of such records outweighs the legitimate public or private interest in maintaining confidentiality of such records. A person may inspect and copy documents from an investigative file to which he or she is a named party if such documents are not otherwise prohibited from disclosure by federal law or regulation or state law. The confidentiality of this subsection will no longer apply to any record used in any judicial proceeding brought by a named party to the complaint or investigation, or by the Idaho human rights commission, relating to the complaint of discrimination.

(9) Records containing information obtained by the manager of the Idaho state insurance fund pursuant to chapter 9, title 72, Idaho Code, from or on behalf of employers or employees contained in underwriting and claims for benefits files.

(10) The worker's compensation records of the Idaho industrial commission provided that the industrial commission shall make such records available:

(a) To the parties in any worker's compensation claim and to the industrial special indemnity fund of the state of Idaho; or

(b) To employers and prospective employers subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, who certify that the information is being requested with respect to a worker to whom the employer has extended an offer of employment and will be used in accordance with the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations; or

(c) To employers and prospective employers not subject to the provisions of the Americans with disabilities act, 42 U.S.C. 12112, or other statutory limitations, provided the employer presents a written authorization from the person to whom the records pertain; or

(d) To others who demonstrate that the public interest in allowing inspection and copying of such records outweighs the public or private interest in maintaining the confidentiality of such records, as determined by a civil court of competent jurisdiction; or

(e) Although a claimant's records maintained by the industrial commission, including medical and rehabilitation records, are otherwise exempt from public disclosure, the quoting or discussing of medical or rehabilitation records contained in the industrial commission's records during a hearing for compensation or in a written decision issued by the industrial commission shall be permitted; provided further, the true identification of the parties shall not be exempt from public disclosure in any written decision issued and released to the public by the industrial commission.

(11) Records of investigations compiled by the commission on aging involving vulnerable adults, as defined in section 18-1505, Idaho Code, alleged to be abused, neglected or exploited.

(12) Criminal history records and fingerprints, as defined by section 67-3001, Idaho Code, and compiled by the Idaho state police. Such records shall be released only in accordance with chapter 30, title 67, Idaho Code.

(13) Records furnished or obtained pursuant to section 41-1019, Idaho Code, regarding termination of an appointment, employment, contract or other insurance business relationship between an insurer and a producer.

(14) Records of a prisoner or former prisoner in the custody of any state or local correctional facility, when the request is made by another prisoner in the custody of any state or local correctional facility.

(15) Except as provided in section 72-1007, Idaho Code, records of the Idaho industrial commission relating to compensation for crime victims under chapter 10, title 72, Idaho Code.

(16) Records or information identifying a complainant maintained by the department of health and welfare pursuant to section 39-3556, Idaho Code, relating to certified family homes, unless the complainant consents in writing to the disclosure or the disclosure of the complainant's identity is required in any administrative or judicial proceeding.

Approved April 22, 2009.

CHAPTER 203
(S.B. No. 1186)

AN ACT

RELATING TO HIGHWAY TRANSPORTATION PROJECTS; APPROVING BONDING AUTHORITY TO FINANCE CERTAIN HIGHWAY TRANSPORTATION PROJECTS; REFERENCING PROJECTS TO BE FINANCED WITH BOND PROCEEDS; LIMITING THE SCOPE OF TRANSPORTATION PROJECTS; PROVIDING A REQUIREMENT REGARDING A GARVEE PROGRAM MANAGEMENT SERVICES AGREEMENT; PROVIDING FOR ISSUANCE OF GARVEE BONDS; PROVIDING LEGISLATIVE INTENT AS TO THE IDAHO TRANSPORTATION BOARD'S PRIORITY USE OF BOND REVENUE; PROVIDING LEGISLATIVE INTENT REGARDING WORK PERFORMED BY THE IDAHO TRANSPORTATION DEPARTMENT; AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE; PROVIDING A DATE FOR SUBMISSION OF A REPORT TO THE LEGISLATURE; AND PROVIDING FOR RESPONSIBILITIES OF THE IDAHO TRANSPORTATION BOARD REGARDING BOND ISSUANCE.

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

SECTION 1. The Idaho Legislature hereby approves bonding authority for the issuance of highway transportation (GARVEE) bonds by the Idaho Housing and Finance Association in a principal amount sufficient to finance the highway transportation projects listed in Section 40-315, Idaho Code, in an amount up to \$82,000,000. Such bonds are expected to be paid from continuing appropriations of federal funds from the State Highway Account as provided in Section 40-707, Idaho Code.

SECTION 2. The Legislature finds that the bonding authority provided in Section 1 of this act shall be used in a manner that does not obligate future legislatures or governors for additional bonding authority. The Idaho Transportation Board shall allocate revenue generated from bonds authorized in Section 1 of this act to finance projects listed in Section 40-315, Idaho Code.

SECTION 3. The Idaho Transportation Board and the Idaho Transportation Department shall not increase the scope, nor add specific projects, nor in any manner extend or enlarge the transportation projects listed in Section 40-315, Idaho Code.

SECTION 4. To the extent the Idaho Transportation Board and the Idaho Transportation Department determine that GARVEE program management services are necessary, any agreement governing such services shall, to the extent possible, be fully transparent to the public and the Legislature and shall endeavor to negotiate those services at the best possible rates.

SECTION 5. The bonds issued under the authority provided by Section 1 of this act shall be issued upon an approved resolution by the Idaho Transportation Board requesting the Idaho Housing and Finance Association to issue bonds in amounts necessary to ensure that: the funds are necessary to meet program obligation requirements; the funds will be used and disbursed in accordance with United States Treasury regulations to ensure tax exempt status is retained; and the bonds are issued at prevailing market rates of interest. Further, it is the intent of the Legislature that the bonds authorized by the authority provided in Section 1 of this act be issued on an "as needed" basis as determined by the Idaho Transportation Board. The purpose of this intent is to delay debt service on additional bonding until funds must be obligated to pay for right-of-way acquisition, construction, and/or other project-related costs and avoid violation of arbitrage rules that may result from issuance of bonds too far in advance of the need to obligate funds for expenditure. The issuance of additional bonds shall be dependent upon advantageous market rates and costs of bonding transactions as determined by the Idaho Transportation Board.

SECTION 6. It is legislative intent that the Idaho Transportation Board direct the use of the revenue raised from the bonding authority provided in Section 1 of this act in such a manner that revenue shall be expended in a priority fashion and that the first priority of expenditures shall be for construction, followed in order of priority by expenditures for right-of-way acquisition, followed in priority by other necessary project-related costs. Further, any savings realized from lower than expected cost estimates or other efficiencies shall be applied to existing projects as soon as is practicable.

SECTION 7. Relating to the projects referenced in Section 2 of this act, it is legislative intent, that to the extent feasible and practical, the Idaho Transportation Department perform project-related work within the department itself. The goal of this directive is to preserve the expenditure of GARVEE funds for the priorities described in Section 6 of this act.

SECTION 8. The Idaho Transportation Board is hereby authorized to transfer up to \$4,000,000 from within the State Highway Account to the GARVEE debt service fund to pay the state match as required for federal funds committed to pay the annual scheduled debt service on GARVEE bonds for fiscal year 2010.

SECTION 9. Notwithstanding any other provisions of law, it is legislative intent that by September 30 of each year, the board shall submit a report to the Legislature concerning projects currently under construction using the bond financing as authorized by the provisions of this act, and shall include a list of planned highway transportation projects to be financed with such bond financing during the next succeeding fiscal year.

SECTION 10. Notwithstanding the provisions of Section 11, Chapter 363, Laws of 2007, the bonds shall be issued when necessary, as determined by the Idaho Transportation Board, either prior to or subsequent to June 30, 2009.

Approved April 22, 2009.

CHAPTER 204
(S.B. No. 1210)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING FUND DEPOSITS; DIRECTING THAT THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND ONLY OPERATE THE NECESSARY NUMBER OF COTTAGES; DIRECTING THAT THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND ENTER INTO CERTAIN AGREEMENTS WITH ENTITIES THAT USE CAMPUS FACILITIES; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Idaho School for the Deaf and the Blind the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. CAMPUS OPERATIONS:			
FROM:			
General Fund	\$4,096,200	\$529,800	\$4,626,000
Miscellaneous Revenue Fund	2,400	181,800	184,200
School for the Deaf and the Blind (Endowment) Fund		134,800	134,800
Federal Grant Fund	<u>35,300</u>	<u>168,800</u>	<u>204,100</u>
TOTAL	\$4,133,900	\$1,015,200	\$5,149,100
II. OUTREACH SERVICES:			
FROM:			
General Fund	\$2,386,400	\$256,600	\$2,643,000
GRAND TOTAL	\$6,520,300	\$1,271,800	\$7,792,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho School for the Deaf and the Blind is authorized no more than ninety-three and seventy-four hundredths (93.74) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. The Idaho School for the Deaf and the Blind may deposit any funds appropriated by Section 1, Chapter 293, Laws of 2008, in a contingency reserve fund created pursuant to Section 33-3409, Idaho Code.

SECTION 4. The Idaho School for the Deaf and the Blind shall not operate any residential cottages beyond those necessary to provide single-gender accommodations for students attending from locations that are too distant to participate in the campus day program. If an additional cottage is necessary, the Idaho School for the Deaf and the Blind shall report to the Legislature the justification and costs for the additional cottage.

SECTION 5. The Idaho School for the Deaf and the Blind shall enter into agreements, including a schedule of fees, to cover the costs of general maintenance and utilities, with entities that use campus facilities on a regular basis.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 7. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Section 7 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 205
(S.B. No. 1218)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Administration the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. DIRECTOR'S OFFICE:				
FROM:				
General Fund	\$221,700	\$62,400		\$284,100
Indirect Cost Recovery Fund	507,700	263,600		771,300
Administration and Accounting Services Fund	26,600			26,600
Industrial Special Indemnity Fund	<u>186,800</u>	<u>109,700</u>		<u>296,500</u>
TOTAL	\$942,800	\$435,700		\$1,378,500
II. ADMINISTRATIVE RULES:				
FROM:				
Administrative Code Fund	\$220,700	\$333,100		\$553,800
III. INFORMATION TECHNOLOGY RESOURCE MGMT COUNCIL:				
FROM:				
General Fund	\$81,700	\$11,900		\$93,600
Administration and Accounting Services Fund	<u>414,800</u>	<u>327,800</u>		<u>742,600</u>
TOTAL	\$496,500	\$339,700		\$836,200
IV. INFORMATION TECHNOLOGY:				
FROM:				
General Fund	\$596,400	\$473,400		\$1,069,800
Indirect Cost Recovery Fund	432,200	79,900		512,100
Administration and Accounting Services Fund	<u>446,400</u>	<u>587,900</u>		<u>1,034,300</u>
TOTAL	\$1,475,000	\$1,141,200		\$2,616,200
V. PUBLIC WORKS:				
FROM:				
General Fund		\$400,300		\$400,300
Permanent Building Fund	\$1,863,800	979,700	\$51,000	2,894,500
Administration and Accounting Services Fund	<u>1,532,200</u>	<u>6,726,700</u>	<u>20,000</u>	<u>8,278,900</u>
TOTAL	\$3,396,000	\$8,106,700	\$71,000	\$11,573,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
VI. PURCHASING:				
FROM:				
General Fund	\$784,100	\$5,900		\$790,000
Administration and Accounting Services Fund	858,700	1,339,100	\$151,000	2,348,800
Federal Surplus Property Revolving Fund	<u>153,300</u>	<u>257,300</u>	<u> </u>	<u>410,600</u>
TOTAL	\$1,796,100	\$1,602,300	\$151,000	\$3,549,400
VII. INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance Fund	\$288,700	\$497,800		\$786,500
Retained Risk Fund	<u>475,800</u>	<u>212,500</u>		<u>688,300</u>
TOTAL	\$764,500	\$710,300		\$1,474,800
VIII. BOND PAYMENTS:				
FROM:				
General Fund		\$2,691,800	\$2,190,000	\$4,881,800
Permanent Building Fund Administration and Accounting Services Fund		10,173,200	19,646,800	29,820,000
		<u>422,200</u>	<u>233,000</u>	<u>655,200</u>
TOTAL		\$13,287,200	\$22,069,800	\$35,357,000
GRAND TOTAL	\$9,091,600	\$25,956,200	\$22,291,800	\$57,339,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred fifty-five and one-tenth (155.1) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all

salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 206
(S.B. No. 1209)

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION ON AGING FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE COMMISSION ON AGING FOR FISCAL YEAR 2009; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Commission on Aging the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	\$530,300	\$58,300		\$4,431,600	\$5,020,200
American Reinvestment Fund	28,300			583,000	611,300
Miscellaneous Revenue Fund	47,000	85,000			132,000
Federal Grant Fund	<u>462,500</u>	<u>513,500</u>	<u>\$8,000</u>	<u>7,051,400</u>	<u>8,035,400</u>
TOTAL	\$1,068,100	\$656,800	\$8,000	\$12,066,000	\$13,798,900

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Commission on Aging is authorized no more than fifteen and thirty-five hundredths (15.35) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 163, Laws of 2008, there is hereby appropriated to the Commission on Aging the following amount to be expended according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

FOR:

Operating Expenditures	\$200,000
------------------------	-----------

Capital Outlay	5,000
Trustee and Benefit Payments	<u>30,000</u>
TOTAL	\$235,000

FROM:

Federal Grant Fund	\$205,000
American Reinvestment Fund	<u>30,000</u>
TOTAL	\$235,000

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 5. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3 and 5 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 207
(S.B. No. 1207)

AN ACT

APPROPRIATING MONEYS FOR GENERAL EDUCATION PROGRAMS AT BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE, THE UNIVERSITY OF IDAHO AND FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2010; ESTABLISHING AMOUNTS TO BE EXPENDED FOR SYSTEMWIDE PROGRAMS; DIRECTING THE STATE BOARD OF EDUCATION TO PROVIDE

A SYSTEM OF REPORTING FACULTY AND STAFF TURNOVER; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; DIRECTING THE TRANSFER OF CERTAIN FUNDS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, Lewis-Clark State College, the University of Idaho, and the Office of the State Board of Education the following amount to be expended for the designated programs from the listed funds for the period July 1, 2009, through June 30, 2010:

FOR:

General Education Programs	\$408,210,000
----------------------------	---------------

FROM:

General Fund	\$253,278,100
American Reinvestment Fund	15,313,800
Agricultural College Endowment Income Fund	850,800
Charitable Institutions Endowment Income Fund	790,400
Normal School Endowment Income Fund	2,661,600
Scientific School Endowment Income Fund	2,984,400
University Endowment Income Fund	2,329,200
Unrestricted Fund	106,331,100
Restricted Fund	<u>23,670,600</u>
TOTAL	\$408,210,000

SECTION 2. SYSTEMWIDE PROGRAMS. Of the amount appropriated from the General Fund in Section 1 of this act:

(a) An amount not to exceed \$93,100 shall be used by the Office of the State Board of Education for systemwide needs;

(b) An amount not to exceed \$1,357,100 may be used for the mission and goals of the Higher Education Research Council;

(c) An amount not to exceed \$1,275,600 may be awarded by the State Board of Education for instructional projects specifically designed to foster innovative learning approaches using technology, and to promote the Idaho Electronic Campus;

(d) An amount not to exceed \$144,000 may be spent on addressing issues related to course transfers across public institutions; and

(e) An amount not to exceed \$47,000 may be used by the Office of the State Board of Education for expenses directly related to the development of a comprehensive plan for expanding undergraduate and graduate medical education opportunities.

SECTION 3. PERSONNEL TURNOVER. The State Board of Education shall continue to provide a standardized system for tracking and reporting meaningful data about faculty, nonfaculty exempt, and classified staff turnover at the state's institutions of higher education. These statistics shall be available to the Division of Financial Management and the Legislative Services Office no later than November 1 of each year.

SECTION 4. CARRYOVER AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, the University of Idaho, Lewis-Clark State College, and the Office of the State Board of Education, any non-General Fund unexpended and unencumbered balances of any appropria-

tion contained in Section 1, Chapter 263, Laws of 2008, to be used for nonrecurring expenditures for the period July 1, 2009, through June 30, 2010.

SECTION 5. TRANSFER OF FUNDS. There is hereby appropriated and the State Controller shall transfer, on July 1, 2009, or as soon thereafter as practicable, the amount of \$10,000,000 from the Permanent Building Fund to the General Fund for the period July 1, 2009, through June 30, 2011. Use of these funds shall be limited to the purchase of real property, planning, design, construction, equipping and start-up of operations for the Idaho Center for Livestock and Environmental Studies.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 7. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state, as a single employer of multiple departments, agencies and institutions, is required by law to direct across the board salary adjustments; the State Board of Education and the Board of Regents of the University of Idaho is hereby requested to reduce all salaries of classified and nonclassified employees at the College and Universities, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Institutions are also requested to use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Section 7 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 208
(S.B. No. 1180)

AN ACT

APPROPRIATING MONEYS FROM THE PERMANENT BUILDING FUND TO THE DIVISION OF PUBLIC WORKS FOR THE VARIOUS PURPOSES SPECIFIED; EXPRESSING LEGISLATIVE INTENT CONCERNING THE USE OF MONEYS APPROPRIATED IN THIS ACT; EXEMPTING THE APPROPRIATIONS FROM THE PROVISIONS OF CHAPTER 36, TITLE

67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; AUTHORIZING THE USE OF TAX ANTICIPATION NOTES; EXPRESSING LEGISLATIVE INTENT CONCERNING THE APPROPRIATION FOR IDAHO PUBLIC TELEVISION; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the Permanent Building Fund to the Division of Public Works the following amounts, or so much thereof as in each case may be necessary, for the purpose of paying the cost of any land, building, equipment, or the rebuilding, renovation or repair, of buildings, installations, facilities or structures at the places, institutions and agencies, or their successors, including those listed in this section. The Permanent Building Fund Advisory Council is hereby authorized and directed to anticipate revenues accruing to the Permanent Building Fund for the purpose of undertaking the construction, renovation, repair and acquisitions herein authorized, without delay, and to determine the priority of construction pursuant to which the work hereunder will be undertaken.

A. MAINTENANCE PROJECTS IN THE FOLLOWING AREAS:	\$20,509,600
(1) Alterations and Repairs	
(2) Asbestos Abatement	
(3) Statewide ADA Compliance	
(4) Capitol Mall Maintenance	
B. STATE BOARD OF EDUCATION:	
(1) University of Idaho--Kibbie Dome Life/Safety Repairs	\$2,000,000
(2) North Idaho College--Seiter Hall Remodel/Renovation	\$4,345,000
(3) Idaho Public Television--Renovation of J.R. Williams building space	\$272,000
C. DEPARTMENT OF LANDS:	
(1) Purchase of St. Joe Administrative site	\$312,000
GRAND TOTAL	\$27,438,600

SECTION 2. It is legislative intent that the moneys appropriated in this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; and it is further the express intention of the Legislature to authorize the Division of Public Works to expend, for the purpose of paying the cost of any land, building, equipment or the rebuilding, renovation or repair of buildings, moneys appropriated for public works to various agencies as part of the respective agency operating budgets; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance.

SECTION 3. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67, and Section 67-3516, Idaho Code, but shall be available for expenditure only after request for spending authority in accordance with the other provisions of Chapter 35, Title 67, Idaho Code, and all appropriations made hereunder shall be subject to the provisions of Section 67-5711, Idaho Code, except as otherwise provided herein.

SECTION 4. The State Treasurer is hereby authorized and directed to anticipate the revenues in the Permanent Building Fund by the issuance of tax anticipation notes in accordance with authority conferred in Sections 63-3201 through 63-3204, Idaho Code, and in accordance with the procedures and subject to the limitations provided in those sections, in the same manner as though the revenues in the General Fund were being anticipated.

SECTION 5. It is legislative intent that of the amount appropriated from the Permanent Building Fund in Section 1(B) (3) of this act, an amount not to exceed \$272,000 may, pursuant to Section 63-2520(b) (5), Idaho Code, be expended from cigarette tax revenues for the remodel of state facilities pertaining to the capitol restoration.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 209
(S.B. No. 1193)

AN ACT

APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING THE TRANSFER OF MONEYS FROM THE DEPARTMENT OF FISH AND GAME TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2009; AUTHORIZING THE TRANSFER OF MONEYS FROM THE BUREAU OF OCCUPATIONAL LICENSES TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2009; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Attorney General the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. STATE LEGAL SERVICES:				
FROM:				
General Fund	\$15,613,700	\$724,100	\$39,600	\$16,377,400
American Reinvestment Fund	100,000	300,000		400,000
Consumer Protection Fund	305,700	119,900		425,600
Federal Grant Fund	<u>602,500</u>	<u>346,600</u>	<u> </u>	<u>949,100</u>
TOTAL	\$16,621,900	\$1,490,600	\$39,600	\$18,152,100
II. SPECIAL LITIGATION:				
FROM:				
General Fund		\$951,600		\$951,600
GRAND TOTAL	\$16,621,900	\$2,442,200	\$39,600	\$19,103,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Attorney General is authorized no more than two hundred seven and fifteen-hundredths (207.15) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. On or before June 30, 2009, the State Controller, at the request of the Attorney General, shall transfer \$106,300 from the Fish and Game Fund within the Department of Fish and Game, to the Consumer Protection Fund within the Office of the Attorney General. The intent of this transfer is to mitigate the impact of adding staff for the Office of the Attorney General to provide legal services to the Department of Fish and Game for fiscal year 2010.

SECTION 4. On or before June 30, 2009, the State Controller, at the request of the Attorney General, shall transfer \$100,300 from the State Regulatory Fund in the Bureau of Occupational Licenses in the Department of Self-Governing Agencies, to the Consumer Protection Fund within the Office of the Attorney General. The intent of this transfer is to mitigate the impact of adding staff for the Office of the Attorney General to provide legal services to the Bureau of Occupational Licenses for fiscal year 2010.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 6. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3, 4 and 6 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 210
(S.B. No. 1199)

AN ACT

APPROPRIATING MONEYS AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE CATASTROPHIC HEALTH CARE COST FUND FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE CATASTROPHIC HEALTH CARE COST FUND FOR FISCAL YEAR 2009; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE MEDICALLY INDIGENT ADMINISTRATION DIVISION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE MEDICALLY INDIGENT ADMINISTRATION DIVISION; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$19,771,700 from the General Fund to the Catastrophic Health Care Cost Fund for the period July 1, 2009, through June 30, 2010.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 236, Laws of 2008, there is hereby appropriated and the State Controller shall transfer \$2,500,000 from the General Fund to the Catastrophic Health Care Cost Fund for the period July 1, 2008, through June 30, 2009.

SECTION 3. There is hereby appropriated to the Department of Health and Welfare for the Medically Indigent Administration Division the following amounts to be expended according to the designated expense classes from the listed fund for the period July 1, 2009, through June 30, 2010:

FOR:

Personnel Costs	\$192,700
Operating Expenditures	177,500
Capital Outlay	<u>11,700</u>
TOTAL	\$381,900

FROM:

Cooperative Welfare (General) Fund	\$381,900
------------------------------------	-----------

SECTION 4. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than two (2) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 3 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 2 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 211
(S.B. No. 1200)

AN ACT

APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND TO THE STATE TREASURER FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2010; AND PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED MONEYS SHALL BE REVERTED TO THE IDAHO MILLENNIUM INCOME FUND.

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

SECTION 1. There is hereby appropriated and the State Controller is hereby directed to make cash transfers from the Idaho Millennium Income Fund to the following programs, at the request of the State Treasurer, not to exceed \$3,677,200 for the period July 1, 2009, through June 30, 2010:

(a) \$268,400 for the Public Health Districts to continue tobacco use cessation programs statewide through the Public Health Districts of Idaho and other nonprofit entities such as hospitals, primary care clinics and voluntary organizations. The tobacco use cessation programs should be available to any Idaho citizen, with primary emphasis on youth and pregnant women.

(b) \$300,000 for the Physical Health Services Program in the Department of Health and Welfare for targeted tobacco counter-marketing programs, specific to Idaho, and to be matched by private industry funds on at least a one-to-one basis.

(c) \$700,000 for the Physical Health Services Program in the Department of Health and Welfare. It is legislative intent that these funds shall be designated for nicotine replacement therapy, and that these funds shall not be used for local programs identified in the department's application proposal since they may duplicate other programs funded by the Millennium Income Fund.

(d) \$420,000 for the Idaho Supreme Court for its youth courts and status offender services programs as they relate to addressing tobacco and/or substance abuse issues.

(e) \$94,000 for Law Enforcement Programs in the Idaho State Police to offset the cost of youth tobacco investigations.

(f) \$1,894,800 for the Substance Abuse Treatment and Prevention Program in the Department of Health and Welfare for community-based substance abuse treatment.

SECTION 2. There is hereby appropriated from the Idaho Millennium Income Fund to the State Treasurer \$848,100 to be expended for trustee and benefit payments for the following programs for the period July 1, 2009, through June 30, 2010:

(a) \$183,300 for the American Lung Association of Idaho for Teens Against Tobacco Use (T.A.T.U.) and tobacco prevention education programs.

(b) \$500,000 for Idaho Meth Project for a drug prevention media campaign.

(c) \$164,800 for Idaho Drug Free Youth for the i2i program.

SECTION 3. Notwithstanding any other provision of law to the contrary, on June 30, 2010, any remaining unexpended and unencumbered moneys appropriated in Section 1 of this act shall be reverted to the Idaho Millennium Income Fund. The State Controller shall then transfer said reverted moneys and all earnings credited to the Idaho Millennium Income Fund to the Idaho Millennium Fund.

Approved April 23, 2009.

CHAPTER 212
(S.B. No. 1220)

AN ACT

APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; APPROPRIATING ADDITIONAL MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2009; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED DEDICATED FUND BALANCES; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Executive Office of the Governor the following amounts to be expended for the designated programs from the listed funds for the period July 1, 2009, through June 30, 2010:

I. ACTING GOVERNOR PAY:

FROM:

General Fund	\$18,200
--------------	----------

II. ADMINISTRATION - GOVERNOR'S OFFICE:

FROM:

General Fund	\$1,923,800
--------------	-------------

III. EXPENSE ALLOWANCE:

FROM:

General Fund	\$5,000
--------------	---------

GRAND TOTAL	\$1,947,000
-------------	-------------

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Executive Office of the Governor is authorized no more than twenty-six (26) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the

education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 230, Laws of 2008, there is hereby appropriated to the Executive Office of the Governor the following amounts to be expended for the designated program from the listed funds for the period July 1, 2008, through June 30, 2009:

FOR:

I. ADMINISTRATION - GOVERNOR'S OFFICE: \$250,000

FROM:

Substance Abuse Treatment Fund	150,000
Drug and Family Court Supervision Fund	50,000
Drug and Mental Health Court Supervision Fund	<u>50,000</u>
TOTAL	\$250,000

SECTION 6. There is hereby reappropriated to the Executive Office of the Governor, the unexpended and unencumbered balance in the Substance Abuse Treatment Fund, the Drug and Family Court Supervision Fund, and the Drug and Mental Health Court Supervision Fund as appropriated for the Behavioral Health Redesign Project for fiscal year 2009, in Section 5 of this act, to be used for nonrecurring expenditures, for the period July 1, 2009, through June 30, 2010.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 4 and 5 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 213
(H.B. No. 24)

AN ACT

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-403B, IDAHO CODE, TO PROVIDE FOR GOLD STAR LICENSE PLATES; AND AMENDING SECTION 65-209, IDAHO CODE, TO PROVIDE FOR CREDITING CERTAIN MONEYS TO THE VETERANS SUPPORT FUND, TO REVISE THE USE OF FUND MONEYS AND TO REVISE TERMINOLOGY.

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

SECTION 1. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-403B, Idaho Code, and to read as follows:

49-403B. GOLD STAR -- LICENSE PLATES. (1) In this section:

(a) "Combat zone" means those locations involving a "period of war" as defined in 38 U.S.C. section 101(11) and such other locations and times as the division of veterans services may define by rule.

(b) "Qualifying cause of death" means a death of a person due to hostile action while serving in the armed forces of the United States on active duty in a combat zone as the division of veterans services may define by rule.

(c) "Qualifying family member" means the surviving spouse, parent, stepparent, child, stepchild, sibling, half-sibling, stepsibling, grandparent or legal guardian of a person who died due to a qualifying cause of death.

(2) Qualifying family members are eligible to apply for gold star license plates. As proof of eligibility, the applicant shall furnish to the department a statement from the division of veterans services certifying eligibility.

(3) The division of veterans services shall establish by rule the requirements for receipt of a certificate of eligibility including proof of qualifying familial relationship to the deceased service member and the death of the service member due to a qualifying cause of death.

(4) No special plate program fee shall be charged in addition to regular registration or renewal of registration of a motor vehicle owned by the spouse, parent or stepparent of a service member who was killed during active military service in a combat zone and receiving gold star license plates.

(5) A qualifying family member who is not the spouse, parent or stepparent shall be charged the regular registration fee and plate fee required in section 49-450, Idaho Code, and an additional fee of thirty-five dollars (\$35.00) for the initial issuance of plates and twenty-five dollars (\$25.00) upon each succeeding annual registration. Ten dollars (\$10.00) of the initial fee and ten dollars (\$10.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this gold star license plate program. Twenty-five dollars (\$25.00) of each initial fee and fifteen dollars (\$15.00) of each renewal fee shall be deposited in the veterans support fund, section 65-209, Idaho Code, and shall be used to defray the costs of administration of the eligibility certification program and to provide programs to support veterans.

(6) Gold star license plates shall be used only on a motor vehicle owned by the qualifying family member.

(7) Whenever title or interest in a motor vehicle registered under this section is transferred or assigned, the registration shall expire, but the qualifying family member may transfer the gold star license plates to an-

other motor vehicle upon payment of the required transfer fees. The qualifying family member may only display the gold star license plates after receipt of new registration from the department.

(8) A qualifying family member shall not register more than two (2) motor vehicles under this section. This section shall not apply to any motor vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds, nor to any vehicle registered under section 49-434(5), Idaho Code.

(9) Gold star license plates may be retained and displayed on motor vehicles owned by the surviving spouse of a qualifying family member. In addition, the surviving spouse is eligible to reapply for and shall be issued gold star license plates if the deceased qualifying family member died on or after January 1 of the five (5) years preceding the date of reapplication for the gold star license plates. Such plates shall be used only on a motor vehicle owned by the surviving spouse of the qualifying family member.

(10) The gold star license plates shall be of a color and design acceptable to the veterans affairs commission and approved by the department, utilizing a numbering system as determined by the department. Gold star license plates shall not be subject to discontinuance pursuant to section 49-402C(6), Idaho Code.

SECTION 2. That Section 65-209, Idaho Code, be, and the same is hereby amended to read as follows:

65-209. VETERANS SUPPORT FUND. (1) There is hereby created in the state treasury the "Veterans Support Fund" to which shall be credited:

- (a) The moneys designated under section 63-3067B, Idaho Code, and the moneys designated under section 49-403B, Idaho Code;
- (b) Gifts, grants, contributions and bequests to the fund;
- (c) Interest earned on the investment of idle moneys in the fund, which shall be paid to the fund; and
- (d) All other moneys as may be provided by law.

(2) Moneys in the fund shall be used exclusively for the purposes of programs to support veterans, and to defray the costs of administering gold star license plates eligibility pursuant to section 49-403B, Idaho Code. ~~M~~moneys in the fund shall be continuously appropriated for such purposes.

(3) Disbursements of moneys from the fund shall be made upon authorization of the administrator of the division of veterans services.

Approved April 23, 2009.

CHAPTER 214

(H.B. No. 146, As Amended)

AN ACT

RELATING TO THE IDAHO RESIDENTIAL CARE OR ASSISTED LIVING ACT; AMENDING SECTION 39-3303, IDAHO CODE, TO PROVIDE RESIDENTIAL CARE OR ASSISTED LIVING FACILITY REQUIREMENTS FOR RESIDENTS WHO ARE NOT CLIENTS OF THE DEPARTMENT OF HEALTH AND WELFARE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-3303, Idaho Code, be, and the same is hereby amended to read as follows:

39-3303. PAYMENT LEVELS. (1) Clients of the department who are receiving financial aid as set out in sections 56-207, 56-208 and 56-209a, Idaho Code, seeking placement in a residential care or assisted living facility

will be assessed by the department regarding their need for specific types of services and supports. This assessment will determine the reimbursement rate to the service provider.

Eligible participants must be allowed to choose the facility or services that are appropriate to meet their medical needs and financial ability to pay. The department shall promulgate rules outlining the payment policy and calculations for clients of the department through negotiated rulemaking.

(2) Residents who are not clients of the department shall:

(a) Be assessed by the facility regarding their need for specific types of services and supports. This assessment, and the individual negotiated service agreement, shall determine the rate charged to the resident.

(b) Receive a full description of services provided by the facility and associated costs upon admission, according to facility policies and procedures. A thirty (30) day notice must be provided prior to a change in facility billing practices or policies. Billing practices shall be transparent and understandable.

(c) Be charged for the use of furnishings, equipment, supplies and basic services as agreed upon in the negotiated service agreement or as identified in the admission agreement.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 23, 2009.

CHAPTER 215
(H.B. No. 229)

AN ACT

RELATING TO MARTIAL LAW; AMENDING SECTION 46-601, IDAHO CODE, TO PROHIBIT ADDITIONAL RESTRICTIONS ON THE LAWFUL POSSESSION, TRANSFER, SALE, TRANSPORT, STORAGE, DISPLAY OR USE OF FIREARMS OR AMMUNITION DURING A STATE OF EXTREME EMERGENCY AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 46-601, Idaho Code, be, and the same is hereby amended to read as follows:

46-601. AUTHORITY OF GOVERNOR. (~~a~~1) The governor shall have the power in the event of a state of extreme emergency to order into the active service of the state, the national guard, or any part thereof, and the organized militia, or any part thereof, or both as he may deem proper.

"State of extreme emergency" means: (~~1a~~) the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the state, or any part thereof, caused by an enemy attack or threatened attack; or (~~2b~~) the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the state, or any part thereof, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, insurrection, breach of the peace, which conditions by reason of their magnitude are or are likely to be beyond the control of the services, personnel, equipment and facilities of any county, any city, or any city and county.

(~~b~~2) During a period of a state of extreme emergency, the governor shall have complete authority over all agencies of the state government, including

all separate boards and commissions, and the right to exercise within the area or regions wherein the state of extreme emergency exists all police power vested in the state by the constitution and the laws of the state of Idaho. In the exercise thereof he is authorized to promulgate, issue and enforce rules, regulations and orders which he considers necessary for the protection of life and property. Such rules, regulations and orders shall, whenever practicable, be prepared in advance of extreme emergency and the governor shall cause widespread publicity and notice to be given of such rules, regulations and orders. Rules, regulations and orders issued under the authority of this section and prepared in advance of a state of extreme emergency shall not become operative until the governor proclaims a state of extreme emergency. Such rules, regulations and orders shall be in writing and shall take effect upon their issuance. They shall be filed in the office of the secretary of state as soon as possible after their issuance. A copy of such rules, regulations and orders shall likewise be filed in the office of the county clerk of each county, any portion of which is included within the area wherein a state of extreme emergency has been proclaimed. Whenever the state of extreme emergency has been ended by either the expiration of the period for which it was proclaimed or the need for said state of extreme emergency has ceased, the governor shall declare the period of the state of extreme emergency to be at an end.

(3) During the continuance of any proclaimed state of extreme emergency, insurrection or martial law, neither the governor nor any agency of any governmental entity or political subdivision of the state shall impose additional restrictions on the lawful possession, transfer, sale, transport, storage, display or use of firearms or ammunition.

Approved April 23, 2009.

CHAPTER 216

(H.B. No. 232, As Amended in the Senate)

AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3029, IDAHO CODE, TO REVISE DEFINITIONS AND TO REVISE PROCEDURES FOR TAXATION OF AN ESTATE OR TRUST; DECLARING AN EMERGENCY, PROVIDING RETROACTIVE APPLICATION AND PROVIDING FURTHER APPLICATION TO PROCEEDINGS.

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

SECTION 1. That Section 63-3029, Idaho Code, be, and the same is hereby amended to read as follows:

63-3029. CREDIT FOR INCOME TAXES PAID ANOTHER STATE. (1) A resident individual shall be allowed a credit against the tax otherwise due under this chapter for the amount of any income tax imposed on the individual, an S corporation, partnership, limited liability company, estate or trust of which the individual is a shareholder, partner, member, or beneficiary (to the extent attributable to the individual as a result of the individual's share of the S corporation's, partnership's, limited liability company's, estate's or trust's taxable income in another state), for the taxable year by another state on income derived from sources therein while domiciled in Idaho and that is also subject to tax under this chapter.

(2) For purposes of this section:

(a) "State" shall include any state of the United States, the District of Columbia, or any possession or territory of the United States.

(b) Except as provided in subsection (3) (a) (i) of this section, "individual" shall include estates and trusts.

(c) References to "domiciled in" shall mean "a resident of" for purposes of computing the credit for trusts and estates.

(3) (a) Except as provided in subsection (3) (b) of this section:

(i) The credit provided under this section to an individual shall not exceed the proportion of the tax otherwise due under this chapter that the amount of the adjusted gross income of the taxpayer derived from sources in the other state as modified by this chapter bears to the adjusted gross income of the taxpayer as modified by this chapter. ~~This limitation applies to all individuals.~~

(ii) The credit provided under this section to an estate or trust shall not exceed the proportion of the tax otherwise due under this chapter that the amount of the federal total income of the estate or trust derived from sources in the other state and taxed by that state bears to the federal total income of the estate or trust. "Federal total income of the estate or trust derived from sources in the other state" shall be determined as provided under section 63-3026A, Idaho Code, as if the estate or trust was a nonresident.

(b) When tax is paid to another state on income of an S corporation, partnership, limited liability company, estate or trust, the limitation calculated in subsection (3) (a) of this section with respect to that income shall be based on the proportion that the individual taxpayer's share of the entity's taxable income correctly reported to the other state under the laws of the other state bears to the individual's adjusted gross income. This limitation shall apply whether the tax is paid to the other state by the individual or by the S corporation, partnership, limited liability company, estate or trust.

(c) The credit provided under this section shall further be limited to the tax paid to the other state.

(4) To substantiate the credit allowed under this section, the state tax commission may require a copy of any receipt showing payment of income taxes to the other state or a copy of any return or returns filed with such other state, or both.

(5) No credit allowed under this section shall be applied in calculating tax due under this chapter if the tax upon which the credit is based has been claimed as a deduction, unless the tax is restored to income on the Idaho return.

(6) The credit shall not be allowed if such other state allows a credit against taxes imposed by such state for taxes paid or payable under this chapter.

(7) For purposes of this section an income tax imposed on an S corporation, partnership, limited liability company, estate or trust includes:

(a) A direct tax imposed upon the income for the taxable year of the S corporation, partnership, limited liability company, estate or trust; and

(b) An excise or franchise tax that is measured by the income for the taxable year of the S corporation, partnership, limited liability company, estate or trust.

(8) For purposes of subsection (7) of this section, an excise or franchise tax is "measured by income" only if the statute imposing the excise or franchise tax provides that the base for the tax:

(a) Includes:

(i) Revenue from sales;

(ii) Revenue from services rendered; and

(iii) Income from investments; and

(b) Permits a deduction for the cost of goods sold and the cost of services rendered.

(9) A part-year resident is entitled to a credit, determined in the manner prescribed by the state tax commission, for income taxes paid to another state in regard to income which is:

(a) Earned while the taxpayer is domiciled or residing in this state; and

(b) Subject to tax in such other state.

(10) If the interest in an S corporation, partnership, ~~or~~ limited liability company, estate or trust was held for less than the entire taxable year, the share attributable to the individual shall be allocated in the same manner as for federal purposes.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2009, and shall apply to all proceedings pending before the State Tax Commission, the Board of Tax Appeals or the courts of this state on the effective date of this act.

Approved April 23, 2009.

CHAPTER 217

(H.B. No. 240, As Amended)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-115, IDAHO CODE, TO DELETE CERTAIN PAYMENT PRIORITY PROVISIONS RELATING TO THE EXPENDABLE BIG GAME DEPREDATION FUND.

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

SECTION 1. That Section 36-115, Idaho Code, be, and the same is hereby amended to read as follows:

36-115. NONEXPENDABLE BIG GAME DEPREDATION FUND -- EXPENDABLE BIG GAME DEPREDATION FUND. (a) The nonexpendable big game depredation fund is hereby established in the state treasury. On July 1, 2005, the state controller shall transfer two million two hundred fifty thousand dollars (\$2,250,000) from the big game secondary depredation account, created pursuant to section 3, chapter 370, laws of 1990, to the nonexpendable big game depredation fund. Moneys in the fund shall be invested as provided in section 67-1210, Idaho Code, and interest earned on investment of idle moneys in the fund shall be paid to the expendable big game depredation fund. The principal amount in the fund shall not be appropriated, but only the interest earned on investment of the moneys in the fund shall be available for appropriation to the expendable big game depredation fund.

(b) The big game secondary depredation account was created in the state treasury pursuant to section 3, chapter 370, laws of 1990, and shall, from the date of enactment of this act, be known and referred to as the expendable big game depredation fund. In addition to payments to the fund from the nonexpendable big game depredation fund as provided for in subsection (a) of this section, the state controller shall annually, as soon after July 1 of each year as practical, transfer into the fund two hundred thousand dollars (\$200,000) from the fish and game account. Moneys in the fund are subject to appropriation for the purposes recited in section 36-122, Idaho Code, section 36-1108(a)3., Idaho Code, section 36-1108(b), Idaho Code, section 36-1109 and section 36-1110, Idaho Code. Moneys in the fund shall be invested as provided in section 67-1210, Idaho Code, and interest earned on investment of idle moneys in the fund shall be paid to the fund. The

expendable big game depredation fund shall be under the administrative direction of the state controller.

(c) The state controller shall annually report to the legislature, the division of financial management, the director of the department of agriculture and the director of the department of fish and game the amount of interest earnings and the availability of moneys in the expendable big game depredation fund for appropriation. At the close of each fiscal year, any unexpended and unencumbered balance that exceeds seven hundred fifty thousand dollars (\$750,000), shall be transferred as follows: one hundred thousand dollars (\$100,000) to the fish and game set-aside account to be earmarked for sportsmen access programs with the remaining amount transferred to the animal damage control account established pursuant to section 36-112, Idaho Code. Transferred funds shall be spent pursuant to the respective appropriations for the set-aside account and the animal damage control account.

(d) Any payment for damages pursuant to section 36-1108(b), Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order not more than one-half (1/2) of the amount of the approved claim that is to be paid from the expendable big game depredation fund to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The balance of all unpaid approved claim amounts, including claims submitted under the provisions of sections 36-1109 and 36-1110, Idaho Code, shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay the balance of all approved claims, the director shall pay them. If the balance is not sufficient to pay all approved claims, the director shall authorize a proportionate amount to be paid to each claimant. ~~However, claims filed under section 36-1108, Idaho Code, shall have priority and will be paid prior to claims filed under sections 36-1109 and 36-1110, Idaho Code.~~

(C) The director shall encumber the balance of moneys appropriated from the expendable big game depredation fund, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following conditions and requirements apply:

(A) The amount of one thousand dollars (\$1,000) must be deducted from each such statement. This deductible is a net loss to the owner or lessee, and will not be compensated for from the expendable big game depredation fund, but the owner or lessee is required to absorb only a single one thousand dollar (\$1,000) deductible per claim.

(B) Provided however, that for claims in subsequent years for damage to standing or stored crops in the same location as the first occurrence, the one thousand dollar (\$1,000) deductible will be waived if the department failed to prevent property loss following the first occurrence.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

(e) Any claim for damages pursuant to section 36-1109, Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order that not more than one-half (1/2) of the amount of the approved claim to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The balance of all unpaid approved claim amounts shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay all approved claims, the director shall promptly pay them. If the balance is not sufficient to pay the balance of all approved claims, the director shall pay a proportionate share to each claimant. ~~However, claims filed under section 36-1108, Idaho Code, shall have priority and will be paid prior to claims filed under sections 36-1109 and 36-1110, Idaho Code.~~

(C) The director shall encumber the balance of the appropriation, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following condition applies: the amount of one thousand dollars (\$1,000) must be deducted from each such statement. Provided however, if an owner or caretaker suffers damage to or destruction of livestock in more than one (1) occurrence during the fiscal year, then only one (1) deductible must be subtracted from the claims and the deductible on subsequent claims will be waived. This deductible is a net loss to the owner or caretaker, and will not be compensated for from the expendable big game depredation fund.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

(f) Any claim for damages to forage pursuant to section 36-1110, Idaho Code, is limited by the following conditions and requirements:

1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements:

(A) The director of the department of fish and game may order not more than one-half (1/2) of the amount of the approved claim to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund.

(B) The balance of all unpaid approved claim amounts shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay all approved claims, the director shall pay them. If the balance is not sufficient to pay all approved claims, the director shall authorize a proportionate amount to be paid to each claimant. ~~However, claims filed under section 36-1108, Idaho Code, shall~~

~~have priority and will be paid prior to claims filed under sections 36-1109 and 36-1110, Idaho Code.~~

(C) The director shall encumber the balance of the appropriation, or moneys sufficient to pay the approved claims, whichever is the lesser.

2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following conditions and requirements apply:

(A) The amount of one thousand dollars (\$1,000) must be deducted from each such statement. This deductible is a net loss to the owner or lessee, and will not be compensated for from the expendable big game depredation fund.

(B) The total amount of all claims for damages to forage that may be paid from the expendable big game depredation fund shall not exceed twenty-five percent (25%) of the amount of interest earned from investments of moneys in that fund in any one (1) fiscal year.

3. Each approved claim must contain a certification by the director of the department of fish and game, or his designee, that:

(A) All statutory requirements leading up to approval for payment have been met.

(B) The claimant has certified that he will accept the amount approved as payment in full for the claim submitted, subject to the conditions and requirements of this subsection.

Approved April 23, 2009.

CHAPTER 218

(H.B. No. 244, As Amended)

AN ACT

RELATING TO THE LOCAL ECONOMIC DEVELOPMENT ACT; AMENDING SECTION 50-2904, IDAHO CODE, TO PROVIDE CODE REFERENCES, TO REVISE PROVISIONS RELATING TO CERTAIN LIMITS AND TO PROVIDE CORRECT TERMINOLOGY.

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

SECTION 1. That Section 50-2904, Idaho Code, be, and the same is hereby amended to read as follows:

50-2904. **AUTHORITY TO CREATE REVENUE ALLOCATION AREA.** An authorized municipality is hereby authorized and empowered to adopt, at any time, a revenue allocation financing provision, as described in this chapter, as part of an urban renewal plan or competitively disadvantaged border community area ordinance. A revenue allocation financing provision may be adopted either at the time of the original adoption of an urban renewal plan or the creation by ordinance of a competitively disadvantaged border community area or thereafter as a modification of an urban renewal plan or the ordinance creating the competitively disadvantaged border community area. Urban renewal plans existing prior to the effective date of this section may be modified to include a revenue allocation financing provision. Except as provided below in subsections (1), (2) and (3) of this section, no revenue allocation provision of an urban renewal plan or competitively disadvantaged border community area ordinance, including all amendments thereto, shall have a duration exceeding twenty-four (24) years from the date the ordinance is approved by the municipality; and provided further, no additions to the land area of an existing revenue allocation area shall be interpreted to or shall cause an extension of the date of the twenty-four (24) year limit that was originally established for the revenue allocation

area. Notwithstanding these limitations, t#he duration of the revenue allocation financing provision may be extended if:

(1) The maturity date of any bonds issued to provide funds for a specific project in the revenue allocation area and payable from the revenue allocation financing provision exceeds the duration of the revenue allocation financing provision, provided such bond maturity is not greater than thirty (30) years; or

(2) The urban renewal agency determines that it is necessary to refinance outstanding bonds payable from the revenue allocation financing provision to a maturity exceeding the twenty-four (24) year duration of the revenue allocation financing provision in order to avoid a default on the bonds; or

(3) The local governing body has adopted an urban renewal plan or competitively disadvantaged border community area ordinance or an amendment to an urban renewal plan or competitively disadvantaged border community area ordinance prior to July 1, 2000, in which is defined the duration of the plan beyond a period of twenty-four (24) years, in which case the revenue allocation provision shall have a duration as described in such urban renewal plan or competitively disadvantaged border community area ordinance; and

(4) During the extensions set forth in subsections (1) and (2) of this section, any revenue allocation area revenues exceeding the amount necessary to repay the bonds during the period exceeding the twenty-four (24) year maturity of the revenue allocation financing provision shall be returned to the taxing districts in the revenue allocation area on a pro rata basis.

Approved April 23, 2009.

CHAPTER 219
(H.B. No. 251)

AN ACT

RELATING TO THE IDAHO BUILDING CODE ACT; AMENDING SECTION 39-4113, IDAHO CODE, TO REVISE CODE REFERENCES, TO REVISE PROVISIONS RELATING TO CERTAIN FEES, TO PROVIDE THAT PUBLIC SCHOOL BUILDING PLANS SHALL BE APPROVED BY EITHER THE LOCAL GOVERNMENT OR THE DIVISION OF BUILDING SAFETY, TO PROVIDE THAT CERTAIN CITIES AND COUNTIES SHALL BE ELIGIBLE TO PERFORM SCHOOL PLAN REVIEWS IF CERTAIN REQUIREMENTS ARE MET, TO PROVIDE REQUIREMENTS REGARDING PLANS EXAMINERS WHO PERFORM PLAN REVIEWS, TO PROVIDE FOR CERTAIN CONTRACTS, TO PROVIDE PROVISIONS RELATING TO COUNTY ELIGIBILITY TO PERFORM CERTAIN PLAN REVIEW SERVICES, TO PROVIDE FOR CERTAIN COPIES, TO PROVIDE THAT A SCHOOL DISTRICT MAY ELECT TO UTILIZE CERTAIN SCHOOL PLAN REVIEW SERVICES, TO REVISE PROVISIONS RELATING TO A SCHOOL DISTRICT'S USE OF THE DIVISION OF BUILDING SAFETY'S PLAN REVIEW SERVICES, TO REVISE PROVISIONS RELATING TO THE APPROVAL OF PUBLIC SCHOOL BUILDING PLANS AND TO REVISE PROVISIONS RELATING TO THE APPLICATION OF LAW; AMENDING SECTION 39-4116, IDAHO CODE, TO DELETE REFERENCE TO A DATE; AND AMENDING SECTION 39-8007, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR SHALL ESTABLISH A PROGRAM FOR THE TIMELY REVIEW OF PUBLIC SCHOOL CONSTRUCTION PLANS AND TO REVISE A CODE REFERENCE.

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

SECTION 1. That Section 39-4113, Idaho Code, be, and the same is hereby amended to read as follows:

39-4113. PLAN REVIEWS -- MAXIMUM FEES AND SCHOOL INSPECTIONS. (1) The administrator shall establish a program for plan reviews and permit issuance entirely within the division of building safety. Plan reviews shall be for

the provisions of this chapter and chapter 10, title 54, Idaho Code, chapter 26, title 54, Idaho Code, chapter 50, title 54, Idaho Code, and chapter ~~286~~, title ~~4139~~, Idaho Code, pertaining to construction, alteration or repair of buildings or structures within the scope of the division's jurisdiction pursuant to this chapter. Plans for schools reviewed by the division shall not include a review for compliance with the provisions of chapter 2, title 41, Idaho Code, or for local planning and zoning requirements.

(2) Plan review fees shall be established by rules promulgated by the board. ~~Until such rules are effective, plan review fees shall not exceed those specified by section 304(c), Uniform Building Code, 1985 edition. Local governments elected by school districts to perform building plan reviews for public schools as provided for in this section shall not charge a fee for such review of building plans in excess of what the division has established by rule for building plan review services for public schools.~~

(3) Each manufacturer of commercial coaches and modular buildings shall submit the building plans for every model of such structure to the administrator for the purpose of review.

(4) (a) Public school building plans shall be approved by either the local government or the division of building safety, whichever the school district elects. Any city or county that has adopted by ordinance all the applicable codes pursuant to section 39-4109, Idaho Code, and the codes as permitted in chapter 10, title 54, Idaho Code, chapter 26, title 54, Idaho Code, and chapter 50, title 54, Idaho Code, shall be eligible to perform school plan reviews only if the following additional requirements are met: plans examiners performing building and energy code plan reviews shall hold current certification as a commercial building plans examiner by the International Code Council; examiners performing plumbing code plan reviews shall hold current certification as a plumbing inspector by the international association of plumbing and mechanical officials and shall be a licensed Idaho journeyman plumber; examiners performing electrical code plan reviews shall hold current certification as an electrical inspector by the national certification program for construction code inspectors and shall be a licensed Idaho journeyman electrician; and examiners performing mechanical code plan reviews shall hold current certification as a commercial mechanical inspector by the International Code Council.

(b) All plans examiners who perform plan reviews shall be full-time employees of the division or the eligible local government in whose jurisdiction the public school facility is to be constructed.

(c) An eligible local government may contract with the division for review of any portion of the plans for which the local government does not have a properly certified plans examiner. A county may be deemed eligible to perform plan review services only for those types of installations for which they have authority pursuant to this chapter and chapter 50, title 54, Idaho Code, to adopt an enforcement program. Where an eligible county performs the plan review services, the electrical and plumbing code plan reviews shall be performed by the division at the hourly rate as established in rule by the division. Any local government elected to perform plan review services for public schools shall provide the division a copy of all approved plans.

(d) Wherein the proposed work is valued in excess of one hundred thousand dollars (\$100,000), a school district may elect to utilize the school plan review services available from an eligible local government building code enforcement jurisdiction or from the division. Wherein the proposed work is valued at one hundred thousand dollars (\$100,000) or less, a school district may elect to use a local government without regard to the eligibility requirements in subsection (4)(a) of this section. Election by a school district shall be made by submitting

a written certification to both the division and the involved local government.

(e) Each If a school district elects to utilize the plan review services of the division, it shall submit to the division of building safety three (3) sets of working drawings and specifications for new public school buildings or facilities and additions or alterations to existing buildings or facilities wherein the proposed work is valued in excess of twenty five thousand dollars (\$25,000). The division will review the plans submitted to it pursuant to this section for compliance with the current editions of the codes specified in this chapter or within rules promulgated pursuant to this chapter by the board and by section 39-8006, Idaho Code.

(5) These Public school building plans must be approved by either the local government or the division before the school district may advertise for bids. Once plans are reviewed and approved by the division of building safety pursuant to this section, no material change can be made to such plans without review and approval of such change by the division of building safety jurisdiction performing the plan review. All school construction or remodeling governed by this chapter shall be inspected by building inspectors certified in accordance with section 39-4108, Idaho Code, or by Idaho licensed architects or engineers to determine compliance with this chapter and the Idaho uniform school building safety act, chapter 80, title 39, Idaho Code. Nothing in this section shall limit the authority of local governments to issue building permits, perform fire code or other zoning and land use related plan reviews plans and or provide a full range of building code enforcement activities as they relate to inspections of school buildings or facilities sited within their jurisdiction regardless of the election exercised by the school district pursuant to this section.

SECTION 2. That Section 39-4116, Idaho Code, be, and the same is hereby amended to read as follows:

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES. (1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section. Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so. Local governments may contract with a public or private entity to administer their building code enforcement program.

(2) ~~By January 1, 2005, l~~Local governments that issue building permits and perform building code enforcement activities shall, by ordinance, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code:

- (a) International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;
- (b) International Residential Code, parts I-IV and IX; and
- (c) International Energy Conservation Code.

Local governments are not required by this chapter to adopt the other referenced codes in the International Building Code.

(3) Local governments may amend by ordinance the adopted codes or provisions of referenced codes to reflect local concerns, provided such amendments establish at least an equivalent level of protection to that of the adopted building code. A local jurisdiction shall not have the authority to amend any accessibility provision pursuant to section 39-4109, Idaho Code.

(4) Local governments shall exempt agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated

by the board. A county may issue permits for farm buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost to the county of issuing the permits.

(5) Permits shall be governed by the laws in effect at the time the permit application is received.

(6) The division shall retain jurisdiction for in-plant inspections and installation standards for manufactured or mobile homes and for in-plant inspections and enforcement of construction standards for modular buildings and commercial coaches.

SECTION 3. That Section 39-8007, Idaho Code, be, and the same is hereby amended to read as follows:

39-8007. POWERS AND DUTIES OF THE ADMINISTRATOR. (1) The administrator shall enforce the provisions of this chapter in cooperation with the superintendent of public instruction, the department of administration, and the building code advisory board.

(2) The administrator shall promulgate rules necessary to carry out the provisions of this chapter. Such rules shall be promulgated pursuant to the provisions of chapter 52, title 67, Idaho Code.

(3) The administrator shall establish a program for the timely review of ~~all~~ public school construction plans as required by section 39-4113(4) (e), Idaho Code.

(4) Upon request, the administrator shall provide training to school districts on the Idaho uniform school building safety code.

Approved April 23, 2009.

CHAPTER 220
(H.B. No. 253)

AN ACT

RELATING TO COOPERATIVE SERVICE AGENCIES; AMENDING SECTION 33-317, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN LEVIES FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING FACILITIES OF A COOPERATIVE SERVICE AGENCY; AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-317A, IDAHO CODE, TO PROVIDE THAT A COOPERATIVE SERVICE AGENCY MAY REQUEST ADDITIONAL FUNDING TO BE FURNISHED BY A TAX LEVY, TO PROVIDE FOR AN ELECTION, TO PROVIDE PROVISIONS RELATING TO A QUESTION TO BE SUBMITTED, TO PROVIDE FOR NOTICE, TO PROVIDE FOR CERTAIN VOTING PERCENTAGES RELATING TO TAX LEVY RATES, TO PROVIDE FOR A TAX LEVY, TO PROVIDE FOR INCREASING THE TERM AND TAX LEVY, TO PROVIDE FOR A CONDITION ON COMMENCING PHYSICAL CONSTRUCTION, TO PROVIDE PROVISIONS RELATING TO WHEN ONE OR MORE MEMBER DISTRICTS FAIL TO APPROVE THE TAX LEVY, TO PROVIDE FOR SUBSEQUENT ELECTIONS FOR CERTAIN MEMBER DISTRICTS AND TO PROVIDE FOR THE ADMINISTRATION AND ACCOUNTING OF MONEYS.

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

SECTION 1. That Section 33-317, Idaho Code, be, and the same is hereby amended to read as follows:

33-317. COOPERATIVE SERVICE AGENCY -- POWERS -- DUTIES -- LIMITATIONS. (1) Two (2) or more school districts may join together for educational purposes to form a service agency to purchase materials and/or provide services for use individually or in combination. The cooperative service agency thus formed shall be empowered to adopt bylaws, and act as a body

corporate and politic with such powers as are assigned through its bylaws but limited to the powers and duties of local school districts. In its corporate capacity, this agency may sue and be sued and may acquire, hold and convey real and personal property necessary to its existence. The employees of the service agency shall be extended the same general rights, privileges and responsibilities as comparable employees of a school district.

(2) A properly constituted cooperative service agency may request from its member school districts funding to be furnished by a tax levy not to exceed one-tenth of one percent (.1%) for a period not to exceed ten (10) years by such member school districts. Such levy must be authorized by an election held in each of the school districts pursuant to chapter 4, title 33, Idaho Code, and approved by a majority of the district electors voting in such election. Moneys received by the member school districts from this source shall be transferred to the cooperative service agency upon receipt of billing from the agency. Excess revenue over billing must be kept in a designated account by the district, with accrued interest, and may only be spent as budgeted by the agency.

(3) For the purpose of constructing and maintaining facilities of a cooperative service agency, in addition to the levy authorized in subsection (2) of this section, a properly constituted cooperative service agency may request from its member school districts additional funding to be furnished by a tax levy not to exceed ~~one~~ four-tenths of one percent (~~.1~~4%) for a period not to exceed ten (10) years. Such levy must be authorized by an election held in each of the school districts pursuant to chapter 4, title 33, Idaho Code, and approved by sixty-six and two-thirds percent (66 2/3%) of the district electors voting in such election. If one (1) or more of the member districts fails to approve the tax levy in such election, the cooperative service agency may construct the facility through the support of the member districts approving the levy, but in no event shall the levy limits authorized in this subsection (3) be exceeded. Nothing shall prevent a member district that initially failed to approve the levy from conducting a subsequent election, held pursuant to chapter 4, title 33, Idaho Code, to authorize that district's participation in construction of the facility. Electors of the districts may approve continuation of such levy for an additional ten (10) years at an election held for that purpose. There is no limit on the number of elections which may be held for the purpose of continuing the levy authorized under this subsection (3) for an additional ten (10) years. The administration and accounting of moneys received by imposition of the levy shall be the same as provided in subsection (2) of this section.

SECTION 2. That Chapter 3, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-317A, Idaho Code, and to read as follows:

33-317A. LEGISLATIVE INTENT -- COOPERATIVE SERVICE AGENCY -- SCHOOL PLANT FACILITY LEVY. (1) For the purpose of constructing and maintaining facilities of a cooperative service agency, a properly constituted cooperative service agency may request from its member school districts additional funding to be furnished by a tax levy not to exceed four-tenths of one percent (.4%) of market value for assessment purposes in each year, as such valuation existed on December 31, of the previous year, for a period not to exceed three (3) years. Such levy shall be authorized by an election held in each of the school districts pursuant to chapter 4, title 33, Idaho Code. The question of a levy to be submitted to the electors of each member school district and the notice of such election shall state the dollar amount proposed to be collected each year during the period of years in each of which the collection is proposed to be made, the percentage of votes in favor of the proposal which are needed to approve the proposed dollar amount to be collected, and the purposes for which such funds shall be used. Said notice shall be given, the

election shall be conducted and the returns canvassed as provided in chapter 4, title 33, Idaho Code; and the dollar amount to be collected shall be approved only if:

(a) Fifty-five percent (55%) of the district electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities of less than two-tenths of one percent (.2%) of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election;

(b) Sixty percent (60%) of the district electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities of two-tenths of one percent (.2%) or more and less than three-tenths of one percent (.3%) of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election; or

(c) Two-thirds (2/3) of the district electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities of three-tenths of one percent (.3%) or more of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election.

If the question be approved, each member school district of the cooperative service agency may make a levy, not to exceed four-tenths of one percent (.4%) of market value for assessment purposes as such valuation existed on December 31 of the previous year, in each year for which the collection was approved, sufficient to collect the dollar amount approved and may again submit the question at the expiration of the period of such levy, for the dollar amount to be collected during each year, and the number of years which the board may at that time determine. Or, during the period approved at any such election, if such period be less than three (3) years or the levy be less than four-tenths of one percent (.4%) of market value for assessment purposes as such valuation existed on December 31 of the previous year, the cooperative service agency may request that its member school districts submit to the qualified school district electors in the same manner as before, the question whether the number of years, not to exceed three (3), or the levy, or both, be increased, but not to exceed the maximum herein authorized. If such increase or increases be approved by the electors, the terms of such levy shall be in lieu of those approved in the first instance, but disapproval shall not affect any terms theretofore in effect.

(2) No physical construction shall commence on any facility to be financed pursuant to the provisions of this section until the estimated cost of constructing such facility has been collected by the cooperative service agency.

(3) If one (1) or more of the member districts fails to approve the tax levy in such election, the cooperative service agency may construct the facility through the support of the member districts approving the levy, but in no event shall the levy limits authorized in this section be exceeded.

(4) Nothing shall prevent a member district that initially failed to approve the levy from conducting a subsequent election, held pursuant to chapter 4, title 33, Idaho Code, to authorize that district's participation in construction of the facility.

(5) The administration and accounting of moneys received by imposition of the levy provided for in this section shall be the same as provided in section 33-317(2), Idaho Code.

Approved April 23, 2009.

CHAPTER 221
(H.B. No. 260)

AN ACT

RELATING TO THE IDAHO SKILLED NURSING FACILITY ASSESSMENT ACT; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 15, TITLE 56, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR THE NURSING FACILITY ASSESSMENT FUND, TO PROVIDE FOR NURSING FACILITY ASSESSMENTS, TO PROVIDE FOR STATE PLAN APPROVAL, TO PROVIDE FOR MULTIFACILITY LOCATIONS, TO PROVIDE FOR THE TERMINATION OF ASSESSMENT, TO PROVIDE PENALTIES FOR FAILURE TO PAY ASSESSMENT, TO PROVIDE FOR RULEMAKING AUTHORITY AND TO PROVIDE FOR QUARTERLY NURSING FACILITY ADJUSTMENT PAYMENTS WITH A SUNSET PROVISION.

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

SECTION 1. That Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 15, Title 56, Idaho Code, and to read as follows:

CHAPTER 15
IDAHO SKILLED NURSING FACILITY ASSESSMENT ACT

56-1501. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Skilled Nursing Facility Assessment Act."

56-1502. LEGISLATIVE INTENT. It is the intent of the legislature to encourage the maximization of financial resources eligible and available for medicaid services by establishing a fund within the Idaho department of health and welfare to receive nursing facility assessments to use in securing federal matching funds under federally prescribed programs available through the state medicaid plan.

56-1503. DEFINITIONS. As used in this chapter:

- (1) "CMS" means the centers for medicare and medicaid.
- (2) "Department" means the department of health and welfare.
- (3) "Fiscal year" means the time period from July 1 to June 30.
- (4) "Fund" means the nursing facility assessment fund established pursuant to section 56-1504, Idaho Code.
- (5) "Net patient service revenue" means gross revenues from services provided to nursing facility patients, less reductions from gross revenue resulting from an inability to collect payment of charges. Patient service revenue excludes nonpatient care revenues such as beauty and barber, vending income, interest and contributions, revenues from sale of meals and all outpatient revenues. Reductions from gross revenue includes: bad debts; contractual adjustments; uncompensated care; administrative, courtesy and policy discounts and adjustments; and other such revenue deductions.
- (6) "Nursing facility" means a nursing facility as defined in section 39-1301 Idaho Code, and licensed pursuant to chapter 13, title 39, Idaho Code.
- (7) "Resident day" means a calendar day of care provided to a nursing facility resident, including the day of admission and excluding the day of discharge, provided that one (1) resident day shall be deemed to exist when admission and discharge occur on the same day.
- (8) "Medicare part A resident days" means those resident days funded by the medicare program or by a medicare advantage or special needs plan.
- (9) "Upper payment limit" means the limitation established by federal regulations, 42 CFR 447.272, that disallows federal matching funds

when state medicaid agencies pay certain classes of nursing facilities an aggregate amount for services that exceed the amount that is paid for the same services furnished by that class of nursing facilities under medicare payment principles.

56-1504. NURSING FACILITY ASSESSMENT FUND. (1) There is hereby created in the office of the state treasurer a dedicated fund to be known as the nursing facility assessment fund, hereinafter the "fund," to be administered by the department. The state treasurer shall invest idle moneys in the fund and any interest received on those investments shall be returned to the fund.

(2) Moneys in the fund shall consist of:

(a) All moneys collected or received by the department from nursing facility assessments required by this chapter;

(b) All federal matching funds received by the department as a result of expenditures made by the department that are attributable to moneys deposited in the fund;

(c) Any interest or penalties levied in conjunction with the administration of this chapter; and

(d) Any appropriations, federal funds, donations, gifts or moneys from any other sources.

(3) The fund is created for the purpose of receiving moneys in accordance with this section and section 56-1511, Idaho Code. Collected assessment funds shall be used to secure federal matching funds available through the state medicaid plan, which funds shall be used to make medicaid payments for nursing facility services which equal or exceed the amount of nursing facility medicaid rates, in the aggregate, as calculated in accordance with the approved state medicaid plan in effect on June 30, 2009. The fund shall be used exclusively for the following purposes:

(a) To pay administrative expenses incurred by the department or its agent in performing the activities authorized by this chapter, provided that such expenses shall not exceed a total of one percent (1%) of the aggregate assessment funds collected for the prior fiscal year.

(b) To reimburse the medicaid share of the assessment as a pass-through.

(c) To, at a minimum, make nursing facility adjustment payments that restore any rate reductions, in the aggregate, for the state fiscal years 2010 and 2011.

(d) To increase nursing facility payments to fund covered services to medicaid beneficiaries within medicare upper payment limits, as negotiated with the department.

(e) To repay the federal government any excess payments made to nursing facilities if the state plan, once approved by CMS, is subsequently disapproved for any reason, and after the state has appealed the findings. Nursing facilities shall refund the excess payments in question to the assessment fund. The state, in turn, shall return funds to both the federal government and nursing facility providers in the same proportion as the original financing. Individual nursing facilities shall be reimbursed based on the proportion of the individual nursing facility's assessment to the total assessment paid by nursing facilities. If a nursing facility is unable to refund payments, the state shall develop a payment plan and deduct moneys from future medicaid payments. The state will refund the federal government for the federal share of these overpayments.

(f) To make refunds to nursing facilities pursuant to section 56-1507, Idaho Code.

56-1505. NURSING FACILITY ASSESSMENTS. (1) Nursing facilities shall pay the nursing facility assessment to the fund in accordance with this chap-

ter, with the exception of state and county-owned facilities, which are not required to contribute.

(2) The aggregated amount of assessments for all nursing facilities, during a fiscal year, shall be an amount not exceeding two percent (2%) of the total aggregate net patient service revenue of assessed facilities from each provider's prior fiscal year. The department shall determine the assessment rate prospectively for the applicable fiscal year on a per-resident-day basis, exclusive of medicare part A resident days. The per-resident-day assessment rate shall be uniform. The department shall notify nursing facilities of the assessment rate applicable to the fiscal year by August 30 of that fiscal year.

(3) The department shall collect, and each nursing facility shall pay, the nursing facility assessment on a quarterly basis subject to the terms of this subsection. The nursing facility assessment shall be due quarterly with the initial payment due within sixty (60) days after the state plan has been approved by CMS. Subsequent quarterly payments are due no later than thirty (30) days after the end of the calendar quarter.

(4) Nursing facilities may increase their charges to other payers to incorporate the assessment but shall not create a separate line item charge on the bill reflecting the assessment.

56-1506. APPROVAL OF STATE PLAN. The department shall seek necessary federal approval in the form of the state plan amendments in order to implement the provisions of this chapter.

56-1507. MULTIFACILITY LOCATIONS. If an entity conducts, operates or maintains more than one (1) nursing facility licensed by the department, the entity shall pay the nursing facility assessment for each nursing facility separately.

56-1508. TERMINATION OF ASSESSMENT. (1) The nursing facility assessment shall terminate and the department shall discontinue the imposition, assessment and collection of the nursing facility assessment if the plan amendment incorporating the payment in section 56-1504(3) (a) through (c), Idaho Code, is not approved by CMS. The payment calculations in section 56-1504(3) (b) and (c), Idaho Code, may be modified if necessary to obtain CMS approval of the plan amendment.

(2) Upon termination of the assessment, all collected assessment revenues, less any amounts expended by the department, shall be returned on a pro rata basis to nursing facilities that paid the nursing facility assessment.

56-1509. PENALTIES FOR FAILURE TO PAY ASSESSMENT. (1) If a nursing facility fails to pay the full amount of a nursing facility assessment when due, there shall be added to the assessment, unless waived by the department for reasonable cause, a penalty equal to five percent (5%) of the amount of the assessment that was not paid when due. Any subsequent payments shall be credited first to unpaid assessment amounts rather than to penalty or interest amounts, beginning with the most delinquent installment.

(2) In addition to the penalty identified in subsection (1) of this section, the department may seek any of the following remedies for failure of any nursing facility to pay its assessment when due:

- (a) Withhold any medical assistance reimbursement payments until such time as the assessment amount is paid in full;
- (b) Suspend or revoke the nursing facility license; or
- (c) Develop a plan that requires the nursing facility to pay any delinquent assessment in installments.

56-1510. RULEMAKING AUTHORITY. The department shall adopt rules to implement the provisions of this chapter.

56-1511. QUARTERLY NURSING FACILITY ADJUSTMENT PAYMENTS. (1) All nursing facilities, with the exception of the state and county-owned facilities, shall be eligible for quarterly nursing facility adjustments.

(2) For the purpose of this section, "nursing facility days" are days of nursing facility services paid for by the Idaho medical assistance program for the applicable state fiscal year.

(a) For state fiscal year 2010, medicaid days for each provider's cost report ending in calendar year 2008, shall be utilized to determine the nursing facility adjustment payment.

(b) For state fiscal year 2011, medicaid days for each provider's cost report ending in calendar year 2009, shall be utilized to determine the nursing facility adjustment payment.

(3) Adjustment payments shall be paid on a quarterly basis to reimburse covered medicaid expenditures in the aggregate within the upper payment limit.

(4) Each quarterly payment shall be made no later than thirty (30) days after the receipt of the last quarterly deposit of the nursing facility assessments required in section 56-1504, Idaho Code.

(5) The provisions of this section shall be null, void and of no force and effect on July 1, 2011.

Approved April 23, 2009.

CHAPTER 222
(H.B. No. 261)

AN ACT

RELATING TO OCCUPATIONAL THERAPY; AMENDING SECTION 54-3701, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-3702, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 54-3703, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-3704, IDAHO CODE, TO REVISE PROVISIONS RELATING TO EXEMPTIONS, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE CERTAIN CERTIFICATION PROVISIONS; AMENDING SECTION 54-3705, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LIMITED PERMITS, TO PROVIDE A CORRECT CODE REFERENCE AND TO PROVIDE FOR TEMPORARY LICENSES; AMENDING SECTION 54-3706, IDAHO CODE, TO REVISE REQUIREMENTS FOR LICENSURE; AMENDING CHAPTER 37, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3707, IDAHO CODE, TO PROVIDE FOR APPLICATIONS FOR LICENSURE; AMENDING SECTION 54-3707, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE EXAMINATION FOR LICENSURE PROVISIONS, TO PROVIDE THAT CERTAIN APPLICANTS WHO FAIL TO PASS THE EXAMINATION MUST SUBMIT A NEW APPLICATION AND TO LIMIT THE PERIOD OF TIME WHICH AN APPLICATION WILL BE HELD; AMENDING SECTION 54-3708, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE CERTIFYING ENTITY PROVISIONS; AMENDING SECTION 54-3709, IDAHO CODE, TO REDESIGNATE THE SECTION, TO DELETE REFERENCE TO RECOMMENDATION OF THE LICENSURE BOARD AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-3710, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE FOR THE TERM OF LICENSES AND TO PROVIDE FOR THE RENEWAL AND REINSTATEMENT OF LICENSES; AMENDING SECTION 54-3711, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR TEMPORARY FEES AND REINSTATEMENT FEES; AMENDING SECTION 54-3712, IDAHO CODE, TO REDESIGNATE THE SECTION, TO DELETE REFERENCE TO RECOMMENDATION OF THE LICENSURE BOARD, TO REFERENCE

CERTAIN DISCIPLINARY ACTIONS, TO PROVIDE CODE REFERENCES, TO DELETE PROVISIONS RELATING TO UNPROFESSIONAL CONDUCT AND REFERENCE TO RULES, TO PROVIDE FOR RENEWAL OF SUSPENDED LICENSES, TO PROVIDE FOR CERTAIN REVOKED LICENSES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 54-3713, IDAHO CODE, TO REDESIGNATE THE SECTION, TO CLARIFY THE NAME OF THE BOARD, TO PROVIDE FOR APPOINTMENT AND REMOVAL OF BOARD MEMBERS BY THE GOVERNOR AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING CHAPTER 37, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3715, IDAHO CODE, TO PROVIDE FOR SUPERVISION; AMENDING CHAPTER 37, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3716, IDAHO CODE, TO PROVIDE FOR COMPLAINTS; AMENDING SECTION 54-3714, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE AND PROVIDE FOR POWERS AND DUTIES OF THE BOARD; AMENDING CHAPTER 37, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3718, IDAHO CODE, TO PROVIDE GROUNDS FOR ACTION AGAINST A LICENSEE FOR UNPROFESSIONAL CONDUCT; AMENDING SECTION 54-3715, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR THE DISPOSITION OF RECEIPTS AND EXPENSES, TO DELETE REFERENCE TO THE DIRECTOR OF THE IDAHO STATE BOARD OF MEDICINE AND THE STATE BOARD OF MEDICINE ACCOUNT, TO PROVIDE CORRECT TERMINOLOGY AND TO SET FORTH PROVISIONS RELATING TO THE OCCUPATIONAL LICENSES FUND; AMENDING SECTION 54-3716, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR DISCIPLINARY ACTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 37, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-3721, IDAHO CODE, TO PROVIDE FOR THE OCCUPATIONAL THERAPY LICENSURE FUND; AND AMENDING SECTION 54-3717, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT TERMINOLOGY.

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

SECTION 1. That Section 54-3701, Idaho Code, be, and the same is hereby amended to read as follows:

54-3701. LEGISLATIVE INTENT. In order to promote the public health, safety, and welfare; to promote the highest degree of professional conduct on the part of occupational therapists and occupational therapy assistants; and to assure the availability of occupational therapy services of high quality to persons in need of such services, it is the purpose of this ~~act~~ chapter to provide for the regulation of persons offering occupational therapy services to the public.

SECTION 2. That Section 54-3702, Idaho Code, be, and the same is hereby amended to read as follows:

54-3702. DEFINITIONS. As used in this chapter:

- (1) "Association" means the Idaho occupational therapy association.
- (2) "Board" means the ~~Idaho state board of medicine~~ occupational therapy licensure board of Idaho as set out in section 54-3717, Idaho Code.
- (3) ~~"Licensure board" means the board established to conduct examinations under this chapter, to make recommendations and consult with the board and to perform such other duties as may be required or authorized by this chapter.~~ "Bureau" means the bureau of occupational licenses.
- (4) "Department" means the department of self-governing agencies.
- (5) "Good standing" means the individual's license, certification, or registration is not currently suspended or revoked by any state regulatory entity.
- (6) "Graduate occupational therapist" means a person who holds a certificate of graduation from an approved occupational therapy curriculum, who has submitted a completed application for certification by examination, and who may practice occupational therapy in association with and under the

supervision of an occupational therapist and under authority of a limited permit.

(7) "Graduate occupational therapy assistant" means a person who holds a certificate of graduation from an approved occupational therapy assistant curriculum, who has submitted a completed application for licensure by examination and is performing the duties of occupational therapy assistant in association with and under the supervision of an occupational therapist and under the authority of a limited permit.

(8) "License" means a document issued by the board to a person under this chapter authorizing the person to practice as an occupational therapist or occupational therapy assistant.

(49) "Occupational therapist" means a person licensed to practice occupational therapy.

(510) "Occupational therapy" is the use of purposeful, goal-oriented activity with individuals who are limited by physical injury or illness, psychosocial dysfunction, developmental or learning disabilities/deficits, poverty or cultural difficulties or the aging process in order to achieve optimum functional performance, independence, prevent further disability and maintain health. The practice of occupational therapy encompasses the evaluation, consultation and treatment of individuals whose abilities to cope with the tasks of daily living are threatened or impaired by physical injury or illness, psychosocial dysfunction, developmental or learning disabilities/deficits, poverty or cultural difficulties or the aging process and includes a treatment program through the use of specific techniques which enhance functional performance and includes the evaluation/assessment of the patient/clients self-care, work and leisure skills, cognition, perception, sensory and motor performance, play skills, vocational and prevocational capacities, need for adaptive equipment, application of selected prosthetic or orthotic devices, and the administration of standardized and nonstandardized assessments means the care and services provided by or under the direction and supervision of an occupational therapist.

(611) "Occupational therapy aide" "Aide in the delivery of occupational therapy services" means an unlicensed person who aids a licensed occupational therapist or occupational therapy assistant in the practice of occupational therapy, whose activities require an understanding of occupational therapy but do not require professional or advanced training in the basic anatomical, biological, psychological, and social sciences involved in the practice of occupational therapy a person who is not licensed by the board and who provides supportive services to occupational therapists and occupational therapy assistants. An aide shall function only under the guidance, responsibility and line of sight supervision of the licensed occupational therapist or an occupational therapy assistant who is appropriately supervised by an occupational therapist. The aide provides only specifically selected client related or nonclient related tasks for which the aide has been trained and has demonstrated competence.

(712) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy, and who works under the supervision of an occupational therapist.

(8) "Person" means any individual, partnership, unincorporated organization, or corporation.

(13) "Practice of occupational therapy" means the therapeutic use of everyday life activities (occupations) with individuals or groups for the purpose of participation in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for the purpose of promoting health and wellness and to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial,

sensory, and other aspects of performance in a variety of contexts to support engagement in everyday life activities that affect health, well-being and quality of life.

(a) Develop occupation based plans, methods or strategies selected to direct the process of interventions such as:

(i) Establishment, remediation, or restoration of a skill or ability that has not yet developed or is impaired.

(ii) Compensation, modification, or adaptation of activity or environment to enhance performance.

(iii) Maintenance and enhancement of capabilities without which performance in everyday life activities would decline.

(iv) Health promotion and wellness to enable or enhance performance in everyday life activities.

(v) Prevention of barriers to performance, including disability prevention.

(b) Evaluation of factors affecting a client's occupational performance areas of activities of daily living (ADL), instrumental activities of daily living (IADL), rest and sleep, education, work, play, leisure, and social participation, including:

(i) Client factors, including body functions (such as neuromuscular, sensory, visual, perceptual, cognitive), values, beliefs, and spirituality, and body structures (such as cardiovascular, digestive, integumentary, genitourinary systems).

(ii) Performance patterns, including habits, routines, roles, and behavior patterns.

(iii) Contexts and activity demands that affect performance, including cultural, physical, environmental, social, virtual and temporal.

(iv) Performance skills, including sensory perceptual skills, motor and praxis skills, emotional regulation skills, cognitive skills, communication and social skills.

(c) Interventions and procedures to promote or enhance safety and performance in activities of daily living (ADL), instrumental activities of daily living (IADL), education, work, play, leisure, and social participation, rest and sleep, including:

(i) Therapeutic use of occupations, exercises, and activities.

(ii) Training in self-care, self-management, home management, and community/work reintegration.

(iii) Development, remediation, or compensation of physical, cognitive, neuromuscular, sensory functions and behavioral skills.

(iv) Therapeutic use of self, including one's personality, insights, perceptions, and judgments, as part of the therapeutic process.

(v) Education and training of individuals, including family members, caregivers, and others.

(vi) Care coordination, case management, and transition services.

(vii) Consultative services to groups, programs, organizations, or communities.

(viii) Modification of environments (home, work, school, or community) and adaptation of processes, including the application of ergonomic principles.

(ix) Assessment, design, fabrication, application, fitting, and training in assistive technology, adaptive devices, orthotic devices, and prosthetic devices.

(x) Assessment, recommendation, and training in techniques to enhance functional mobility, including wheelchair management.

(xi) Driver rehabilitation and community mobility.

(xii) Management of feeding, eating, and swallowing to enable eating and feeding performance.

(xiii) Application of superficial, thermal and mechanical physical agent modalities, and use of a range of specific therapeutic procedures (such as basic wound management; techniques to enhance sensory, perceptual, and cognitive processing; therapeutic exercise techniques to facilitate participation in occupations) to enhance performance skills.

(xiv) Use of specialized knowledge and skills as attained through continuing education and experience for the application of deep thermal and electrotherapeutic modalities, therapeutic procedures specific to occupational therapy and wound care management for treatment to enhance participation in occupations as defined by rules adopted by the board.

(d) Engaging in administration, consultation, testing, education and research as related to paragraphs (a), (b) and (c) of this subsection and further established in rule.

SECTION 3. That Section 54-3703, Idaho Code, be, and the same is hereby amended to read as follows:

54-3703. LICENSE REQUIRED. It shall be unlawful for any person to practice or to offer to practice occupational therapy, or to represent such person to be an occupational therapist or occupational therapy assistant unless such person is licensed under the provisions of this ~~aet~~ chapter. Only an individual may be licensed under this ~~aet~~ chapter.

SECTION 4. That Section 54-3704, Idaho Code, be, and the same is hereby amended to read as follows:

54-3704. EXEMPTIONS. Nothing in this ~~aet~~ chapter shall be construed as preventing or restricting the practice, services or activities or requiring licensure pursuant to this ~~aet~~ chapter of:

(1) ~~Any person licensed in this state by any other law from engaging in the profession or occupation for which such person is licensed or regulated by the state of Idaho from engaging in the profession or practice for which they are licensed or regulated, including, but not limited to, any athletic trainer, chiropractor, dentist, nurse, physician, podiatrist, physical therapist, optometrist, osteopath, surgeon or any other licensed or regulated practitioner of the healing arts, nor restrict employees working under the direct supervision of those persons referred to in this subsection (1), so long as such person does not hold himself or herself out as an occupational therapist, occupational therapy assistant or a person engaged in the practice of occupational therapy; or~~

(2) Any person employed as an occupational therapist or occupational therapy assistant by the government of the United States or any agency thereof, if such person provides occupational therapy solely under the direction or control of the organization by which such person is employed; or

(3) Any person pursuing a supervised course of study leading to a degree or certificate in occupational therapy in an accredited or approved educational program, if the person is designated by a title which clearly indicates a student or trainee status; or

(4) Any person fulfilling the supervised fieldwork experience requirements of section 54-3706, Idaho Code, if the experience constitutes a part of the experience necessary to meet the requirement of that section; or

(5) ~~Any person, f~~For purposes of continuing education, consulting, and/or training, any person who is performing occupational therapy services in the this state, if these services are performed for no more than sixty

(60) days in a calendar year in association with an occupational therapist licensed under this ~~act~~ chapter, if:

- (a) The person is licensed as an occupational therapist or occupational therapy assistant in good standing in another state; or
- (b) The person is certified as an occupational therapist registered (OTR) or a certified occupational therapy assistant (COTA) by the American national board for certification of occupational therapy association or a successor organization as established in rule.

SECTION 5. That Section 54-3705, Idaho Code, be, and the same is hereby amended to read as follows:

54-3705. LIMITED PERMIT -- AND TEMPORARY LICENSE. (1) A limited permit may be granted to a ~~person~~ graduate occupational therapist or a graduate occupational therapy assistant who has completed the education and experience requirements of this ~~act~~ chapter for an occupational therapist or an occupational therapy assistant. The permit shall allow a person to practice occupational therapy ~~in association with a licensed occupational therapist as established by board rule~~ under supervision as defined in section 54-3715, Idaho Code. This permit shall be valid until the person is issued a license under section 54-3709~~10~~, Idaho Code, or until the results of the examination taken are available to the board. The board may renew a limited permit once.

(2) A temporary license may be issued by the board to an applicant who is currently licensed and in good standing to practice in another jurisdiction and meets the requirements for licensure by endorsement of the other jurisdiction while the application is being processed by the board.

SECTION 6. That Section 54-3706, Idaho Code, be, and the same is hereby amended to read as follows:

54-3706. REQUIREMENTS FOR LICENSURE. A person applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application provided by the board showing to the satisfaction of the board that such person meets the following requirements:

(1) Education: Applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements of an educational program in occupational therapy that is accredited by the American occupational therapy association's accreditation council for occupational therapy education (ACOTE) or predecessor or a successor organization as established in rule and approved by the licensure board.

(2) Experience: Applicant shall submit to the licensure board evidence of having successfully completed a period of supervised fieldwork experience acceptable to the board, which period of fieldwork experience shall be:

- (a) For an occupational therapist, a minimum of six (6) months of supervised fieldwork experience; or
- (b) For an occupational therapy assistant, a minimum of ~~two~~ four (24) months of supervised fieldwork experience.

(3) Examination: An applicant for licensure as an occupational therapist or as an occupational therapy assistant shall pass an examination as provided for in section 54-3707~~8~~, Idaho Code.

(4) Is in good standing.

SECTION 7. That Chapter 37, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-3707, Idaho Code, and to read as follows:

54-3707. APPLICATION FOR LICENSURE. Each applicant for licensure shall submit a completed written application to the board, on forms pre-

scribed by the board, together with the application fee. The application shall be verified under oath and shall require the following information:

(1) A certificate of graduation from an approved occupational therapy curriculum, or an approved occupational therapy assistants curriculum accredited by the American occupational therapy association's accreditation council for occupational therapy education, or predecessor or a successor organization as established in rule and approved by the licensure board.

(2) The disclosure of any criminal conviction or charges against the applicant other than minor traffic offenses;

(3) The disclosure of any disciplinary action against the applicant by any state professional regulatory agency or professional organization;

(4) A person trained as an occupational therapist outside of the United States and its territories shall satisfy the examination requirements as provided in section 54-3708, Idaho Code. The board shall require such applicants to meet examination eligibility requirements as established by the credentialing body recognized by the board and which are substantially equal to those found in section 54-3708, Idaho Code.

SECTION 8. That Section 54-3707, Idaho Code, be, and the same is hereby amended to read as follows:

54-37078. EXAMINATION FOR LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS. (1) Each applicant for licensure shall be examined by written examination to test the person's knowledge of the basic and clinical sciences relating to occupational therapy, occupational therapy techniques and methods, and such other subjects as the licensure board may require in rule to determine the applicant's fitness to practice. ~~The licensure board shall approve an examination for occupational therapists and an examination for occupational therapy assistants and establish standards for acceptable performance.~~

~~(2) Applicants for licensure shall be examined at a time and place and under such supervision as the board may require. Examinations shall be given at least twice each year at such places as the board may determine. The board shall give reasonable public notice of these examinations in accordance with its rules.~~

~~(3) Applicants may obtain their examination scores and may review their papers in accordance with such rules as the licensure board may establish. The written examination shall be the examination established and conducted by the national board for certification in occupational therapy and the passing score shall be the passing score established by the national board for certification in occupational therapy or its successor organization as established in rule.~~

(2) An applicant for licensure by examination who fails to pass the examination after two (2) attempts must submit a new application as set out in this chapter.

(3) An application upon which the applicant takes no further action will be held for no longer than one (1) year.

SECTION 9. That Section 54-3708, Idaho Code, be, and the same is hereby amended to read as follows:

54-37089. WAIVER OF REQUIREMENTS -- LICENSE ENDORSEMENT. (1) The licensure board shall grant a license to any person certified prior to the effective date of this ~~act~~ chapter and practicing in Idaho as an occupational therapist registered (OTR) or a certified occupational therapy assistant (COTA) by the ~~American~~ national board for certification in occupational therapy association (AOTA) ~~or a predecessor organization as established in rule.~~ The licensure board may waive the examination, education, or experience requirements and grant a license to any person certified by the

~~NOTA~~ national board for certification after the effective date of this ~~act~~ chapter if the board determines the requirements for such certification are equivalent to the requirements for licensure in this ~~act~~ chapter.

(2) The licensure board may waive the examination, education, or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure pursuant to this ~~act~~ chapter.

SECTION 10. That Section 54-3709, Idaho Code, be, and the same is hereby amended to read as follows:

~~54-3709~~10. ISSUANCE OF LICENSE. The board ~~based upon recommendation of the licensure board~~ shall issue a license to any person who meets the requirements of this ~~act~~ chapter upon payment of the prescribed license fees.

SECTION 11. That Section 54-3710, Idaho Code, be, and the same is hereby amended to read as follows:

~~54-3710~~1. RENEWAL AND REINSTATEMENT OF LICENSE. (1) Any license issued under this ~~act~~ chapter shall be subject to annual renewal and shall expire on the applicant's birthdate unless renewed before the applicant's birthdate in the manner prescribed by the rules of the board. ~~The board may reinstate a license cancelled for failure to renew upon compliance with requirements of the board for renewal of licenses. The board shall require biennial proof of completing at least two (2) continuing education units recommended by the association and approved by the board. In addition, the board shall require ten (10) hours of professional development units as established in rule.~~

(2) The board may reinstate a license canceled for failure to renew upon compliance with requirements of the board for renewal of licenses.

(23) Upon application, the board shall grant inactive status to a licensee who (a) does not practice as an occupational therapist or an occupational therapy assistant, or (b) maintains any continuing competency requirements established by the board.

(4) An individual desiring reinstatement to full active licensure to practice as an occupational therapist or occupational therapy assistant shall submit a completed written application to the board according to procedures and requirements as promulgated by rule.

SECTION 12. That Section 54-3711, Idaho Code, be, and the same is hereby amended to read as follows:

~~54-3711~~2. FEES. The licensure board shall adopt rules establishing fees for the following:

- (a) Initial license fee;
- (b) Renewal of license fee;
- (c) Inactive license fee; ~~and~~
- (d) Limited permit and temporary license fee; and
- (e) Reinstatement fee.

SECTION 13. That Section 54-3712, Idaho Code, be, and the same is hereby amended to read as follows:

~~54-3712~~3. SUSPENSION AND REVOCATION OF LICENSE -- REFUSAL TO RENEW. (1) Subject to the provisions of chapter 52, title 67, Idaho Code, the board, ~~upon recommendation of the licensure board,~~ may deny a license or refuse to renew a license, or may suspend or revoke a license or may impose

probationary conditions or disciplinary actions set out in section 54-3720, Idaho Code, if the license licensee or applicant for license has been found guilty of unprofessional conduct as set forth in section 54-3718, Idaho Code, which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct includes, but is not limited to:

- ~~(a) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;~~
- ~~(b) Being guilty of unprofessional conduct as defined by the rules established by the board, or violating the code of ethics adopted and published by the board;~~
- ~~(c) Being convicted of a felony by a court of competent jurisdiction;~~
- ~~(d) The unauthorized practice of medicine;~~
- ~~(e) Violating any provisions of this act or any of the rules promulgated by the board under the authority of this act.~~

(2) A denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license may be ordered by the board after a hearing in the manner provided by ~~the rules adopted by the board~~ chapter 52, title 67, Idaho Code. An application for reinstatement may be made to the board one (1) year from the date of the revocation of a license. The board shall (a) accept or reject an application for reinstatement; and (b) hold a hearing to consider such reinstatement.

(3) A suspended license is subject to expiration and may be renewed as provided in this chapter, but such renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other conduct or activity in violation of the order of judgment by which the license was suspended.

(4) A license revoked on disciplinary grounds is subject to expiration as provided in this chapter, but it may not be renewed. The licensee, as a condition of reinstatement, shall meet license requirements for new licensees and shall pay a reinstatement fee set by the board.

SECTION 14. That Section 54-3713, Idaho Code, be, and the same is hereby amended to read as follows:

54-3713~~4~~. LICENSURE BOARD. (1) The occupational therapy licensure board of Idaho shall consist of five (5) members appointed by the ~~board~~ governor, three (3) of whom shall be appointed from recommendations of licensees submitted by the association, except the first licensure board appointments whose members shall be registered occupational therapists (OTR's) or certified occupational therapy assistants (COTA's) eligible to become licensed under this ~~act~~ chapter, all of whom shall be residents of Idaho at the time of their appointment. If recommendations are not made within sixty (60) days of notification and request, the ~~board~~ governor may make appointments of any qualified individual. The persons appointed to the licensure board who are required to be licensed under this ~~act~~ chapter shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five (5) years immediately preceding their appointments. At least three (3) licensure board members shall be occupational therapists and one (1) of those members may be an occupational therapy assistant. These members shall at all times be holders of valid licenses for the practice of occupational therapy in Idaho, except for the members of the first board, all of whom shall fulfill the requirements for licensure of this ~~act~~ chapter. The remaining members shall be members of health professions or members of the public with an interest in the rights of the consumers of health services.

(2) The ~~board~~ governor, within sixty (60) days following the effective date of this ~~act~~ chapter, shall appoint two (2) licensure board members for a term of one (1) year; two (2) for a term of two (2) years; and one (1) for a

term of three (3) years. Appointments made thereafter shall be for three (3) year terms, but no person shall be appointed to serve more than two (2) consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed in this section.

(3) Within thirty (30) days after the effective date of this ~~act~~ chapter, and annually thereafter, the association may submit at least three (3) and not more than five (5) names for each of the five (5) board positions. In the event of a vacancy in one (1) of the positions the association may recommend, as soon as practical, at least two (2) and not more than three (3) persons to fill that vacancy. The ~~board~~ governor shall appoint, as soon as practical, one (1) person, who shall fill the unexpired term. If the association does not provide a recommendation, the ~~board~~ governor shall appoint a person to the unexpired term. The ~~board~~ governor may remove any licensure board member for misconduct, incompetency, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard thereon.

(4) The licensure board shall within sixty (60) days after the effective date of this ~~act~~ chapter, and annually thereafter, hold a meeting and elect a chairman who shall preside at meetings of the licensure board. In the event the chairman is not present at any licensure board meeting, the licensure board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the licensure board shall constitute a quorum. Other meetings may be convened at the call of the chairman or the written request of any two (2) licensure board members.

(5) Each member of the licensure board shall be compensated as provided in section 59-509(h), Idaho Code.

SECTION 15. That Chapter 37, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-3715, Idaho Code, and to read as follows:

54-3715. SUPERVISION. Within the scope of occupational therapy practice, supervision is aimed at ensuring the safe and effective delivery of occupational therapy services and fostering professional competence and development. Practices and procedures governing the supervision of occupational therapy assistants, a limited permit holder and an aide in the delivery of occupational therapy services shall be established in rule and be adopted by the board. Practices and procedures shall include, but not be limited to, delivery of occupational therapy services, facilitation of growth and competence, frequency, methods and content of supervision, a plan of supervision and required documentation of compliance with the plan.

SECTION 16. That Chapter 37, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-3716, Idaho Code, and to read as follows:

54-3716. COMPLAINTS. (1) Any person may file a complaint with the board against any licensed occupational therapist or licensed occupational therapy assistant in the state charging that person with having violated the provisions of this chapter.

(2) The complaint shall specify charges in sufficient detail so as to disclose to the accused fully and completely the alleged acts of misconduct for which he or she is charged.

(3) Upon receiving a complaint, the board shall notify the licensee of the complaint and request a written response from the licensee.

(4) The board shall keep an information file about each complaint filed with the board. The information in each complaint file shall contain complete, current and accurate information including, but not limited to:

- (a) All persons contacted in relation to the complaint;
- (b) A summary of findings made at each step of the complaint process;
- (c) An explanation of the legal basis and reason for a complaint that is dismissed; and
- (d) Other relevant information.

SECTION 17. That Section 54-3714, Idaho Code, be, and the same is hereby amended to read as follows:

~~54-3714.7. BOARD OF MEDICINE AND OCCUPATIONAL THERAPY LICENSURE BOARD OF IDAHO -- POWERS AND DUTIES. (1) The licensure board shall administer, coordinate, and enforce the provisions of this act chapter, evaluate the qualifications, and approve the examinations for licensure under this act chapter, and may issue subpoenas, examine witnesses, and administer oaths, and may investigate practices which are alleged to violate the provisions of this act chapter. The licensure board shall conduct examinations of all applicants for licensure and make recommendations to and consult with the board concerning issuance of licenses, revocation of licenses and rules and regulations to be promulgated under this act.~~

~~(2) The licensure board shall, upon recommendation of the licensure board, adopt rules and regulations, pursuant to chapter 52, title 67, Idaho Code, relating to professional conduct to carry out the policy of this act chapter including, but not limited to, regulations relating to professional licensure and to the establishment of ethical standards of practice, disciplinary proceedings, license suspension proceedings, or license revocation proceedings for persons holding a license to practice occupational therapy in this state.~~

~~(3) The licensure board shall hold meetings, conduct hearings and keep records and minutes as are necessary to carry out its functions.~~

~~(4) Authorize, by written agreement, the bureau of occupational licenses to act as its agents in its interests as set out in the written agreement.~~

~~(5) Communicate disciplinary actions to relevant state and federal authorities, the national board for certification in occupational therapy (NBCOT), the American occupational therapy association (AOTA) and to other state occupational licensing authorities.~~

SECTION 18. That Chapter 37, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-3718, Idaho Code, and to read as follows:

54-3718. GROUNDS FOR UNPROFESSIONAL CONDUCT. The board may take disciplinary action against a licensee for unprofessional conduct including:

- (1) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
- (2) Being guilty of unprofessional conduct as defined by the rules established by the board, or violating the code of ethics adopted and published by the board;
- (3) Being convicted of a crime in any court except for minor offenses;
- (4) Violating any lawful order, rule or regulation rendered or adopted by the board;
- (5) Violating any provision of this chapter or rules promulgated pursuant to this chapter;
- (6) Practicing beyond the scope of the practice of occupational therapy;

(7) Providing substandard care as an occupational therapist due to a deliberate or negligent act or failure to act regardless of whether actual injury to the client is established;

(8) Providing substandard care as an occupational therapy assistant, including exceeding the authority to perform components of intervention selected and delegated by the supervising occupational therapist regardless of whether actual injury to the client is established;

(9) Failing to provide appropriate supervision to an occupational therapy assistant or aide in accordance with this chapter and board rules;

(10) Practicing as an occupational therapist or occupational therapy assistant when competent services to recipients may not be provided due to the therapist's own physical or mental impairment;

(11) Having an occupational therapist or occupational therapy assistant license revoked or suspended, other disciplinary action taken, or an application for licensure refused, revoked or suspended by the proper authorities of another state, territory or country, irrespective of intervening appeals and stays;

(12) Engaging in sexual misconduct. For the purposes of this subsection, sexual misconduct includes:

(a) Engaging in or soliciting sexual relationships, whether consensual or non-consensual, while an occupational therapist or occupational therapy assistant/client relationship exists with that person;

(b) Making sexual advances, requesting sexual favors or engaging in physical contact of a sexual nature with a client or clients;

(13) Aiding or abetting a person who is not licensed as an occupational therapist or occupational therapy assistant in this state and who directly or indirectly performs activities requiring a license;

(14) Abandoning or neglecting a client or clients under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care.

SECTION 19. That Section 54-3715, Idaho Code, be, and the same is hereby amended to read as follows:

~~54-3715.9. BOARD OF MEDICINE — ADMINISTRATIVE PROVISIONS DISPOSITION OF RECEIPTS -- EXPENSES. (1) The executive director of the Idaho state board of medicine shall serve as executive director to the licensure board.~~

~~(2) All fees received under the provisions of this act chapter shall be deposited in the state treasury to the credit of the state board of medicine account created by section 54-1809, Idaho Code, occupational therapy licensure fund and all costs and expenses incurred by the board and licensure board under the provisions of this act chapter shall be a charge against and paid from said fund for such purposes, and the funds collected hereunder shall be immediately available for the administration of this act chapter. In no instance shall the state board of medicine account occupational therapy licensure fund be obligated to pay any claims which in aggregate with claims already allowed exceed the income to the state board of medicine account occupational therapy licensure fund which has been derived from the application of this act chapter.~~

~~(2) Money paid into the state board of medicine account occupational therapy licensure fund pursuant to this act chapter is hereby continuously appropriated to the licensure board for expenditure in the manner prescribed herein to defray the expenses of the board and licensure board in carrying out and enforcing the provisions of this act chapter.~~

SECTION 20. That Section 54-3716, Idaho Code, be, and the same is hereby amended to read as follows:

54-371-620. PENALTIES AND DISCIPLINARY ACTIONS. (1) Any person who violates any provision of this ~~act~~ chapter shall, upon conviction, be guilty of a misdemeanor.

(2) In addition to the penalties provided for in subsection (1) of this section, the board may impose separately, or in combination, any of the following disciplinary actions on a licensee as provided in this chapter:

- (a) Refuse to issue or renew a license;
- (b) Suspend or revoke a license;
- (c) Impose probationary conditions;
- (d) Issue a letter of reprimand or concern;
- (e) Require restitution of fees;
- (f) Impose a fine as provided for by rule which deprives the licensee of any economic advantage gained by the violation and which reimburses the board for costs of the investigation and proceeding;
- (g) Impose practice and/or supervision requirements;
- (h) Require licensees to participate in continuing competence activities specified by the board;
- (i) Accept a voluntary surrendering of license; or
- (j) Take other appropriate corrective actions, including advising other parties, as needed, to protect their legitimate interests and to protect the public.

(3) If the board imposes suspension or revocation of license, application may be made to the board for reinstatement, subject to the limits of this chapter. The board shall have discretion to accept or reject an application for reinstatement and may require an examination or other satisfactory proof of eligibility for reinstatement.

(4) If a licensee is placed on probation, the board may require the licensee holder to:

- (a) Report regularly to the board on matters that are the basis of probation;
- (b) Limit practice to the areas prescribed by the board;
- (c) Continue to review continuing competence activities until the license holder attains a degree of skill satisfactory to the board in those areas that are the basis of the probation; or
- (d) Provide other relevant information to the board.

(5) (a) The board is empowered to apply for relief by injunction, without bond, to restrain any person, partnership, or corporation from any threatened or actual act or practice, which constitutes an offense under the provisions of this chapter. It shall not be necessary for the board to allege and prove that there is no adequate remedy at law in order to obtain the relief requested. The members of the board shall not be individually liable for applying for such relief.

(b) If a person other than a licensed occupational therapist or occupational therapy assistant threatens to engage in or has engaged in any act or practice which constitutes an offense under the provisions of this chapter, a district court of any county on application of the board may issue an injunction or other appropriate order restraining such conduct.

SECTION 21. That Chapter 37, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-3721, Idaho Code, and to read as follows:

54-3721. OCCUPATIONAL THERAPY LICENSURE FUND. All fees collected under the provisions of this chapter shall be deposited in the state treasury to the credit of a separate fund to be known as the state occupational therapy licensure fund. All moneys received by said fund are hereby appropriated to the occupational therapy licensure board of Idaho for carrying out the purposes and objectives of this chapter, and to pay all costs and expenses

incurred in connection therewith. Moneys shall be paid from the fund upon warrants drawn by the state controller upon presentation of proper vouchers approved by the board.

SECTION 22. That Section 54-3717, Idaho Code, be, and the same is hereby amended to read as follows:

54-3717-22. SEVERABILITY. The provisions of this ~~act~~ chapter are hereby declared to be severable and if any provision of this ~~act~~ chapter or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this ~~act~~ chapter.

Approved April 23, 2009.

CHAPTER 223
(H.B. No. 264)

AN ACT

RELATING TO WATER; TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD HAS PREPARED AND ADOPTED THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN FOR THE EASTERN SNAKE PLAIN AQUIFER AS A COMPONENT OF THE COMPREHENSIVE STATE WATER PLAN, TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN IS APPROVED AS A COMPONENT OF THE COMPREHENSIVE STATE WATER PLAN, TO PROVIDE THAT STATE AGENCIES SHALL EXERCISE DUTIES IN A MANNER CONSISTENT WITH THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN, TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD SHALL PREPARE AND SUBMIT TO THE LEGISLATURE FOR APPROVAL A FUNDING MECHANISM, TO PROVIDE CRITERIA FOR THE FUNDING MECHANISM, TO PROVIDE THAT THE IDAHO WATER RESOURCE BOARD SHALL PREPARE AND SUBMIT, WITH THE ASSISTANCE OF THE IMPLEMENTATION COMMITTEE, ANY SUBSEQUENT PROPOSED CHANGES TO THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN, TO PROVIDE CRITERIA FOR IMPLEMENTATION PLANS, TO PROVIDE THAT IMPLEMENTATION OF PHASE I OF THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN IS SUBJECT TO LEGISLATIVE APPROVAL OF A FUNDING MECHANISM, TO PROVIDE CRITERIA FOR THE FUNDING MECHANISM, TO PROVIDE THAT PROVISIONS DO NOT CONSTITUTE AN OBLIGATION OF STATE FUNDS, TO PROVIDE THAT ANY STATE FUNDING SHALL BE SUBJECT TO THE AVAILABILITY OF FUNDS, TO PROVIDE FOR THE USE OF PREVIOUSLY APPROPRIATED FUNDS, TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN RECOGNIZES INCIDENTAL GROUND WATER RECHARGE IS AN IMPORTANT COMPONENT OF THE EASTERN SNAKE PLAIN AQUIFER WATER SUPPLY AND TO PROVIDE THAT THE COMPREHENSIVE AQUIFER MANAGEMENT PLAN SHALL INCLUDE SPECIFIED MEASURES; AND DECLARING AN EMERGENCY.

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

SECTION 1. Pursuant to 2006 Senate Concurrent Resolution No. 136 and Section 42-1734A, Idaho Code, the Idaho Water Resource Board has prepared and adopted the Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer as a component of the Comprehensive State Water Plan. Pursuant to Section 42-1734B(6), Idaho Code, the Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer ("ESPA CAMP") is approved as a component of the Comprehensive State Water Plan. Pursuant to Section 42-1734B(4), Idaho Code, all state agencies shall exercise their duties in a manner consistent with the ESPA CAMP.

SECTION 2. The Idaho Water Resource Board shall prepare and submit to the Legislature for approval, a funding mechanism for implementation of

Phase I of the Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer. The funding mechanism shall be consistent with the funding participation targets set forth in the ESPA CAMP and shall be developed with the assistance of the ESPA CAMP Implementation Committee. The Idaho Water Resource Board shall, with the assistance of the Implementation Committee, prepare and submit to the Legislature for approval any subsequent proposed changes to the ESPA CAMP. Implementation plans should seek to optimize outcomes for fish and wildlife, recreation, hydropower, municipalities, irrigation, aquaculture and other uses.

SECTION 3. Implementation of Phase I of the Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer is subject to legislative approval of a funding mechanism, which shall be consistent with the funding participation targets set forth in the ESPA CAMP. The act does not constitute an obligation of state funds and any state funding shall be subject to the availability of funds. State agencies may use previously appropriated funds to begin implementation of Phase I.

SECTION 4. The CAMP recognizes that incidental ground water recharge that occurs as a result of the exercise of surface and flood irrigation water rights is an important component of the Eastern Snake Plain Aquifer water supply. The CAMP implementation plan shall include measures that recognize the benefits of incidental recharge, and that will encourage water users and canal managers to continue their historic surface water diversion practices.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 23, 2009.

CHAPTER 224
(H.B. No. 265)

AN ACT

RELATING TO THE LEGISLATIVE SERVICES OFFICE; AMENDING SECTION 67-704, IDAHO CODE, AS ENACTED BY SECTION 11, SENATE BILL NO. 1043, FIRST REGULAR SESSION, SIXTIETH IDAHO LEGISLATURE, TO REVISE DUTIES OF THE RESEARCH AND LEGISLATION FUNCTION OF THE LEGISLATIVE SERVICES OFFICE.

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

SECTION 1. That Section 67-704, Idaho Code, as enacted by Section 11, Senate Bill No. 1043, First Regular Session, Sixtieth Idaho Legislature, be, and the same is hereby amended to read as follows:

67-704. RESEARCH AND LEGISLATION -- FUNCTION OF LEGISLATIVE SERVICES OFFICE. (1) The legislative services office at the direction of the legislative council shall have authority to prepare or assist in the preparation or amendment of legislative bills at the request of any committee or member of the senate or house of representatives. ~~From August 1 until December 1 of each year, u~~Upon request from the governor, lieutenant governor, attorney general, state controller, secretary of state, superintendent of public instruction or state treasurer, the legislative services office at the direction of the legislative council shall have authority to prepare legislative bills for such constitutional officer.

(2) In administering this section the legislative services office shall establish and maintain a legislative reference library.

(3) The legislative services office shall review and analyze administrative rules in accordance with section 67-454, Idaho Code, and perform other duties as required by the legislative council.

(4) The legislative services office is directed to furnish such secretarial and other staff assistance as the citizens' committee on legislative compensation and the redistricting commission may require in the performance of their duties.

Approved April 23, 2009.

CHAPTER 225
(H.B. No. 266)

AN ACT

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2010; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2010, OR UNTIL SUCH TIME AS THEY SHALL EXPIRE; PROVIDING THAT RULES REJECTED BY CONCURRENT RESOLUTION SHALL BE NULL, VOID AND OF NO FORCE AND EFFECT; AUTHORIZING AGENCIES TO AMEND OR REPEAL CERTAIN RULES PURSUANT TO THE ADMINISTRATIVE PROCEDURE ACT AND DECLARING THE EFFECT OF THIS ACT UPON ADMINISTRATIVE RULES; AND PROVIDING SEVERABILITY.

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

SECTION 1. Except as provided in Sections 2, 3 and 4 of this act, every rule, as that term is defined in Section 67-5201, Idaho Code, that would expire on July 1, 2009, pursuant to the provisions of subsections (1) and (2) of Section 67-5292, Idaho Code, shall continue in full force and effect until July 1, 2010, at which time they shall expire as provided in Section 67-5292, Idaho Code.

SECTION 2. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been affirmatively approved or extended by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the First Regular Session of the Sixtieth Idaho Legislature shall continue in full force and effect in such approved or extended language until July 1, 2010, at which time they shall expire as provided in Section 67-5292, Idaho Code, or until such earlier time as provided in the rule or as otherwise provided by statute, unless further extended by statute.

SECTION 3. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been rejected by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the First Regular Session of the Sixtieth Idaho Legislature shall be null, void and of no force and effect as provided in Section 67-5291, Idaho Code.

SECTION 4. Nothing contained in this act shall be deemed to prohibit an agency, as that term is defined in Section 67-5201, Idaho Code, from amending or repealing rules which have been continued in full force and effect until July 1, 2010, pursuant to Sections 1 and 2 of this act, according to the procedures contained in Chapter 52, Title 67, Idaho Code, and subject to submission to the Legislature for approval. Nothing contained in this act shall endow any administrative rule continued in full force and effect under this act with any more legal stature than that of an administrative rule. Nothing contained in this act shall be deemed to be a legislative approval of any rule whose force and effect has been extended by this act, and nothing contained

herein shall constitute a legislative finding that any of the rules whose force and effect have been extended hereunder are consistent with the legislative intent of the statute (s) pursuant to which they were promulgated.

SECTION 5. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

Approved April 23, 2009.

CHAPTER 226
(H.B. No. 268)

AN ACT

APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2010; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES FROM THE PERMANENT BUILDING FUND; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES FROM THE PERMANENT BUILDING FUND; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL DIRECT THE STATE CONTROLLER TO LIMIT THE FUNDS TRANSFER TO THE LEGISLATIVE FUND; AND DECLARING AN EMERGENCY FOR SECTION 6 OF THIS ACT.

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

SECTION 1. There is hereby appropriated to the Legislative Council the following amounts to be expended from the listed funds for the period July 1, 2009, through June 30, 2010:

I. LEGISLATIVE SERVICES OFFICE:

FROM:

General Fund	\$4,325,800
Miscellaneous Revenue Fund	44,800
Permanent Building Fund	511,100
Professional Services Fund	<u>1,210,400</u>
TOTAL	\$6,092,100

II. LEGISLATIVE TECHNOLOGY:

FROM:

General Fund	\$138,000
--------------	-----------

III. OFFICE OF PERFORMANCE EVALUATIONS:

FROM:

General Fund	\$756,600
--------------	-----------

GRAND

TOTAL	\$6,986,700
-------	-------------

SECTION 2. There is hereby reappropriated to the Legislative Council the unexpended and unencumbered balance of the Permanent Building Fund, the Miscellaneous Revenue Fund, and the Professional Services Fund, any appropriation contained in Section 1, Chapter 279, Laws of 2008, to be used for nonrecurring expenditures for the period July 1, 2009, through June 30, 2010.

SECTION 3. There is hereby reappropriated to the Legislative Council for capitol restoration and renovation, the unexpended and unencumbered balance of the Permanent Building Fund appropriated in Section 5, Chapter 153, Laws of 2007, for the period July 1, 2009, through June 30, 2010.

SECTION 4. There is hereby reappropriated to the Legislative Council the unexpended and unencumbered balance of the Permanent Building Fund appropriated for the Legislative Services Office in Sections 4 and 6, Chapter 455, Laws of 2006, for the period July 1, 2009, through June 30, 2010.

SECTION 5. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 6. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 7. On July 1, 2009, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall direct the State Controller to limit the amount transferred from the General Fund to the Legislative Fund pursuant to Section 67-451(2), Idaho Code, to \$6,349,600 for the period July 1, 2009, through June 30, 2010.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 227
(H.B. No. 269)

AN ACT

RELATING TO COOPERATIVE SERVICE AGENCIES; AMENDING SECTION 33-317, IDAHO CODE, TO PERMIT A COOPERATIVE SERVICE AGENCY TO ELECT TO BE ITS OWN FISCAL AGENT FOR A CERTAIN PURPOSE UNDER CERTAIN CIRCUMSTANCES AND TO REQUIRE CERTAIN EDUCATIONAL SUPPORT UNITS TO BE DISTRIBUTED TO THE AGENCY SERVING AS THE FISCAL AGENT; AND AMENDING SECTION 33-601, IDAHO CODE, TO PERMIT A SCHOOL DISTRICT TO AUTHORIZE THE TRANSFER OR CONVEYANCE OF ANY REAL OR PERSONAL PROPERTY OWNED BY THE SCHOOL DISTRICT TO A COOPERATIVE SERVICE AGENCY.

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

SECTION 1. That Section 33-317, Idaho Code, be, and the same is hereby amended to read as follows:

33-317. COOPERATIVE SERVICE AGENCY -- POWERS -- DUTIES -- LIMITATIONS. (1) Two (2) or more school districts may join together for educational purposes to form a service agency to purchase materials and/or provide services for use individually or in combination. The cooperative service agency thus formed shall be empowered to adopt bylaws, and act as a body corporate and politic with such powers as are assigned through its bylaws but limited to the powers and duties of local school districts. In its corporate capacity, this agency may sue and be sued and may acquire, hold and convey real and personal property necessary to its existence. The employees of the service agency shall be extended the same general rights, privileges and responsibilities as comparable employees of a school district. The cooperative service agency may elect to be its own fiscal agent for the purposes of providing an alternative school program, with the concurrence of the school districts for which it provides such services. In doing so the educational support program payments made pursuant to section 33-1002, Idaho Code, that would have been distributed to the school district acting as the fiscal agent, shall instead be distributed to the cooperative service agency.

(2) A properly constituted cooperative service agency may request from its member school districts funding to be furnished by a tax levy not to exceed one-tenth of one percent (.1%) for a period not to exceed ten (10) years by such member school districts. Such levy must be authorized by an election held in each of the school districts pursuant to chapter 4, title 33, Idaho Code, and approved by a majority of the district electors voting in such election. Moneys received by the member school districts from this source shall be transferred to the cooperative service agency upon receipt of billing from the agency. Excess revenue over billing must be kept in a designated account by the district, with accrued interest, and may only be spent as budgeted by the agency.

(3) For the purpose of constructing and maintaining facilities of a cooperative service agency, in addition to the levy authorized in subsection (2) of this section, a properly constituted cooperative service agency may request from its member school districts additional funding to be furnished by a tax levy not to exceed one-tenth of one percent (.1%) for a period not to exceed ten (10) years. Such levy must be authorized by an election held in each of the school districts pursuant to chapter 4, title 33, Idaho Code, and approved by sixty-six and two-thirds percent (66 2/3%) of the district electors voting in such election. If one (1) or more of the member districts fails to approve the tax levy in such election, the cooperative service agency may construct the facility through the support of the member dis-

tricts approving the levy, but in no event shall the levy limits authorized in this subsection (3) be exceeded. Nothing shall prevent a member district that initially failed to approve the levy from conducting a subsequent election, held pursuant to chapter 4, title 33, Idaho Code, to authorize that district's participation in construction of the facility. Electors of the districts may approve continuation of such levy for an additional ten (10) years at an election held for that purpose. There is no limit on the number of elections which may be held for the purpose of continuing the levy authorized under this subsection (3) for an additional ten (10) years. The administration and accounting of moneys received by imposition of the levy shall be the same as provided in subsection (2) of this section.

SECTION 2. That Section 33-601, Idaho Code, be, and the same is hereby amended to read as follows:

33-601. REAL AND PERSONAL PROPERTY -- ACQUISITION, USE OR DISPOSAL OF SAME. The board of trustees of each school district shall have the following powers and duties:

(1) To rent to or from others, school buildings or other property used, or to be used, for school purposes.

(2) To contract for the construction, repair, or improvement of any real property, or the acquisition, purchase or repair of any equipment, or other personal property necessary for the operation of the school district.

Except for the purchase of curricular materials as defined in section 33-118A, Idaho Code, such contract shall be executed in accordance with the provisions of chapter 28, title 67, Idaho Code.

(3) To designate and purchase any real property necessary for school purposes or in the operation of the district, or remove any building, or dispose of any real property. Prior to, but not more than one (1) year prior to, any purchase or disposal of real property, the board shall have such property appraised by an appraiser certified in the state of Idaho, which appraisal shall be entered in the records of the board of trustees, and shall be used to establish the value of the real property. The board of trustees shall determine the size of the site necessary for school purposes. The site shall be located within the incorporated limits of any city within the district; provided, however, that if the board finds that it is not in the best interests of the electors and the students of the district to locate the site within the incorporated limits of a city, the board, by duly adopted resolution setting forth the reasons for its finding, may designate a site located elsewhere within the district. In elementary school districts, except upon removal for highway purposes, a site may be designated or changed only after approval of two-thirds (2/3) or more of the electors voting at the annual meeting.

(4) (a) To convey, except as provided by paragraph (b) of this subsection, by deed, bill of sale, or other appropriate instrument, all of the estate and interest of the district in any property, real or personal. In elementary school districts, except such conveyance as is authorized by subsection (6) of this section, any of the transactions authorized in this subsection shall be subject to the approval of two-thirds (2/3) or more of the electors voting at the annual meeting.

Prior to such sale or conveyance, the board shall have the property appraised pursuant to this section, which appraisal shall be entered in the records of the board of trustees. The property may be sold at public auction or by sealed bids, as the board of trustees shall determine, to the highest bidder. Such property may be sold for cash or for such terms and conditions as the board of trustees shall determine for a period not exceeding ten (10) years, with the annual rate of interest on all deferred payments not less than seven percent (7%) per annum. The title to all property sold on contract shall be retained in the name of the school district until full payment has been made by the pur-

chaser, and title to all property sold under a note and mortgage or deed of trust shall be transferred to the purchaser at the point of sale under the terms and conditions of the mortgage or deed of trust as the board of trustees shall determine. Notice of the time and the conditions of such sale shall be published twice, and proof thereof made, in accordance with subsections g. and h. of section 33-402, Idaho Code, except that when the appraised value of the property is less than one thousand dollars (\$1,000), one (1) single notice by publication shall be sufficient and the property shall be sold by sealed bids or at public auction.

The board of trustees may accept the highest bid, may reject any bid, or reject all bids. If the real property was donated to the school district the board may, within a period of one (1) year from the time of the appraisal, sell the property without additional advertising or bidding. Otherwise, the board of trustees must have new appraisals made and again publish notice for bids, as before. If, thereafter, no satisfactory bid is made and received, the board may proceed under its own direction to sell and convey the property. In no case shall any real property of the school district be sold for less than its appraisal.

The board of trustees may sell personal property, with an estimated value of less than one thousand dollars (\$1,000), without appraisal, by sealed bid or at public auction, provided that there has been not less than one (1) published advertisement prior to the sale of said property. If the property has an estimated value of less than five hundred dollars (\$500), the property may be disposed of in the most cost-effective and expedient manner by an employee of the district empowered for that purpose by the board, provided however, such employee shall notify the board prior to disposal of said property.

(b) Real and personal property may be exchanged hereunder for other property. Provided, however, that aside from the provisions of this paragraph, any school district may by a vote of one-half (1/2) plus one (1) of the members of the full board of trustees, by resolution duly adopted, authorize the transfer or conveyance of any real or personal property owned by such school district to the government of the United States, any city, county, the state of Idaho, any hospital district organized under chapter 13, title 39, Idaho Code, any cooperative service agency formed pursuant to section 33-317, Idaho Code, any other school district, the Idaho housing and finance association, any public charter school, any library district, any community college district, or any recreation district, with or without any consideration accruing to the school district, when in the judgment of the board of trustees it is for the interest of such school district that said transfer or conveyance be made. Prior to any transfer or conveyance of any real or personal property pursuant to this paragraph (4) (b), the board shall have the property appraised by an appraiser certified in the state of Idaho, which appraisal shall be entered in the records of the board of trustees, and shall be used to establish the value of the real or personal property.

(5) To enter into contracts with any city located within the boundaries of the school district for the joint purchase, construction, development, maintenance and equipping of playgrounds, ball parks, swimming pools, and other recreational facilities upon property owned either by the school district or the city.

(6) To convey rights-of-way and easements for highway, public utility, and other purposes over, upon or across any school property and, when necessary to the use of such property for any such purpose, to authorize the removal of school buildings to such new location, or locations, as shall be determined by the board of trustees, and such removal shall be made at no cost or expense to the school district.

(7) To authorize the use of any school building of the district as a community center, or for any public purpose, and to establish a policy of charges, if any, to be made for such use.

(8) To exercise the right of eminent domain under the provisions of chapter 7, title 7, Idaho Code, for any of the uses and purposes provided in section 7-701, Idaho Code.

(9) If there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, or it is necessary to do emergency work to safeguard life, health or property, the board of trustees may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon adoption of the resolution, the board may expend any sum required in the emergency without compliance with this section.

Approved April 23, 2009.

CHAPTER 228
(H.B. No. 281)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3004, IDAHO CODE, AS AMENDED IN SECTION 1 OF HOUSE BILL NO. 64, AS AMENDED IN THE SENATE, AS AMENDED IN THE SENATE, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE, TO UPDATE REFERENCES TO THE INTERNAL REVENUE CODE AND TO DELETE LANGUAGE PROVIDING THAT THE ADDITIONAL STANDARD DEDUCTION FOR REAL PROPERTY TAXES FOR NONITEMIZERS DOES APPLY; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3004, Idaho Code, as amended in Section 1 of House Bill No. 64, As Amended in the Senate, As Amended in the Senate, as enacted by the First Regular Session of the Sixtieth Idaho Legislature, be, and the same is hereby amended to read as follows:

63-3004. INTERNAL REVENUE CODE. (a) The term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States, as amended, and in effect on the ~~first~~ seventeenth day of ~~January~~ February, 2009.

(b) Provisions of the Internal Revenue Code amended, deleted, or added prior to the effective date of the latest amendment to this section shall be applicable for Idaho income tax purposes on the effective date provided for such amendments, deletions, or additions, including retroactive provisions.

~~(c) Notwithstanding the provisions of section 63-3022(j), Idaho Code, the provisions of section 3012 of Public Law 110-289, "The Housing and Economic Recovery Act of 2008" providing an additional standard deduction for real property taxes for individuals who do not itemize their deductions are adopted under subsections (a) and (b) of this section.~~

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2009.

Approved April 23, 2009.

CHAPTER 229
(H.B. No. 290)

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2010; PROVIDING FOR THE RECOVERY OF BANKING SERVICES COSTS TO THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REQUIRING THAT CERTAIN MONEYS BE EXPENDED FOR BANK SERVICE FEES; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Treasurer the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	\$961,300	\$540,200		\$1,501,500
State Treasurer LGIP Fund	241,100	150,400	\$11,800	403,300
Treasurer's Office - Professional Services Fund	<u>230,000</u>	<u>169,900</u>	<u>13,400</u>	<u>413,300</u>
TOTAL	\$1,432,400	\$860,500	\$25,200	\$2,318,100

SECTION 2. The moneys assessed by the Division of Financial Management in accordance with Section 67-3531, Idaho Code, for State Treasurer banking services shall be placed in the Indirect Cost Recovery Fund. On June 30, 2010, the State Controller shall transfer the amount assessed in the statewide cost allocation plan from the Indirect Cost Recovery Fund to the General Fund.

SECTION 3. There is hereby reappropriated to the State Treasurer the unexpended and unencumbered balance of any appropriation made to the State Treasurer from the State Treasurer LGIP Fund for fiscal year 2009, to be used for nonrecurring expenditures only for the period July 1, 2009, through June 30, 2010. Provided however, that if said reappropriation exceeds the unencumbered cash balance in the State Treasurer LGIP Fund as of June 30, 2009, the reappropriation is hereby reduced to an amount equal to the unencumbered cash balance.

SECTION 4. In accordance with Section 67-3519, Idaho Code, the State Treasurer is authorized no more than eighteen (18) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 5. Of the amount appropriated for Operating Expenditures in Section 1 of this act, \$435,200, or so much thereof as is necessary, is to be used solely and only for the payment of bank service fees for the period July 1, 2009, through June 30, 2010.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 7. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Section 7 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 230
(H.B. No. 291)

AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated \$150,000 to the Office of the Lieutenant Governor from the General Fund for the period July 1, 2009, through June 30, 2010.

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of the Lieutenant Governor is authorized no more than three (3) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 231
(H.B. No. 294)

AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICE COSTS TO THE GENERAL FUND; DIRECTING THE STATE CONTROLLER TO COLLECT MONEYS FOR HEALTH BENEFITS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS FOR THE COMPUTER SERVICES CENTER; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Controller the following amounts to be expended for the designated programs from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. ADMINISTRATION:				
FROM:				
General Fund	\$415,200	\$59,700		\$474,900
II. STATEWIDE ACCOUNTING:				
FROM:				
General Fund	\$1,532,500	\$1,564,100	\$46,100	\$3,142,700
Miscellaneous Revenue Fund		<u>20,000</u>		<u>20,000</u>
TOTAL	\$1,532,500	\$1,584,100	\$46,100	\$3,162,700
III. STATEWIDE PAYROLL:				
FROM:				
General Fund	\$1,277,900	\$1,566,600		\$2,844,500
Miscellaneous Revenue Fund		<u>20,000</u>		<u>20,000</u>
TOTAL	\$1,277,900	\$1,586,600		\$2,864,500
IV. COMPUTER SERVICES CENTER:				
FROM:				
Data Processing Services Fund	\$4,032,000	\$3,999,000		\$8,031,000
 GRAND TOTAL	 \$7,257,600	 \$7,229,400	 \$46,100	 \$14,533,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the State Controller is authorized no more than ninety-eight (98) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. The moneys assessed by the Division of Financial Management in accordance with Section 67-3531, Idaho Code, for State Controller services shall be placed in the Indirect Cost Recovery Fund. On June 30, 2009, the State Controller shall transfer the amount assessed in the statewide cost allocation plan from the Indirect Cost Recovery Fund to the state General Fund.

SECTION 4. The Legislature directs the State Controller to collect all moneys appropriated for health benefits for employees that participate in the state health insurance plan and are eligible to receive benefits but decline coverage. The State Controller shall accomplish this through the current payroll process.

SECTION 5. There is hereby reappropriated to the State Controller, the unexpended and unencumbered cash balance of the appropriation made to the State Controller for fiscal year 2009 for the Computer Services Center, to be used for nonrecurring expenditures only for the period July 1, 2009, through June 30, 2010.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the

education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 7. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Section 7 this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 232
(H.B. No. 296)

AN ACT

APPROPRIATING AND DIRECTING THE TRANSFER OF MONEYS FROM THE GENERAL FUND TO THE GUARDIAN AD LITEM FUND; APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2010; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$646,800 from the General Fund to the Guardian Ad Litem Fund for the period July 1, 2009, through June 30, 2010.

SECTION 2. There is hereby appropriated to the Supreme Court the following amounts to be expended from the listed funds for the period July 1, 2009, through June 30, 2010:

I. SUPREME COURT:

FROM:

General Fund	\$4,605,800
Miscellaneous Revenue Fund	311,500
Federal Grant Fund	<u>1,420,800</u>
TOTAL	\$6,338,100

II. LAW LIBRARY:

FROM:

General Fund	\$416,300
Miscellaneous Revenue Fund	<u>7,000</u>
TOTAL	\$423,300

III. DISTRICT COURTS:

FROM:

General Fund	\$9,152,100
ISTARS Technology Fund	3,966,700
Drug Court, Mental Health and Family Court Services Fund	<u>3,093,200</u>
TOTAL	\$16,212,000

IV. MAGISTRATES DIVISION:

FROM:

General Fund	\$12,695,400
Drug Court, Mental Health and Family Court Services Fund	1,557,600
Guardianship Pilot Project Fund	276,400
Senior Magistrate Judges Fund	510,000
Federal Grant Fund	<u>110,000</u>
TOTAL	\$15,149,400

V. JUDICIAL COUNCIL:

FROM:

General Fund	\$113,300
--------------	-----------

VI. COURT OF APPEALS:

FROM:

General Fund	\$1,657,400
--------------	-------------

VII. GUARDIAN AD LITEM ACCOUNT:

FROM:

General Fund	\$646,800
Guardian Ad Litem Fund	<u>15,000</u>
TOTAL	\$661,800

VIII. SNAKE RIVER BASIN ADJUDICATION:

FROM:

General Fund	\$896,100
--------------	-----------

GRAND TOTAL	\$41,451,400
-------------	--------------

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the

Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 233
(H.B. No. 312)

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE LONGITUDINAL DATA SYSTEM; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Superintendent of Public Instruction/State Department of Education the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	\$3,528,500	\$3,623,200		\$24,600	\$7,176,300
Indirect Cost Recovery					
Fund	571,400	282,300			853,700
Driver's Training Fund	157,400	151,400	\$3,800	2,113,300	2,425,900
Public Instruction Fund	618,100	825,800	4,100	11,400	1,459,400
Miscellaneous Revenue					
Fund	257,000	86,200	9,900		353,100
Federal Grant Fund	<u>3,804,100</u>	<u>18,092,900</u>	<u>9,200</u>	<u>82,200</u>	<u>21,988,400</u>
TOTAL	\$8,936,500	\$23,061,800	\$27,000	\$2,231,500	\$34,256,800

SECTION 2. In accordance with Section 67-3519, Idaho Code, the State Department of Education is authorized no more than one hundred thirty (130) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. It is the intent of the Legislature that the Superintendent of Public Instruction shall revert \$80,000 of fiscal year 2009 General Funds that were appropriated for the Longitudinal Data System.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 5. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 234
(H.B. No. 276)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS TO THE ENVIRONMENTAL REMEDIATION FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE ENVIRONMENTAL REMEDIATION FUND AND REQUIRING AN ANNUAL REPORT;

EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USE OF THE WATER POLLUTION CONTROL FUND; EXPRESSING LEGISLATIVE INTENT REGARDING THE COEUR D'ALENE LAKE MANAGEMENT PLAN; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2009; DIRECTING THE DEPOSIT OF CERTAIN MONEYS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Environmental Quality the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
General Fund	\$1,582,200	\$1,437,900			\$3,020,100
Air Quality Permitting Fund	194,600	190,300	\$5,200		390,100
Public Water System Supervision Fund	321,000	50,900	4,400		376,300
Water Pollution Control Fund	65,300	18,300	600		84,200
Department of Environmental Quality (Receipts) Fund	226,400	67,700	3,200		297,300
American Reinvestment Fund	24,500	142,000			166,500
Department of Environmental Quality (Federal) Fund	<u>1,899,600</u>	<u>1,684,500</u>	<u>39,000</u>		<u>3,623,100</u>
TOTAL	\$4,313,600	\$3,591,600	\$52,400		\$7,957,600
II. AIR QUALITY:					
FROM:					
General Fund	\$2,607,300	\$259,600			\$2,866,900
Air Quality Permitting Fund	1,065,700	142,700		\$40,000	1,248,400
Department of Environmental Quality (Receipts) Fund	179,600	173,600			353,200
American Reinvestment Fund	65,000	604,000			669,000
Department of Environmental Quality (Federal) Fund	<u>1,184,400</u>	<u>324,200</u>	<u>\$25,000</u>	<u>41,400</u>	<u>1,575,000</u>
TOTAL	\$5,102,000	\$1,504,100	\$25,000	\$81,400	\$6,712,500
III. WATER QUALITY:					
FROM:					
General Fund	\$4,866,700	\$1,026,700		\$1,094,800	\$6,988,200
Public Water System Supervision Fund	924,000	163,200		336,500	1,423,700
Water Pollution Control Fund	372,400	115,500	\$11,400	158,200	657,500
Department of Environmental Quality (Receipts) Fund	244,700	88,000		51,600	384,300
American Reinvestment Fund	30,000	71,100		69,200	170,300
Department of Environmental Quality (Federal) Fund	<u>3,905,900</u>	<u>1,619,500</u>		<u>2,683,200</u>	<u>8,208,600</u>
TOTAL	\$10,343,700	\$3,084,000	\$11,400	\$4,393,500	\$17,832,600

IV. COEUR D'ALENE BASIN COMMISSION:

FROM:

General Fund	\$95,600	\$10,200		\$105,800
Environmental Remediation (Basin) Fund	61,700	15,500		77,200
Department of Environmental Quality (Federal) Fund	<u>14,200</u>	<u>403,400</u>	<u>\$250,000</u>	<u>667,600</u>
TOTAL	\$171,500	\$429,100	\$250,000	\$850,600

V. WASTE MANAGEMENT AND REMEDIATION:

FROM:

General Fund	\$2,327,200	\$112,700	\$134,600	\$2,574,500
Environmental Remediation (Box) Fund	25,600	76,500	25,500	127,600
Environmental Remediation (Basin) Fund	110,700	841,600		952,300
Department of Environmental Quality (Receipts) Fund	336,800	439,600	51,800	828,200
American Reinvestment Fund	380,000	11,192,000		11,572,000
Bunker Hill Trust Fund		50,000	250,000	300,000
Department of Environmental Quality (Federal) Fund	<u>3,094,900</u>	<u>16,753,400</u>	<u>15,500</u>	<u>19,863,800</u>
TOTAL	\$6,275,200	\$29,465,800	\$477,400	\$36,218,400

VI. IDAHO NATIONAL LABORATORY OVERSIGHT:

FROM:

General Fund	\$96,200	\$8,700		\$104,900	
Department of Environmental Quality (Federal) Fund	<u>837,200</u>	<u>318,800</u>	<u>\$596,900</u>	<u>1,752,900</u>	
TOTAL	\$933,400	\$327,500	\$596,900	\$1,857,800	
GRAND TOTAL	\$27,139,400	\$38,402,100	\$88,800	\$5,799,200	\$71,429,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred eighty-two and five hundredths (382.05) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. Notwithstanding the provisions of Section 39-3630, Idaho Code, the State Controller is hereby directed to transfer \$1,500,000 from the Water Pollution Control Fund to the Environmental Remediation (Basin) Fund for the period July 1, 2009, through June 30, 2010.

SECTION 4. It is legislative intent that moneys deposited into the Environmental Remediation (Basin) Fund are to be used for remediation of the Coeur d'Alene Basin in accordance with the Superfund contract with the Environmental Protection Agency. The Department of Environmental Quality shall file an annual report each year with the Governor, the Legislature, and the Coeur d'Alene Basin Environmental Improvement Project Commission on the remediation progress and the expenditures involved.

SECTION 5. It is legislative intent that the appropriation of moneys from the Water Pollution Control Fund in this act specifically supersedes the provisions of Section 39-3630, Idaho Code.

SECTION 6. LAKE MANAGEMENT PLAN. The water quality of Lake Coeur d'Alene is crucial to the economy of the state of Idaho. It is legislative intent that the Department of Environmental Quality work with Panhandle Area Council, Inc. to pursue grants with the U.S. Economic Development Administration to support Idaho's participation in the Coeur d'Alene Lake Management Plan.

SECTION 7. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 8. SALARY REDUCTION. In as much as salary reductions will save jobs; and in as much as a five percent (5%) reduction in personnel funding may create a reduction in force; and in as much as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 9. In addition to the appropriation made in Section 1, Chapter 284, Laws of 2008, there is hereby appropriated to the Department of Environmental Quality the following amount to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND PAYMENTS BENEFIT	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:				
FROM:				
American Reinvestment Fund	\$5,400			\$5,400
II. WATER QUALITY:				
FROM:				
American Reinvestment Fund	3,400	500	8,600	\$12,500

III. WASTE MANAGEMENT AND REMEDIATION:

FROM:

American

Reinvestment Fund	<u>15,000</u>	<u>1,000,000</u>	<u> </u>	<u>\$1,015,000</u>
TOTAL	\$23,800	\$1,000,500	\$8,600	\$1,032,900

SECTION 10. Moneys received by the State of Idaho under Title VII of the federal American Recovery and Reinvestment Act of 2009 for capitalization grants for Clean Water State Revolving Funds, shall be deposited into the Wastewater Facility Loan Fund. Such moneys are perpetually appropriated pursuant to Section, 39-3631, Idaho Code.

Moneys received by the state of Idaho, under Title VII of the federal American Recovery and Reinvestment Act of 2009 for capitalization grants for Drinking Water State Revolving Funds, shall be deposited into the Drinking Water Loan Fund. Such moneys are perpetually appropriated pursuant to Section, 39-7604, Idaho Code.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, Sections 8, 9 and 10 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 235
(H.B. No. 277)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2009; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Lands the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND		
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	LUMP SUM	
				PAYMENTS		
I. SUPPORT SERVICES:						
FROM:						
General Fund	\$444,100	\$279,500				\$723,600
Department of Lands Fund	476,300	385,300	\$128,100			989,700
Indirect Cost Recovery Fund	117,700	528,500				646,200
Endowment Administrative Fund	<u>2,194,900</u>	<u>2,691,200</u>	<u>184,000</u>			<u>5,070,100</u>
TOTAL	\$3,233,000	\$3,884,500	\$312,100			\$7,429,600

	FOR	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	BENEFIT	TOTAL
	COSTS	EXPENDITURES	OUTLAY	PAYMENTS	LUMP SUM	
II. FOREST RESOURCES MANAGEMENT:						
FROM:						
General Fund	\$852,400	\$73,000				\$925,400
Department of Lands Fund	595,100	349,100	\$104,600			1,048,800
Indirect Cost Recovery Fund	82,800	320,000				402,800
American Reinvestment Fund	731,100	631,100		\$6,332,000		7,694,200
Endowment Administrative Fund	8,397,600	5,248,600	277,200	598,500		14,521,900
Community Forestry Fund		20,000		20,000		40,000
Federal Grant Fund	<u>582,600</u>	<u>962,700</u>		<u>1,306,300</u>		<u>2,851,600</u>
TOTAL	\$11,241,600	\$7,604,500	\$381,800	\$8,256,800		\$27,484,700
III. LAND, RANGE, AND MINERAL RESOURCE MANAGEMENT:						
FROM:						
General Fund	\$841,700	\$73,300				\$915,000
Department of Lands Fund	17,600	493,900				511,500
Endowment Administrative Fund	<u>1,683,800</u>	<u>1,821,900</u>	<u>\$2,787,300</u>	<u>\$10,300</u>		<u>6,303,300</u>
TOTAL	\$2,543,100	\$2,389,100	\$2,787,300	\$10,300		\$7,729,800
IV. FOREST AND RANGE FIRE PROTECTION:						
FROM:						
General Fund					\$2,050,700	\$2,050,700
Department of Lands Fund					4,025,000	4,025,000
Fire Suppression Deficiency Fund					151,600	151,600
American Reinvestment Fund					1,011,800	1,011,800
Federal Grant Fund					<u>3,571,800</u>	<u>3,571,800</u>
TOTAL					\$10,810,900	\$10,810,900
V. SCALING PRACTICES:						
FROM:						
Department of Lands Fund	\$177,500	\$48,900				\$226,400
GRAND TOTAL	\$17,195,200	\$13,927,000	\$3,481,200	\$8,267,100	\$10,810,900	\$53,681,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Lands is authorized no more than two hundred sixty-four and sixty-one hundredths (264.61) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 322, Laws of 2008, there is hereby appropriated to the Department of Lands the following amount to be expended for the designated programs according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. FOREST RESOURCES MANAGEMENT:				
FROM:				
American Reinvestment Fund	\$57,500	\$57,500	\$974,200	\$1,089,200
II. FOREST AND RANGE FIRE PROTECTION:				
FROM:				
American Reinvestment Fund	\$124,600	\$124,600	\$2,111,800	\$2,361,000
TOTAL	\$182,100	\$182,100	\$3,086,000	\$3,450,200

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Sections 4 and 5 of this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 236
(H.B. No. 313)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; REAPPROPRIATING FUNDING FOR THE COOPERATIVE WELFARE FUND; DIRECTING APPROPRIATIONS FROM THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUND FOR HEAD START SERVICES; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2009; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; DIRECTING THE DEPARTMENT OF HEALTH AND WELFARE REGARDING EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Division of Welfare the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SELF-RELIANCE OPERATIONS:					
FROM:					
Cooperative Welfare (General) Fund	\$14,102,100	\$4,677,300	\$9,000		\$18,788,400
Idaho Health Insurance Access Card Fund	63,400				63,400
Cooperative Welfare (Dedicated) Fund		2,492,400			2,492,400
Cooperative Welfare (Federal) Fund	<u>20,105,500</u>	<u>17,118,500</u>	<u>8,900</u>		<u>37,232,900</u>
TOTAL	\$34,271,000	\$24,288,200	\$17,900		\$58,577,100
II. BENEFIT PAYMENTS:					
FROM:					
Cooperative Welfare (General) Fund				\$16,927,100	\$16,927,100
Cooperative Welfare (Dedicated) Fund				23,500	23,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare (Federal) Fund				<u>94,488,700</u>	<u>94,488,700</u>
TOTAL				\$111,439,300	\$111,439,300
GRAND TOTAL	\$34,271,000	\$24,288,200	\$17,900	\$111,439,300	\$170,016,400

SECTION 2. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than six hundred thirty-one and sixty-nine hundredths (631.69) full-time equivalent positions for the Division of Welfare during the period July 1, 2009, through June 30, 2010. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for fiscal year 2011. Any full-time equivalent positions in excess of the Department of Health and Welfare's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers of the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRANSFER OF TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2010.

SECTION 5. REAPPROPRIATION OF THE COOPERATIVE WELFARE FUND. There is hereby reappropriated, to the Department of Health and Welfare, up to \$1,271,900 of unexpended and unencumbered General Funds that were transferred into the Cooperative Welfare Fund. The reappropriated funds are for the Self-Reliance Program, to be used to scan child support documents into the new IBIS system for the period July 1, 2009, through June 30, 2010. The reappropriation shall be computed by the Department of Health and Welfare and for budgeting purposes the General Fund portion of the balance in the Cooperative Welfare Fund shall be identified as part of the General Fund.

SECTION 6. HEAD START APPROPRIATIONS FROM TEMPORARY ASSISTANCE FOR NEEDY FAMILIES FUNDS. At a minimum, the Department of Health and Welfare is directed to maintain Head Start appropriations paid from Temporary Assistance for Needy Families (TANF) funds at the same level as was paid to the Head Start Program in fiscal year 2007.

SECTION 7. In addition to the appropriation made in Sections 1 and 2, Chapter 326, Laws of 2008, there is hereby appropriated to the Department of Health and Welfare for the Self-Reliance Program the following amount to be expended according to the designated expense classes from the listed funds for the period July 1, 2008, through June 30, 2009:

FOR:

Personnel Costs	\$695,800
Operating Expenditures	635,100
Capital Outlay	<u>18,000</u>
TOTAL	\$1,348,900

FROM:

Cooperative Welfare (Federal) Fund	\$1,310,000
Cooperative Welfare (General) Fund	<u>38,900</u>
TOTAL	\$1,348,900

SECTION 8. In addition to the positions authorized in Section 4, Chapter 326, Laws of 2008, there is hereby authorized to the Department of Health and Welfare, ten (10) full-time equivalent positions during the period July 1, 2008, through June 30, 2009.

SECTION 9. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 10. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 11. EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES. Recognizing that employee development is an essential part of a workforce but that budget shortfalls require a reprioritization of expenditures towards core functions first and development and training second. The Department of Health and Welfare is hereby directed not to pay any education stipend, regardless of funding source, for employees during the fiscal

year 2010 due to budgetary shortfalls and a reprioritization towards core expenditures.

SECTION 12. TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES. Notwithstanding the provisions of Section 67-3511, Idaho Code, that state "No appropriation made for expenses other than personnel costs shall be expended for personnel costs of the particular department, office or institution for which it is appropriated," For fiscal year 2010, the Department of Health and Welfare may transfer funds appropriated for operating expenditures to personnel costs with the consent of the State Board of Examiners that currently designates the responsibility to the Division of Financial Management.

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, Sections 7, 8 and 10 this act shall be in full force and effect on and after passage and approval.

Approved April 23, 2009.

CHAPTER 237
(H.B. No. 231)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1342, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN MEMBERS' INITIAL SERVICE RETIREMENT ALLOWANCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 59-1346, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN MEMBERS' ACCRUED RETIREMENT ALLOWANCE.

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

SECTION 1. That Section 59-1342, Idaho Code, be, and the same is hereby amended to read as follows:

59-1342. COMPUTATION OF SERVICE RETIREMENT ALLOWANCES -- MINIMUM BENEFITS. (1) The annual amount of accrued retirement allowance for each month of credited service for which a member was not classified as a police member or firefighter shall equal one and two-thirds percent (1 2/3%) of the member's average monthly salary. Effective October 1, 1992, the annual amount of accrued retirement allowance for all service for which a member was not classified as a police member or firefighter shall equal one and seventy-five hundredths percent (1.75%) of the member's average monthly salary; effective October 1, 1993, the annual amount of accrued retirement allowance shall equal one and eight hundred thirty-three thousandths percent (1.833%) of the member's average monthly salary; effective October 1, 1994, the annual amount of accrued retirement allowance shall equal one and nine hundred seventeen thousandths percent (1.917%); and effective June 30, 2000, the annual amount of accrued retirement allowance shall equal two percent (2%) of the member's average monthly salary. Entitlement to an annual amount of accrued retirement allowance shall not vest until the effective date of that annual amount of accrued retirement allowance. The retirement benefits shall be calculated on the amounts, terms and conditions in effect on the date of the final contribution by the member. The annual amount of initial service retirement allowance of such a member shall equal (a) or (b), whichever is greater:

- (a) ~~the~~ member's accrued retirement allowance; or
- (b) ~~five~~ dollars (\$5.00) multiplied by the number of months of credited service and by the bridging factor, as provided in section 59-1355,

Idaho Code, between July 1, 1974 and the first of the month following the member's final contribution.

(2) The annual amount of accrued retirement allowance for each month of credited service for which a member was classified as a police member or firefighter shall equal two percent (2%) of the member's average monthly salary. Effective October 1, 1992, the annual amount of accrued retirement allowance for all service for which a member was classified as a police member or firefighter shall equal two and seventy-five thousandths percent (2.075%) of the member's average monthly salary; effective October 1, 1993, the annual amount of accrued retirement allowance shall equal two and fifteen hundredths percent (2.15%) of the member's average monthly salary; effective October 1, 1994, the annual amount of accrued retirement allowance shall equal two and two hundred twenty-five thousandths percent (2.225%); and effective June 30, 2000, the annual amount of accrued retirement allowance shall equal two and three-tenths percent (2.3%) of the member's average monthly salary. Entitlement to an annual amount of accrued retirement allowance shall not vest until the effective date of that annual amount of accrued retirement allowance. The retirement benefits shall be calculated on the amounts, terms and conditions in effect on the date of the final contribution by the member. The annual amount of initial service retirement allowance of such a member shall equal (a) or (b), whichever is greater:

- (a) ~~the~~ The member's accrued retirement allowance; or
- (b) ~~s~~ Six dollars (\$6.00) multiplied by the number of months of credited service and by the bridging factor, as provided in section 59-1355, Idaho Code, between July 1, 1974 and the first of the month following the member's final contribution.

(3) Provisions of this section shall be applicable to members and contingent annuitants of the retirement system and to members, annuitants and beneficiaries of the teachers and city systems. In any recomputation of an initial retirement allowance for a person not making a final contribution subsequent to 1974, the bridging factor referred to in subsections (1) and (2) shall be 1.000. Any recomputed retirement allowance shall be payable only prospectively from July 1, 1974.

(4) Benefits payable to a person who became a member prior to July 1, 1974, or to the member's beneficiaries shall never be less than they would have received under this chapter as in effect on June 30, 1974; provided, however, that the member shall have accrued the amount of accumulated contributions required thereby prior to payment of an initial retirement allowance.

(5) If the majority of a member's credited service is as an elected official or as an appointed official, except as a member of the Idaho legislature, and that official was normally in the administrative offices of the employer less than twenty (20) hours per week during the term of office, or was normally not required to be present at any particular work station for the employer twenty (20) hours per week or more during the term of office, ~~and that member's initial service retirement allowance for service credited only during that period would be computed under subsection (1) (b) and/or (2) (b) of this section, without consideration of any other credited service, then it will be so computed for that period of service. If that member has credited service from any other employment, the accrued service retirement allowance for the credited service from such other employment shall be computed from an average monthly salary for salary received during the period of such other employment shall be the sum of:~~

- (a) That amount computed under subsection (1) and/or (2) of this section for only those months of service as an elected or an appointed official that are in excess of the months of other credited service, without consideration of any other credited service; and

(b) That accrued service retirement allowance that is computed from an average monthly salary for salary received during the member's total months of credited service excluding those excess months referenced in subsection (5) (a) of this section.

The initial service retirement allowance of members of the Idaho legislature will be computed under subsection (1) and/or (2) of this section, on the basis of their total months of credited service.

(6) In no case, however, will a member's initial service retirement benefit be equal to more than the member's accrued benefit as of May 1, 1990, or one hundred percent (100%) of the member's average compensation for the three (3) consecutive years of employment which produce the greatest aggregate compensation, whichever is greater. If the benefit is calculated to exceed one hundred percent (100%) of the member's average compensation, the member shall be eligible for and may choose either:

(a) ~~a~~An annual service retirement allowance equal to the member's average annual compensation for the three (3) consecutive years of employment which produced the greatest aggregate compensation; or

(b) ~~a~~A separation benefit.

(7) The annual amount of initial service retirement allowance of a member who is over age seventy (70) on the effective date of the member's retirement shall be a percentage of the member's initial service retirement allowance. Such percentage shall be one hundred percent (100%) increased as determined by the board to compensate for each month that the member's retirement is deferred beyond age seventy (70).

(8) A member's accrued retirement allowance, as otherwise provided in subsections (1), (2), (3), (4) and (5) of this section, shall not be less than the minimum accrued retirement allowance provided in this subsection. The determination of the initial service retirement allowance provided in subsections (1) and (2) of this section, and the application of the provisions in subsections (6) and (7) of this section, will be made after the determination of the minimum accrued retirement allowance provided in this subsection.

This subsection shall apply to members who have at least two (2) separate periods of employment covered under this chapter where each separate period of employment would otherwise be eligible for a separation benefit described in section 59-1359, Idaho Code. For purposes of this subsection, if a separation of employment occurs that does not exceed sixty (60) consecutive calendar months then the member's period of employment shall be considered a continuous period of employment. For purposes of this subsection, date of last contribution is the date of final contribution for each period or periods of employment.

For each separate period of employment considered under this subsection, the member must not have received a separation benefit for that period, or if he has received such a separation benefit under section 59-1359, Idaho Code, he must have completed reinstatement of all previous credited service associated with all separation benefits for all periods of employment as permitted under section 59-1360, Idaho Code.

The minimum accrued retirement allowance shall be equal to the largest accrued retirement allowance calculated at each date of last contribution based upon the benefit and eligibility provisions in effect as of the date of the last contribution made during such separate period of employment. For purposes of determining the accrued retirement allowance for each date of last contribution:

(a) ~~t~~The member must have at least sixty (60) months of credited service at the date of last contribution;

(b) ~~t~~The member's months of credited service and average monthly salary are determined based solely on all periods of employment up to that date of last contribution, ignoring later periods of employment; and

(c) ~~The~~ accrued retirement allowance computed for each period is multiplied by the bridging factor as provided in section 59-1355(3), Idaho Code, between the date of the last contribution made during that separate period of employment and the date of the member's final contribution made during the last period of employment prior to retirement.

SECTION 2. That Section 59-1346, Idaho Code, be, and the same is hereby amended to read as follows:

59-1346. COMPUTATION OF EARLY RETIREMENT ALLOWANCES. (1) The annual amount of initial early retirement allowance of a member shall be a percentage of the member's accrued retirement allowance. Such percentage shall be one hundred percent (100%) if the sum of the number of years and months of credited service and the age in years and months is equal to or greater than the sum indicated below. Otherwise, such percentage shall be one hundred percent (100%) reduced by one-fourth of one percent (.25%) for each month up to sixty (60) months that the member's retirement precedes the date the member would be eligible to receive full accrued benefit without additional credited service, and further reduced by two-thirds of one percent (.6667%) for each additional month. Effective October 1, 1992, the further reduction for each additional month shall equal six thousand and forty-two ten-thousandths of one percent (.6042%) of the member's average monthly salary; effective October 1, 1993, the further reduction for each additional month shall equal five thousand four hundred and seventeen ten-thousandths of one percent (.5417%) of the member's average monthly salary; and effective October 1, 1994, the further reduction for each additional month shall equal four thousand seven hundred and ninety-two ten-thousandths of one percent (.4792%) of the member's average monthly salary. Entitlement to an annual amount of accrued retirement allowance shall not vest until the effective date of that annual amount of accrued retirement allowance. The retirement benefits shall be calculated on the amounts, terms and conditions in effect at the date of the final contribution by the member.

If a member's service retirement ratio as defined by section 59-1341, Idaho Code, is:	Then the sum of the member's credited service and age must be equal to or greater than:
0.000 to 0.050	90
0.051 to 0.150	89
0.151 to 0.250	88
0.251 to 0.350	87
0.351 to 0.450	86
0.451 to 0.550	85
0.551 to 0.650	84
0.651 to 0.750	83
0.751 to 0.850	82
0.851 to 0.950	81
0.951 to 1.000	80-

(2) If the majority of a member's credited service is as an elected official or as an appointed official, except as a member of the Idaho legislature, and that official was normally in the administrative offices of the employer less than twenty (20) hours per week during the term of office, or was normally not required to be present at any particular work station for the employer twenty (20) hours per week or more during the term of office, that member's accrued retirement allowance ~~for service credited only during that period~~ shall be the sum of:

(a) That amount computed from an average monthly salary for salary received ~~during that period of such employment only~~ for those months of

service as an elected or as an appointed official that are in excess of the months of other credited service without consideration of any other credited service; and

(b) That accrued retirement allowance that is computed from an average monthly salary for salary received during the member's total months of credited service excluding those excess months referenced in subsection (2) (a) of this section.

The initial service retirement allowance of members of the Idaho legislature will be computed under the provisions of this section, on the basis of their total months of credited service.

~~(3) If that member has credited service from any other employment, the accrued retirement allowance for the credited service from such other employment shall be computed from an average monthly salary for salary received during the period of such other employment.~~

Approved April 24, 2009.

CHAPTER 238
(H.B. No. 248)

AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1306, IDAHO CODE, TO DEFINE "BASE PERIOD" AND "ALTERNATIVE BASE PERIOD" FOR CLAIMANTS WHO HAVE INSUFFICIENT WAGES IN THE BASE PERIOD TO ESTABLISH ELIGIBILITY FOR UNEMPLOYMENT BENEFITS; AMENDING SECTION 72-1366, IDAHO CODE, TO PROVIDE THAT CERTAIN CLAIMANTS SHALL NOT BE DENIED REGULAR UNEMPLOYMENT BENEFITS SOLELY BECAUSE THEY ARE SEEKING ONLY PART-TIME WORK, TO DEFINE A PHRASE, TO PROVIDE A SPECIFIC CODE REFERENCE, TO PROVIDE THAT CERTAIN JOB TRAINING MUST BE COMPLETED IN TWO YEARS, TO PROVIDE THAT CERTAIN CLAIMANTS SHALL BE ELIGIBLE FOR TRAINING EXTENSION BENEFITS, TO PROVIDE CRITERIA, TO PROVIDE FOR WEEKLY TRAINING BENEFIT EXTENSION AMOUNTS, TO PROVIDE THAT THE APPLICATION OF CERTAIN PROVISIONS SHALL NOT RESULT IN A DENIAL OF TRAINING EXTENSION BENEFITS AND TO PROVIDE THAT EMPLOYERS' ACCOUNTS SHALL NOT BE CHARGED FOR TRAINING EXTENSION BENEFITS PAID TO CLAIMANTS; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 72-1306, Idaho Code, be, and the same is hereby amended to read as follows:

72-1306. BASE PERIOD. (1) "Base period" means the first four (4) of the last five (5) completed calendar quarters immediately preceding the beginning of a benefit year. If a claimant has insufficient wages in the base period to establish eligibility for unemployment benefits, the "base period" shall be the last four (4) completed calendar quarters immediately preceding the beginning of a benefit year.

(2) "Alternate base period" means the first four (4) of the last five (5) completed calendar quarters immediately prior to the Sunday of the week in which a medically verifiable temporary total disability occurred. If a claimant has insufficient wages in the base period to establish eligibility for unemployment benefits, the "alternate base period" shall be the last four (4) completed calendar quarters immediately prior to the Sunday of the week in which a medically verifiable temporary total disability occurred. To use the alternate base period, a claimant must file within three (3) years of the beginning of the temporary total disability, and no longer than six (6) months after the end of the temporary total disability.

SECTION 2. That Section 72-1366, Idaho Code, be, and the same is hereby amended to read as follows:

72-1366. PERSONAL ELIGIBILITY CONDITIONS. The personal eligibility conditions of a benefit claimant are that:

(1) The claimant shall have made a claim for benefits and provided all necessary information pertinent to eligibility.

(2) The claimant shall have registered for work and thereafter reported to a job service office or other agency in a manner prescribed by the director.

(3) The claimant shall have met the minimum wage requirements in his base period as provided in section 72-1367, Idaho Code.

(4) (a) During the whole of any week with respect to which he claims benefits or credit to his waiting period, the claimant was:

(i) Able to work, available for suitable work, and seeking work; provided, however, that no claimant shall be considered ineligible for failure to comply with the provisions of this subsection if:

1. Such failure is due to the claimant's illness or disability which occurs after he has filed a claim and during such illness or disability, the claimant does not refuse or miss suitable work that would have provided wages greater than one-half (1/2) of the claimant's weekly benefit amount; or

2. Such failure is due to compelling personal circumstances, provided that such failure does not exceed a minor portion of the claimant's workweek and during which time the claimant does not refuse or miss suitable work that would have provided wages greater than one-half (1/2) of the claimant's weekly benefit amount; and

(ii) Living in a state, territory, or country that is included in the interstate benefit payment plan or that is a party to an agreement with the United States or the director with respect to unemployment insurance.

(b) If a claimant who is enrolled in an approved job training course pursuant to subsection (8) of this section fails to attend or otherwise participate in the job training course during any week with respect to which he claims benefits or credit to his waiting period, the claimant shall be ineligible for that week if he was not able to work nor available for suitable work, to be determined as follows: The claimant shall be ineligible unless he is making satisfactory progress in the training and his failure to attend or otherwise participate was due to:

(i) The claimant's illness or disability which occurred after he had filed a claim and the claimant missed fewer than one-half (1/2) of the classes available to him that week; or

(ii) Compelling personal circumstances, provided that the claimant missed fewer than one-half (1/2) of the classes available to him that week.

(c) A claimant shall not be denied regular unemployment benefits under any provision of this chapter relating to availability for work, active search for work or refusal to accept work, solely because the claimant is seeking only part-time work, if the department determines that a majority of the weeks of work in the claimant's base period were for less than full-time work. For the purpose of this subsection, "seeking only part-time work" is defined as seeking work that has comparable hours to the claimant's part-time work experience in the base period, except that a claimant must be available for at least twenty (20) hours of work per week.

(5) The claimant's unemployment is not due to the fact that he left his employment voluntarily without good cause connected with his employment, or that he was discharged for misconduct in connection with his employment.

(6) The claimant's unemployment is not due to his failure without good cause to apply for available suitable work or to accept suitable work when offered to him. The longer a claimant has been unemployed, the more willing he must be to seek other types of work and accept work at a lower rate of pay.

(7) In determining whether or not work is suitable for an individual, the degree of risk involved to his health, safety, morals, physical fitness, experience, training, past earnings, length of unemployment and prospects for obtaining local employment in his customary occupation, the distance of the work from his residence, and other pertinent factors shall be considered. No employment shall be deemed suitable and benefits shall not be denied to any otherwise eligible individual for refusing to accept new work or to hold himself available for work under any of the following conditions:

(a) If the vacancy of the position offered is due directly to a strike, lockout, or other labor dispute;

(b) If the wages, hours, or other conditions of the work offered are below those prevailing for similar work in the locality of the work offered;

(c) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(8) No claimant who is otherwise eligible shall be denied benefits for any week due to an inability to comply with the requirements contained in subsections (4) (a) (i) and (6) of this section, if:

(a) The claimant is a participant in a program sponsored by title I of the workforce investment act and attends a job training course under that program; or

(b) The claimant attends a job training course authorized pursuant to the provisions of section 236(a) (1) of the trade act of 1974 or the North American free trade agreement implementation act.

(c) The claimant lacks skills to compete in the labor market and attends a job training course with the approval of the director. The director may approve job training courses that meet the following criteria:

(i) The purpose of the job training is to teach the claimant skills that will enhance the claimant's opportunities for employment; and

(ii) The job training can be completed within ~~one (1) year~~ two (2) years, except that this requirement may be waived pursuant to rules that the director may prescribe.

This subsection shall apply only if the claimant submits with each claim report a written certification from the training facility that the claimant is attending and satisfactorily completing the job training course. If the claimant fails to attend or otherwise participate in the job training course, it must be determined whether the claimant is able to work and available for suitable work as provided in subsection (4) (b) of this section.

(9) No claimant who is otherwise eligible shall be denied benefits under subsection (5) of this section for leaving employment to attend job training pursuant to subsection (8) of this section, provided that the claimant obtained the employment after enrollment in or during scheduled breaks in the job training course, or that the employment was not suitable. For purposes of this subsection, the term "suitable employment" means work of a substantially equal or higher skill level than the individual's past employment, and wages for such work are not less than eighty percent (80%) of the average weekly wage in the individual's past employment.

(10) A claimant shall not be eligible to receive benefits for any week with respect to which it is found that his unemployment is due to a labor dispute; provided, that this subsection shall not apply if it is shown that:

(a) The claimant is not participating, financing, aiding, abetting, or directly interested in the labor dispute; and

(b) The claimant does not belong to a grade or class of workers with members employed at the premises at which the labor dispute occurs, who are participating in or directly interested in the dispute.

(11) A claimant shall not be entitled to benefits for any week with respect to which or a part of which he has received or is seeking benefits under an unemployment insurance law of another state or of the United States; provided, that if the appropriate agency of such other state or of the United States shall finally determine that he is not entitled to such unemployment compensation or insurance benefits, he shall not by the provisions of this subsection be denied benefits. For purposes of this section, a law of the United States providing any payments of any type and in any amounts for periods of unemployment due to involuntary unemployment shall be considered an unemployment insurance law of the United States.

(12) A claimant shall not be entitled to benefits for a period of fifty-two (52) weeks if it is determined that he has willfully made a false statement or willfully failed to report a material fact in order to obtain benefits. The period of disqualification shall commence the week the determination is issued. The claimant shall also be ineligible for waiting week credit and shall repay any sums received for any week for which the claimant received waiting week credit or benefits as a result of having willfully made a false statement or willfully failed to report a material fact. The claimant shall also be ineligible for waiting week credit or benefits for any week in which he owes the department an overpayment, civil penalty, or interest resulting from a determination that he willfully made a false statement or willfully failed to report a material fact.

(13) A claimant shall not be entitled to benefits if his principal occupation is self-employment.

(14) A claimant who has been found ineligible for benefits under the provisions of subsection (5), (6), (7) or (9) of this section shall reestablish his eligibility by having obtained bona fide work and received wages therefor in an amount of at least fourteen (14) times his weekly benefit amount.

(15) Benefits based on service in employment defined in sections 72-1349A and 72-1352(3), Idaho Code, shall be payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to this act.

(a) If the services performed during one-half (1/2) or more of any contract period by an individual for an educational institution as defined in section 72-1322B, Idaho Code, are in an instructional, research, or principal administrative capacity, all the services shall be deemed to be in such capacity.

(b) If the services performed during less than one-half (1/2) of any contract period by an individual for an educational institution are in an instructional, research, or principal administrative capacity, none of the service shall be deemed to be in such capacity.

(c) As used in this section, "contract period" means the entire period for which the individual contracts to perform services, pursuant to the terms of the contract.

(16) No claimant is eligible to receive benefits in two (2) successive benefit years unless, after the beginning of the first benefit year during which he received benefits, he performed service and earned an amount equal to not less than six (6) times the weekly benefit amount established during the first benefit year.

(17) (a) Benefits based on wages earned for services performed in an instructional, research, or principal administrative capacity for an educational institution shall not be paid for any week of unemployment commencing during the period between two (2) successive academic years,

or during a similar period between two (2) terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual who performs such services in the first academic year (or term) and has a contract to perform services in any such capacity for any educational institution in the second academic year or term, or has been given reasonable assurance that such a contract will be offered.

(b) Benefits based on wages earned for services performed in any other capacity for an educational institution shall not be paid to any individual for any week which commences during a period between two (2) successive school years or terms if the individual performs such services in the first school year or term, and there is a contract or reasonable assurance that the individual will perform such services in the second school year or term. If benefits are denied to any individual under this paragraph (b) and the individual was not offered an opportunity to perform such services for the educational institution for the second academic year or term, the individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this clause.

(c) With respect to any services described in paragraphs (a) and (b) of this subsection (17), benefits shall not be paid nor "waiting week" credit given to an individual for wages earned for services for any week which commences during an established and customary vacation period or holiday recess if the individual performed the services in the period immediately before the vacation period or holiday recess, and there is a reasonable assurance the individual will perform such services in the period immediately following such vacation period or holiday recess.

(d) With respect to any services described in paragraphs (a) and (b) of this subsection (17), benefits shall not be payable on the basis of services in any capacities specified in paragraphs (a), (b) and (c) of this subsection (17) to any individual who performed such services in an educational institution while in the employ of an educational service agency. For purposes of this paragraph the term "educational service agency" means a governmental entity which is established and operated exclusively for the purpose of providing such services to one (1) or more educational institutions.

(18) Benefits shall not be payable on the basis of services which substantially consist of participating in sports or athletic events or training or preparing to participate, for any week which commences during the period between two (2) successive sport seasons (or similar periods) if the individual performed services in the first season (or similar period) and there is a reasonable assurance that the individual will perform such services in the later of such season (or similar period).

(19) (a) Benefits shall not be payable on the basis of services performed by an alien unless the alien was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time the services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of sections 207 and 208 or section 212(d)(5) of the immigration and nationality act).

(b) Any data or information required of individuals applying for benefits to determine eligibility under this subsection shall be uniformly required from all applicants for benefits.

(c) A decision to deny benefits under this subsection must be based on a preponderance of the evidence.

(20) An individual who has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the director must participate in those reemployment services unless:

- (a) The individual has completed such services; or
- (b) There is justifiable cause, as determined by the director, for the claimant's failure to participate in such services.

(21) (a) A claimant:

- (i) Who has been assigned to work for one (1) or more customers of a staffing service; and
- (ii) Who, at the time of hire by the staffing service, signed a written notice informing him that completion or termination of an assignment for a customer would not, of itself, terminate the employment relationship with the staffing service;

will not be considered unemployed upon completion or termination of an assignment until such time as he contacts the staffing service to determine if further suitable work is available. If the claimant:

1. Contacts the staffing service and refuses a suitable work assignment that is offered to him at that time, he will be considered to have voluntarily quit that employment; or
2. Contacts the staffing service and the service does not have a suitable work assignment for him, he will be considered unemployed due to a lack of work; or
3. Accepts new employment without first contacting the staffing service for additional work, he will be considered to have voluntarily quit employment with the staffing service.

(b) For the purposes of this subsection, the term "staffing service" means any person who assigns individuals to work for its customers and includes, but is not limited to, professional employers, as defined in chapter 24, title 44, Idaho Code, and the employers of temporary employees as defined in section 44-2403(7), Idaho Code.

(22) (a) A claimant who is otherwise eligible for regular benefits as defined in section 72-1367A(1)(e), Idaho Code, shall be eligible for training extension benefits if the department determines that all of the following criteria are met:

- (i) The claimant is unemployed;
- (ii) The claimant has exhausted all rights to regular unemployment benefits as defined in section 72-1367A(1)(e), Idaho Code, and all rights to extended benefits as defined in section 72-1367A(1)(f), Idaho Code, and all rights to benefits under section 2002 ("increase in unemployment compensation benefits") of division B, title II, the assistance for unemployed workers and struggling families act, of the American recovery and reinvestment act of 2009, public law 111-5, as enacted on February 17, 2009;
- (iii) The claimant is enrolled in a training program approved by the department or in a job training program authorized under the workforce investment act, as amended; except that the training program must prepare the claimant for entry into a high-demand occupation if the department determines that the claimant separated from a declining occupation or has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the claimant's place of employment. For the purposes of this subsection, a "declining occupation" is one where there is a lack of sufficient current demand in the claimant's labor market area for the occupational skills for which the claimant is qualified by training and experience or current physical or mental capacity and the lack of employment opportu-

nities is expected to continue for an extended period of time, or the claimant's occupation is one for which there is a seasonal variation in demand in the labor market and the claimant has no other skills for which there is current demand. For the purposes of this subsection, a "high-demand occupation" is an occupation in a labor market area where work opportunities are available and qualified applicants are lacking as determined by the use of available labor market information;

(iv) The claimant is making satisfactory progress to complete the training as determined by the department; and

(v) The claimant is not receiving similar stipends or other training allowances for non-training costs. For the purposes of this subsection, "similar stipend" means an amount provided under a program with similar aims, such as providing training to increase employability, and in approximately the same amounts.

(b) The weekly training extension benefit amount shall equal the claimant's weekly benefit amount for the most recent benefit year less any deductible income as determined by the provisions of this chapter. The total amount of training extension benefits payable to a claimant shall be equal to twenty-six (26) times the claimant's average weekly benefit amount for the most recent benefit year. A claimant who is receiving training extension benefits shall not be denied training extension benefits due to the application of subsections (4) (a) (i) and (6) of this section and an employer's account shall not be charged for training extension benefits paid to the claimant.

SECTION 3. Section 1 of this act shall be in full force and effect on and after October 1, 2009; and Section 2 of this act shall be in full force and effect on and after January 1, 2010.

Approved April 24, 2009.

CHAPTER 239
(S.B. No. 1165)

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-319, IDAHO CODE, TO PROVIDE THAT CERTAIN SCHOOL DISTRICTS SHALL BE CONSIDERED RURAL SCHOOL DISTRICTS AND TO PROVIDE THAT CERTAIN PUBLIC CHARTER SCHOOLS SHALL BE CONSIDERED RURAL PUBLIC CHARTER SCHOOLS.

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

SECTION 1. That Chapter 3, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-319, Idaho Code, and to read as follows:

33-319. RURAL SCHOOL DISTRICTS -- RURAL PUBLIC CHARTER SCHOOLS. (1) A school district shall be considered a rural school district if it meets one (1) of the following two (2) criteria:

(a) There are fewer than twenty (20) enrolled students per square mile within the area encompassed by the school district's boundaries; or

(b) The county in which a plurality of the school district's market value for assessment purposes is located contains less than twenty-five thousand (25,000) residents, based on the most recent decennial United States census.

(2) A public charter school shall be considered a rural public charter school if the school district in which the public charter school is physically located meets the definition of a rural school district, pursuant to subsection (1) of this section. A public charter school that is also a virtual school shall be considered a rural public charter school if over fifty percent (50%) of its enrolled students reside within school districts that meet the definition of a rural school district pursuant to subsection (1) of this section.

Approved April 24, 2009.

CHAPTER 240
(S.B. No. 1167)

AN ACT

RELATING TO WATER; AMENDING SECTION 42-1737, IDAHO CODE, TO PROVIDE THAT PROJECT PROPOSALS RELATING TO THE DIVERSION OF CERTAIN NATURAL FLOW WATER FOR SPECIFIED MANAGED RECHARGE PROJECTS MUST BE SUBMITTED TO THE IDAHO WATER RESOURCE BOARD FOR APPROVAL OR DISAPPROVAL AND TO REFERENCE THE STATE WATER PLAN.

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

SECTION 1. That Section 42-1737, Idaho Code, be, and the same is hereby amended to read as follows:

42-1737. BOARD APPROVAL -- CRITERIA -- HEARINGS -- APPEALS -- DEFINING A MISDEMEANOR -- INJUNCTIONS. (a) All project proposals involving the impoundment of water in a reservoir with an active storage capacity in excess of ten thousand (10,000) acre-feet, or the diversion of natural flow water appropriated pursuant to section 42-234, Idaho Code, for a managed recharge project in excess of ten thousand (10,000) acre-feet on an average annual basis, shall be submitted to the board for its approval or disapproval. No construction shall be commenced on any such project nor shall any diversion be permitted prior to receipt of board approval as herein provided and the board may institute injunctive proceedings to halt such construction or diversion. In the event a project is disapproved, this fact shall be certified by the board to the director of the department and such certification shall constitute the petition for cancelation of permit required by section 42-302, Idaho Code, and, pursuant to such certification, the procedure for cancelation of permit issued for such project shall be carried forward by said director.

(b) In determining whether a project proposal shall be approved, or disapproved, the board shall be guided by the following criteria:

1. Conserving the highest use of the water for all purposes.
2. The maximum economic development of the waters involved.
3. The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.
4. That sufficient water is available for appropriation for beneficial use.
5. The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.
6. That all vested and inchoate rights to the waters of this state or to the use thereof have been protected by the issuance of a permit for the project by the director of the department.
7. The state water plan and water policy formulated under other laws of this state.

(c) The board shall by regulation, establish procedures for notice and hearing on those project proposals which must be submitted to the board and may authorize hearings by hearing officers. The board or its hearing officer shall have power to administer oaths and to require the attendance of such witnesses and the production of such books, records and papers as it may desire at any hearing and for that purpose the board may issue a subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records or papers which shall be served and returned in the same manner as a subpoena in a civil case. In case of any disobedience or neglect to obey a subpoena or subpoena duces tecum it shall be the duty of the district court in any county of this state in which such disobedience, neglect or refusal occurs, or any judge thereof, on application by the board, to compel obedience by proceedings for contempt as in the case of a subpoena issued by a regularly constituted court. The sponsor of a project who appears before the board shall have similar powers and shall have the right to be represented by counsel. If the sponsor does not appear at the appointed time, and his absence is without sufficient cause, the board shall have the right to proceed in his absence or may consider absence to constitute an admission of facts contrary to the position of the sponsor. The board shall make findings of fact and conclusions of law leading to its approval or disapproval.

(d) Any sponsor of a project which has been disapproved shall have the right to have the proceedings of the board reviewed by the district court in the county of his residence. With the exception that judicial review may be had by the district court of the county of the residence of the sponsor, such judicial review shall be accomplished in accordance with the provisions of chapter 52, title 67, Idaho Code.

Approved April 24, 2009.

CHAPTER 241
(S.B. No. 1169)

AN ACT

RELATING TO THE PUBLIC UTILITIES COMMISSION AND ELECTRIC UTILITY WATER RIGHTS; TO PROVIDE FINDINGS AND A STATEMENT OF PURPOSE, TO PROVIDE THAT THE PUBLIC UTILITIES COMMISSION SHALL HAVE NO JURISDICTION TO CONSIDER CERTAIN ISSUES, TO PROVIDE THAT THE IDAHO PUBLIC UTILITIES COMMISSION SHALL ACCEPT AS REASONABLE AND IN THE PUBLIC INTEREST FOR ALL PURPOSES ARTICLE II OF THE FRAMEWORK REAFFIRMING THE SWAN FALLS SETTLEMENT IN ANY PROCEEDINGS BEFORE THE COMMISSION AND TO PROVIDE THAT IMPLEMENTATION OF PROVISIONS OF ARTICLE II OF THE FRAMEWORK REAFFIRMING THE SWAN FALLS SETTLEMENT SHALL NOT CONSTITUTE A SALE, ASSIGNMENT, CONVEYANCE OR TRANSFER AS SPECIFIED.

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

SECTION 1. FINDINGS AND STATEMENT OF PURPOSE. On October 25, 1984, the Governor, Attorney General and Idaho Power Company entered into a contract, known as the "Swan Falls Agreement," to memorialize and implement the settlement of a continuing controversy over electric utility water rights in the Snake River Basin above the Murphy U.S.G.S. gaging station, which was approved and implemented by the Legislature. The Governor, Attorney General and Idaho Power Company have executed a Framework Reaffirming the Swan Falls Settlement dated March 25, 2009, as maintained in the files of the Idaho Department of Water Resources, that resolves pending litigation regarding the intent of the parties with respect to certain aspects of the settlement. The Legislature finds that Article II of said Framework and the exhibits thereto are in the public interest for all purposes including, but not limited to,

all purposes under the public utilities law, as amended. Implementation of the Framework will resolve continuing controversy and litigation over electric utility water rights in the Snake River Basin above the Murphy U.S.G.S. gaging station and reaffirm the terms and original purposes of the Swan Falls settlement and further the implementation thereof.

SECTION 2. PUBLIC UTILITIES COMMISSION -- JURISDICTION. The Idaho Public Utilities Commission shall have no jurisdiction to consider in any proceeding, whether instituted before or after the effective date of this act, any issue as to whether any electric utility, including Idaho Power Company, should have or could have preserved, maintained or protected its water rights and hydroelectric generation in a manner inconsistent with the Framework Reaffirming the Swan Falls Settlement entered into by the Governor, Attorney General and the Idaho Power Company dated March 25, 2009.

SECTION 3. IDAHO PUBLIC UTILITIES COMMISSION -- EFFECT OF AGREEMENT. In any proceeding before the Idaho Public Utilities Commission including, but not limited to, a proceeding in which the Commission is setting or reviewing the revenue requirements of any electric utility, including Idaho Power Company, the Commission shall accept as reasonable and in the public interest for all purposes, Article II of the Framework Reaffirming the Swan Falls Settlement entered into by the Governor, Attorney General and the Idaho Power Company on March 25, 2009, and the exhibits thereto, including without limitation, the effects of implementation of such provisions of the Framework on the utility's revenue requirements and hydroelectric generation.

SECTION 4. EXEMPTION. Implementation of provisions of Article II of the Framework Reaffirming the Swan Falls Settlement entered into by the Governor, Attorney General and the Idaho Power Company on March 25, 2009, shall not constitute a sale, assignment, conveyance or transfer within the meaning of Sections 61-327, 61-328, 61-329, 61-330 and 61-331, Idaho Code, to the extent any of those sections may apply.

Approved April 24, 2009.

CHAPTER 242
(S.B. No. 1185)

AN ACT

RELATING TO GROUND WATER RECHARGE; AMENDING SECTION 42-234, IDAHO CODE, TO DELETE REFERENCE TO PROJECTS AND TO REFERENCE PERMITS AND LICENSES, TO REVISE A LEGISLATIVE FINDING, TO REVISE A LEGISLATIVE DECLARATION RELATING TO BENEFICIAL USE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO ISSUE CERTAIN PERMITS AND LICENSES, TO DELETE REFERENCE TO CERTAIN PRIORITY AND DEPLETION PROVISIONS, TO PROVIDE THAT THE DIRECTOR MAY REGULATE AND REDUCE THE AMOUNT OF WATER WHICH MAY BE DIVERTED FOR RECHARGE PURPOSES, TO PROVIDE THAT THE DIRECTOR MAY FIX A TERM OF YEARS IN CERTAIN PERMITS OR LICENSES DURING WHICH THE AMOUNT OF WATER AUTHORIZED TO BE DIVERTED SHALL NOT BE REDUCED, TO AUTHORIZE THE DIRECTOR TO APPROVE, DISAPPROVE OR REQUIRE ALTERATIONS IN METHODS EMPLOYED TO ACHIEVE GROUND WATER RECHARGE AND TO PROVIDE THAT THE DIRECTOR SHALL ORDER THE CESSATION OF OPERATIONS UNDER CERTAIN CIRCUMSTANCES; REPEALING SECTION 42-4201A, IDAHO CODE, RELATING TO THE DIRECTOR'S AUTHORITY TO ISSUE PERMITS AND LICENSES RELATING TO THE RECHARGE OF GROUND WATER BASINS; AND AMENDING SECTIONS 42-4223, 42-5225 AND 43-343, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

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

SECTION 1. That Section 42-234, Idaho Code, be, and the same is hereby amended to read as follows:

42-234. GROUND WATER RECHARGE PROJECTS -- AUTHORITY OF DEPARTMENT TO GRANT PERMITS AND LICENSES. (1) It is the policy of the state of Idaho to promote and encourage the optimum development and augmentation of the water resources of this state. The legislature deems it essential, therefore, that water projects designed to advance this policy be given maximum support. The legislature finds that the projects use of water to recharge ground water basins in accordance with Idaho law and the state water plan may enhance the full realization of our water resource potential by furthering water conservation and increasing the water available for beneficial use.

(2) The legislature hereby declares that the appropriation ~~and underground storage~~ of water for purposes of ground water recharge shall constitute a beneficial use ~~and hereby authorizes~~ of water. The director of the department of water resources is authorized to issue a permits and licenses for the appropriation and underground storage of unappropriated waters in an area purpose of ground water recharge, pursuant to the provisions of this chapter and in compliance with other applicable Idaho law and the state water plan. The rights acquired pursuant to any permit and license obtained as herein authorized shall be secondary to all prior perfected water rights, including those water rights for power purposes that may otherwise be subordinated by contract entered into by the governor and Idaho power company on October 25, 1984, and ratified by the legislature pursuant to section 42-203B, Idaho Code. Any right so granted shall be subject to depletion for surface storage or direct uses after a period of years sufficient to amortize the investment of the appropriator.

(3) The director of the department of water resources may regulate the amount of water which may be diverted for recharge purposes and may reduce such amount, even though there is sufficient water to supply the entire amount originally authorized by permit or license. To facilitate necessary financing of an aquifer recharge project, the director may fix a term of years in the permit or license during which the amount of water authorized to be diverted shall not be reduced by the director under the provisions of this subsection.

(4) To ensure that other water rights are not injured by the operations of an aquifer recharge project, the director of the department of water resources shall have the authority to approve, disapprove or require alterations in the methods employed to achieve ground water recharge. In the event that the director determines that the methods of operation are adversely affecting existing water rights or are creating conditions adverse to the beneficial use of water under existing water rights, the director shall order the cessation of operations until such alterations as may be ordered by the director have been accomplished or such adverse effects otherwise have been corrected.

(5) The legislature further recognizes that incidental ground water recharge benefits are often obtained from the diversion and use of water for various beneficial purposes. However, such incidental recharge may not be used as the basis for claim of a separate or expanded water right. Incidental recharge of aquifers which occurs as a result of water diversion and use that does not exceed the vested water right of water right holders is in the public interest. The values of such incidental recharge shall be considered in the management of the state's water resources.

SECTION 2. That Section 42-4201A, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 42-4223, Idaho Code, be, and the same is hereby amended to read as follows:

42-4223. **CONTRACTS TO RECEIVE BENEFITS.** Any privately owned electrical generating company, or any person or entity who has acquired or is in the process of acquiring a right to appropriate water downstream from the boundaries of the district may enter into a contract with the board of directors of the aquifer recharge district for the receipt of benefits from the district. The consideration to be paid by any company, person or entity so contracting shall be as specified in the contract. Approval of any such contract by the director of the department of water resources shall be required before the contract shall become effective.

A contract executed and approved as herein provided may be used by the department of water resources as the basis for issuance of a permit to the electrical generating company or downstream appropriator for the appropriation and storage of such water as shall become available thereto as a result of the functioning of the district. Water appropriated under any such permit shall be deemed to be stored water and the use and manner of appropriation thereof shall be subject to all applicable limitations and restrictions imposed by law, including the provisions of subsection (3) of section 42-4201 or subsection (3) of section ~~42-4201A~~ 42-234, Idaho Code.

Prior to the formation of the aquifer recharge district, any such electrical generating company or downstream appropriator may file with the director of the department of water resources a letter of intent to enter into such a contract.

SECTION 4. That Section 42-5225, Idaho Code, be, and the same is hereby amended to read as follows:

42-5225. **AUTHORITY TO CONSTRUCT AND OPERATE GROUND WATER RECHARGE OR STORAGE PROJECT.** Any ground water district organized under the laws of this state is authorized in section ~~42-4201A~~ 42-234, Idaho Code, to file an application with the department to acquire water rights or to appropriate the unappropriated waters of the state for the purpose of storing waters in, or recharging, ground water basins within the district to aid in the efficient irrigation of district lands, to serve domestic, commercial, municipal or industrial uses within the district, or to carry out a mitigation plan. Upon approval of the application for permit by the director, the district shall proceed in the manner provided by law to construct and operate the ground water storage or recharge project. The construction and operation of the project shall be subject to such additional conditions and limitations as shall be imposed by the director pursuant to sections 42-203A, 42-222 and ~~42-4201A~~ 42-234, Idaho Code.

SECTION 5. That Section 43-343, Idaho Code, be, and the same is hereby amended to read as follows:

43-343. **AUTHORITY TO CONSTRUCT AND OPERATE GROUND WATER RECHARGE PROJECT.** Any irrigation district heretofore or hereafter organized under the laws of this state, having received and affirmatively acted upon a petition to construct a ground water recharge improvement project in the manner provided by sections 43-328, 43-329 and 43-330, Idaho Code, is authorized by section ~~42-4201A~~ 42-234, Idaho Code, to file an application with the department of water resources to appropriate the unappropriated waters of the state for the purpose of recharging ground water basins within the district to aid in the efficient irrigation of district lands. Upon approval of the application for permit by the director of the department of water resources, the district shall proceed in the manner provided by the irrigation district laws of the state to construct and operate the recharge project. The construction and operation of the project shall be subject to such additional conditions and limitations as shall be imposed by the

director of the department of water resources pursuant to sections ~~42-203~~
~~42-203A~~ and ~~42-4201A~~ 42-234, Idaho Code.

Approved April 24, 2009.

CHAPTER 243
(S.B. No. 1221)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PHYSICAL HEALTH SERVICES FOR FISCAL YEAR 2009; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; EXPRESSING LEGISLATIVE INTENT RELATING TO CERTAIN MILLENNIUM INCOME FUND APPROPRIATIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for Public Health Services for the designated programs the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PHYSICAL HEALTH SERVICES:				
FROM:				
Cooperative Welfare (General) Fund	\$1,447,200	\$1,670,200	\$1,384,000	\$4,501,400
Cancer Control Fund	50,600	228,200	123,400	402,200
Central Tumor Registry Fund			182,700	182,700
Cooperative Welfare (Dedicated) Fund	1,469,300	1,861,700	10,186,700	13,517,700
Cooperative Welfare (Federal) Fund	<u>5,214,600</u>	<u>7,773,700</u>	<u>39,067,900</u>	<u>52,056,200</u>
TOTAL	\$8,181,700	\$11,533,800	\$50,944,700	\$70,660,200
II. EMERGENCY MEDICAL SERVICES:				
FROM:				
Emergency Medical Services Fund	\$1,467,100	\$951,700	\$372,700	\$2,791,500
Emergency Medical Services III Fund			1,400,000	1,400,000
Cooperative Welfare (Dedicated) Fund	233,900	121,000	150,000	504,900
Cooperative Welfare (Federal) Fund	<u>295,000</u>	<u>875,100</u>	<u>362,300</u>	<u>1,532,400</u>
TOTAL	\$1,996,000	\$1,947,800	\$2,285,000	\$6,228,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. LABORATORY SERVICES:				
FROM:				
Cooperative Welfare (General) Fund	\$1,396,900	\$420,400		\$1,817,300
Cooperative Welfare (Dedicated) Fund	418,900	199,300		618,200
Cooperative Welfare (Federal) Fund	<u>678,800</u>	<u>1,143,400</u>		<u>1,822,200</u>
TOTAL	\$2,494,600	\$1,763,100		\$4,257,700
 GRAND TOTAL	 \$12,672,300	 \$15,244,700	 \$53,229,700	 \$81,146,700

SECTION 2. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than one hundred thirty-six and sixty-three hundredths (136.63) full-time equivalent positions for the Physical Health Services Program for the period July 1, 2009, through June 30, 2010. The Department of Health and Welfare is authorized no more than twenty-eight and seventy-six hundredths (28.76) full-time equivalent positions for the Emergency Medical Services Program for the period July 1, 2009, through June 30, 2010. The Department of Health and Welfare is authorized no more than forty and eighty-hundredths (40.80) full-time equivalent positions for the Laboratory Services Program for the period July 1, 2009, through June 30, 2010. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the department's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 358, Laws of 2008, there is hereby appropriated to the Department of Health and Welfare the following amount to be expended for the Physical Health Services Program according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:	
Operating Expenditures	\$900,000
Trustee and Benefit Payments	<u>3,000,000</u>
TOTAL	\$3,900,000

FROM:	
Cooperative Welfare (Federal) Fund	\$3,900,000

SECTION 4. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 5. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2010.

SECTION 6. EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES. Recognizing that employee development is an essential part of a workforce but that budget shortfalls require a reprioritization of expenditures towards core functions first and development and training second. The Department of Health and Welfare is hereby directed not to pay any education stipend, regardless of funding source, for employees during the fiscal year 2010 due to budgetary shortfalls and a reprioritization towards core expenditures.

SECTION 7. TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES. Notwithstanding the provisions of Section 67-3511, Idaho Code, that state "No appropriation made for expenses other than personnel costs shall be expended for personnel costs of the particular department, office or institution for which it is appropriated,..." For fiscal year 2010, the Department of Health and Welfare may transfer funds appropriated for operating expenditures to personnel costs with the consent of the State Board of Examiners that currently designates the responsibility to the Division of Financial Management.

SECTION 8. MILLENNIUM INCOME FUND APPROPRIATIONS. It is legislative intent that \$700,000 of the funds from the Millennium Income Fund appropriated to the Department of Health and Welfare shall be designated for nicotine replacement therapy, and that expenditures appropriated from the Millennium Income Fund shall not be used for local programs identified in the application proposal since they may duplicate other programs funded by the Millennium Income Fund.

SECTION 9. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 10. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3 and 10 of this act shall be in full force and effect on and after passage and approval.

Approved April 24, 2009.

CHAPTER 244
(H.B. No. 306)

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 37-3201, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-1704, IDAHO CODE, TO REVISE THE DEFINITION OF THE "PRACTICE OF PHARMACY" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1705, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE NEW TERMS; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1723A, IDAHO CODE, TO PROVIDE FOR REGISTRATION TO ENGAGE IN THE PRACTICE OF PHARMACY ACROSS STATE LINES; AMENDING SECTION 54-1729, IDAHO CODE, TO REQUIRE AN APPLICATION FOR A CERTIFICATE OF REGISTRATION FOR A TELEPHARMACY DRUG OUTLET ACROSS STATE LINES, TO PROVIDE FOR THE REGISTRATION OF CERTAIN INDIVIDUALS ENGAGED IN THE PRACTICE OF TELEPHARMACY ACROSS STATE LINES, TO PROVIDE FOR THE PAYMENT OF CERTAIN FEES BY CERTAIN DRUG OUTLETS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-4702, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 54-5110, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 37-3201, Idaho Code, be, and the same is hereby amended to read as follows:

37-3201. DEFINITIONS. As used in this chapter:

- (1) "Code imprint" means a series of letters or numbers assigned by the manufacturer or distributor to a specific drug, or marks or monograms unique to the manufacturer or distributor of the drug, or both;
- (2) "Distributor" means a person who distributes for resale a drug in solid dosage form under his own label even though he is not the actual manufacturer of the drug;
- (3) "Solid dosage form" means capsules or tablets intended for oral use;
- (4) "Legend drug" means any drug defined by section 54-1705(~~2830~~), Idaho Code.

SECTION 2. That Section 54-1704, Idaho Code, be, and the same is hereby amended to read as follows:

54-1704. PRACTICE OF PHARMACY. "Practice of pharmacy" means the interpretation, evaluation and dispensing of prescription drug orders; participation in drug and device selection, drug administration, drug regimen reviews and drug or drug-related research; the practice of telepharmacy within and across state lines; provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care; and the responsibility for: compounding and labeling of drugs and devices, ~~(except labeling by a manufacturer, repackager or distributor of nonprescription drugs and commercially packaged legend drugs and devices)~~; proper and safe storage of drugs and devices, and maintenance of proper records for them; and the offering or performing of those acts, services,

operations or transactions necessary to the conduct, operation, management and control of pharmacy.

SECTION 3. That Section 54-1705, Idaho Code, be, and the same is hereby amended to read as follows:

54-1705. DEFINITIONS. In this chapter:

(1) "Board of pharmacy" or "board" means the Idaho state board of pharmacy.

(2) "Counseling" or "counsel" means the effective communication by the pharmacist of information as set out in this chapter, to the patient or caregiver, in order to improve therapeutic outcomes by maximizing proper use of prescription medications and devices. Specific areas of counseling shall include, but are not limited to:

(a) Name and strength and description of the medication;

(b) Route of administration, dosage, dosage form, continuity of therapy and refill information;

(c) Special directions and precautions for preparation, administration, storage and use by the patient as deemed necessary by the pharmacist;

(d) Side effects or adverse effects and interactions and therapeutic contraindications that may be encountered, including their avoidance, which may interfere with the proper use of the medication or device as was intended by the prescriber, and the action required if they occur;

(e) Techniques for self-monitoring drug therapy; and

(f) Action to be taken in the event of a missed dose.

(3) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or device from one (1) person to another, whether or not for a consideration.

(4) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar related article including any component part or accessory which is:

(a) Recognized in the official United States Pharmacopoeia or official National Formulary, other drug compendia or any supplement to them;

(b) Intended for use in the diagnosis of disease or other conditions, or the cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Intended to affect the structure or any function of the body of man or other animal, and which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animal, and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(5) "Dispense" or "dispensing" means the preparation and delivery of a prescription drug pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug.

(6) "Distribute" means the delivery of a drug other than by administering or dispensing.

(7) "Drug" means:

(a) Articles recognized as drugs in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, other drug compendia or any supplement to any of them;

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Articles, other than food, intended to affect the structure or any function of the body of man or other animals; and

(d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c) of this subsection.

(8) "Drug order" means a written order, in a hospital or other health care institution, for an ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by other means of communication from a practitioner, which is immediately reduced to writing by a pharmacist, registered nurse or other licensed health care practitioner authorized by the hospital or institution. The order shall contain the name and bed number of the patient, the name and strength or size of the drug or device, unless specified by individual institution policy or guideline, the amount to be dispensed, either in quantity or days, adequate directions for the proper use of the drug or device when it is administered to the patient, and the name of the prescriber.

(9) "Drug outlet" means all pharmacies, nursing homes, residential or assisted living facilities, convalescent homes, extended care facilities, drug abuse treatment centers, penal institutions, hospitals, family planning clinics, retail stores, wholesalers, manufacturers and mail order vendors with facilities located in this state which are engaged in dispensing, delivery or distribution of drugs and drug manufacturers and wholesalers with facilities located outside the state, but doing business within this state and institutions, as defined in the rules of the board, engaged in the practice of telepharmacy across state lines.

(10) "Extern" means a bona fide student enrolled in an approved college of pharmacy who has not received his first professional degree in pharmacy.

(11) "Externship" means a structured practical experience program in pharmacy, approved by the board and administered by a college of pharmacy.

(12) "Health care facility" means a health care facility as defined in section 54-1601, Idaho Code.

(13) "Intern" means any person who has completed a course of study at an approved college of pharmacy, received the first professional degree in pharmacy and is registered with the board as an intern. Interns must register with the board prior to commencement of an internship program.

(14) "Internship" means a postgraduate practical experience program under the supervision of a preceptor at a preceptor site.

(15) "Investigational or new drug" means any drug which is limited by state or federal law to use under professional supervision of a practitioner authorized by law to prescribe or administer such drug.

(16) "Labeling" means the process of preparing and affixing of a label to any drug container, exclusive however, of the labeling by a manufacturer, packer or distributor of a nonprescription drug or commercially packaged legend drug or device. Any such label shall include all information required by federal and state law or regulation.

(17) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a device or a drug, either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for his own use or the preparation, compounding, packaging or labeling of a drug:

(a) By a pharmacist or practitioner as an incident to his administering or dispensing of a drug in the course of his professional practice; or

(b) By a practitioner or by his authorization under his supervision for the purpose of or as an incident to research, teaching or chemical analysis and not for sale.

(18) "Manufacturer" means a person who by compounding, cultivating, harvesting, mixing or other process, produces or prepares legend drugs, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process, or who packages

or repackages such drugs, but does not include pharmacists or practitioners in the practice of their profession.

(19) "Nonprescription drugs" means medicines or drugs which may be sold without a prescription and which are prepackaged for use by the consumer and labeled in accordance with the requirements of the statutes and regulations of this state and the federal government.

(20) "Person" means an individual, corporation, partnership, association or any other legal entity.

(21) "Pharmaceutical care" means drug therapy and other pharmaceutical patient care services intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a patient's symptoms, or arresting or slowing of a disease process as defined in the rules of the board.

(22) "Pharmacist" means an individual licensed by this state to engage in the practice of pharmacy or a pharmacist licensed in another state who is registered by the board of pharmacy to engage in the practice of telepharmacy across state lines.

(23) "Pharmacy" means any facility, department or other place where prescriptions are filled or compounded and are sold, dispensed, offered or displayed for sale, which has, as its principal purpose, the dispensing of drug and health supplies intended for the general health, welfare and safety of the public.

(24) "Practice of telepharmacy" means the provision of pharmaceutical care by registered or licensed pharmacies and pharmacists located within United States jurisdictions through the use of telecommunications or other technologies to patients at distances that are located within United States jurisdictions, as defined in the rules of the board.

(25) "Practice of telepharmacy across state lines" means the practice of telepharmacy when the patient is located within the state of Idaho and the pharmacist is located in a United States jurisdiction outside the state of Idaho, as defined in the rules of the board.

(26) "Practitioner" shall mean a physician, dentist, veterinarian, scientific investigator or other person licensed in this state and permitted by such license to dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this state.

(257) "Precursor" means a substance, other than a legend drug which is an immediate chemical intermediate that can be processed or synthesized into a legend drug, and is used or produced primarily for use in the manufacture of a legend drug by persons other than persons licensed to manufacture such legend drugs by the Idaho board of pharmacy, registered by the state board of health and welfare, or licensed to practice pharmacy by the Idaho board of pharmacy.

(268) "Preceptor" means a pharmacist licensed in the state and in good standing, who supervises the internship training of a registered intern. The preceptor shall be actively engaged in the practice of pharmacy on a full-time employment basis at a registered preceptor site.

(279) "Preceptor site" means any training site for pharmacy interns and externs registered with the board pursuant to board rule.

(~~2830~~) "Prescription drug or legend drug" means a drug which, under federal law is required, prior to being dispensed or delivered, to be labeled with one (1) of the following statements:

(a) "Caution: Federal law prohibits dispensing without a prescription"; or

(b) "Rx Only"; or

(c) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian";

or a drug which is required by any applicable federal or state law or regulation to be dispensed on prescription only or is restricted to use by practitioners only.

(~~2931~~) "Prescription drug order" means a lawful written or verbal order of a practitioner for a drug or device for an ultimate user of the drug or device, issued and signed by a practitioner, or an order transmitted verbally from a practitioner or the practitioner's agent to a pharmacist in a pharmacy, or transmitted verbally from a practitioner and immediately reduced to writing by a licensed practical nurse or licensed professional nurse in a health care facility for a patient or resident of such facility.

(~~302~~) "Prospective drug review" includes, but is not limited to, the following activities:

(a) Evaluation of the prescription or medication order for:

- (i) Known allergies;
- (ii) Rational therapy contraindications;
- (iii) Reasonable dose and route of administration; and
- (iv) Reasonable directions for use.

(b) Evaluation of the prescription or medication order for duplication of therapy.

(c) Evaluation of the prescription or medication order for interactions:

- (i) Drug-drug;
- (ii) Drug-food; and
- (iii) Drug-disease.

(d) Evaluation of the prescription or medication order for proper utilization:

- (i) Over or under utilization; and
- (ii) Abuse/misuse.

(~~313~~) "Record" means all papers, letters, memoranda, notes, prescriptions, drug orders, invoices, statements, patient medication charts or files, computerized records or other written indicia, documents or objects which are used in any way in connection with the purchase, sale or handling of any drug or device.

(~~324~~) "Sale" means every sale and includes:

- (a) Manufacturing, processing, transporting, handling, packaging or any other production, preparation or repackaging;
- (b) Exposure, offer, or any other proffer;
- (c) Holding, storing or any other possession;
- (d) Dispensing, giving, delivering or any other supplying; and
- (e) Applying, administering or any other usage.

(~~335~~) "Warehouseman" means a person who stores legend drugs for others and who has no control over the disposition of such drugs except for the purpose of such storage.

(~~346~~) "Wholesaler" means a person engaged in the business of distributing legend drugs that he himself has not produced or prepared, to persons included in any of the classes named in subsection (2) (a) through (f) of section 54-1734, Idaho Code.

SECTION 4. That Chapter 17, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 54-1723A, Idaho Code, and to read as follows:

54-1723A. REGISTRATION TO ENGAGE IN THE PRACTICE OF TELEPHARMACY ACROSS STATE LINES. (1) No pharmacist who is not licensed to practice pharmacy within the state of Idaho may engage in the practice of telepharmacy across state lines unless registered by the board pursuant to this section.

(2) To obtain registration to engage in the practice of telepharmacy across state lines, the applicant shall:

- (a) Present to the board proof of licensure in another state and proof that such license is in good standing;
- (b) Submit a written application in the form prescribed by the board;

(c) Pay the fee(s) specified by the board for the issuance of the registration; and

(d) Comply with all other requirements of the board.

(3) The application required under this section shall request from the applicant, at a minimum, the following information:

(a) Name, address and current pharmacist licensure information in all other states, including each state of licensure and each license number;

(b) Name, address, telephone number and state of licensure or registration and license or registration number of the facility from which the applicant will be engaged in the practice of telepharmacy across state lines; and

(c) A statement attesting that the applicant will abide by the pharmacy laws and rules of the state of Idaho.

(4) A successful applicant for registration under this section shall be subject to the disciplinary provisions of section 54-1726, Idaho Code, the penalty provisions of section 54-1728, Idaho Code, and the rules of the board.

(5) Renewal of a registration to engage in the practice of pharmacy across state lines shall be annual. The application for renewal shall be submitted to the board no later than the first day of June. The board shall renew the registration of a pharmacist who is qualified to engage in the practice of pharmacy across state lines as provided for in this section. The board shall specify by rule the procedures to be followed and the fees to be paid for renewal of registration.

SECTION 5. That Section 54-1729, Idaho Code, be, and the same is hereby amended to read as follows:

54-1729. REGISTRATION OF FACILITIES. (1) All drug outlets shall annually register with the board of pharmacy.

(2) (a) Each drug outlet shall apply for a certificate of registration in one (1) of the following classifications:

~~1-~~(i) Retail drug outlet;

~~2-~~(ii) Institutional drug outlet;

~~3-~~(iii) Manufacturing drug outlet;

~~4-~~(iv) Wholesale drug outlet;

~~5-~~(v) Business outlet selling prescription drugs for veterinary use;

(vi) Telepharmacy drug outlet across state lines.

(b) No individual who is employed by a corporation which is registered under any classification listed above paragraphs (a) (i) through (v) of this subsection need register under the provisions of this act chapter. All employees or personnel of a drug outlet registered pursuant to paragraph (a) (vi) of this subsection who are engaged in the practice of telepharmacy across state lines must be registered by the board pursuant to section 54-1723A, Idaho Code.

(3) The board shall establish by rule ~~or regulation~~ under the powers granted to it under sections 54-1718 and 54-1719, Idaho Code, the criteria which each drug outlet, that has employees or personnel engaged in the practice of pharmacy, must meet to qualify for registration in each classification designated ~~above~~ in subsection (2) of this section. The board may issue various types of certificates with varying restrictions to such outlets referred to in this subsection (3) where the board deems it necessary by reason of the type of drug outlet requesting a certificate.

(4) It shall be lawful for a drug outlet registered under this section to sell and distribute nonprescription drugs. Drug outlets engaging in the sale and distribution of such items shall not be deemed to be improperly engaged in the practice of pharmacy. No rule ~~or regulation~~ will be adopted by

the board under this ~~act~~ chapter which shall require the sale of nonprescription drugs by a licensed pharmacist or under the supervision of a licensed pharmacist or otherwise apply to or interfere with the sale and distribution of such medicines.

(5) Drug outlets registered under subsection (2) (a) (vi) of this section shall pay the same registration fee as those registering under subsection (2) (a) (ii) of this section, but shall also pay the actual costs of the out-of-state inspection of the drug outlet as may be required by the board, including the transportation, lodging and related expenses of the board's inspector. Nothing in this section shall preclude the board, in lieu of an inspection by the board, from relying on an inspection of the drug outlet conducted by the regulatory authority of the state within which the drug outlet is located.

SECTION 6. That Section 54-4702, Idaho Code, be, and the same is hereby amended to read as follows:

54-4702. DEFINITIONS. As used in this chapter:

(1) "Acupuncture" means that theory of health care developed from traditional and modern Oriental medical philosophies that employs diagnosis and treatment of conditions of the human body based upon stimulation of specific acupuncture points on meridians of the human body for the promotion, maintenance, and restoration of health and for the prevention of disease. Therapies within the scope of acupuncture include manual, mechanical, thermal, electrical and electromagnetic treatment of such specific indicated points. Adjunctive therapies included in, but not exclusive to, acupuncture include herbal and nutritional treatments, therapeutic exercise and other therapies based on traditional and modern Oriental medical theory.

(2) "Board" means the Idaho state board of acupuncture.

(3) "NCCAOM" means "National Certification Commission for Acupuncture and Oriental Medicine."

(4) "Practice of acupuncture" means the insertion of acupuncture needles and use of similar devices and therapies, including application of moxibustion, to specific indicated points on the skin of the human body as indicated pursuant to traditional and modern theories of Oriental medicine. The "practice of acupuncture" does not include:

(a) surgery; or

(b) prescribing, dispensing or administering any prescription drug or legend drug as defined in section 54-1705 (~~2830~~), Idaho Code.

SECTION 7. That Section 54-5110, Idaho Code, be, and the same is hereby amended to read as follows:

54-5110. NATUROPATHIC MEDICAL FORMULARY COUNCIL ESTABLISHED. There is hereby established a naturopathic medical formulary council, which is separate and distinct from the board, to be composed of seven (7) members. Two (2) members shall be naturopathic physicians licensed under this chapter, appointed by the board of naturopathic medical examiners. Three (3) members shall be pharmacists licensed under chapter 17, title 54, Idaho Code, appointed by the board of naturopathic medical examiners from a list of nominees provided by the Idaho state board of pharmacy. Two (2) members shall be physicians licensed under chapter 18, title 54, Idaho Code, appointed by the board of naturopathic medical examiners from a list of nominees provided by the Idaho state board of medicine. The initial council shall be appointed as follows: One (1) naturopathic physician shall be appointed for a one (1) year term; one (1) physician licensed under chapter 18, title 54, Idaho Code, and one (1) pharmacist shall be appointed for a two (2) year term; and two (2) pharmacists, one (1) naturopathic physician and one (1) physician licensed under chapter 18, title 54, Idaho Code, shall be

appointed for a three (3) year term. Thereafter, the term of office shall be three (3) years. A quorum shall consist of five (5) members and shall be required for any vote to be taken. It shall be the duty of the naturopathic medical formulary council to establish a formulary for use by naturopathic physicians, and immediately upon adoption or revision of the formulary, the council shall transmit the approved formulary to the board, which shall adopt the formulary by temporary rule. The formulary will be reviewed annually by the council, or at any time at the request of the board. The formulary list may not go beyond the scope of prescription medicines and medical devices covered by approved naturopathic medical education and training and existing naturopathic medical formularies, or board-approved continuing education. The naturopathic medical formulary shall not include medicines and devices that are inconsistent with the training provided by approved naturopathic medical colleges. Nothing herein shall allow a naturopathic physician to dispense, administer or prescribe any prescription drug as defined in section 54-1705(~~2830~~), Idaho Code, or medical device unless such prescription drug or medical device is specifically included in the naturopathic medical formulary.

Approved April 27, 2009.

CHAPTER 245
(S.B. No. 1211)

AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Division of Financial Management the following amounts to be expended from the listed funds for the period July 1, 2009, through June 30, 2010:

FOR:	
Lump Sum	\$1,562,000
FROM:	
General Fund	\$1,508,100
Miscellaneous Revenue Fund	<u>53,900</u>
TOTAL	\$1,562,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Division of Financial Management is authorized no more than nineteen (19) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the

education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved April 27, 2009.

CHAPTER 246
(S.B. No. 1212)

AN ACT

RELATING TO FEDERAL STIMULUS SPENDING; APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2009; APPROPRIATING ADDITIONAL MONEYS TO THE MILITARY DIVISION FOR FISCAL YEAR 2010; REAPPROPRIATING ANY UNEXPENDED AND UNENCUMBERED FUND BALANCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 184, Laws of 2008, there is hereby appropriated to the Military Division for Federal and State Contracts the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:

Operating Expenditures	\$1,360,000
------------------------	-------------

FROM:

American Reinvestment Fund	\$1,360,000
----------------------------	-------------

SECTION 2. In addition to the appropriation made in Section 1 of House Bill No. 292, as enacted by the First Regular Session of the Sixtieth Idaho Legislature, there is hereby appropriated to the Military Division for Fed-

eral/State Agreements, the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2009, through June 30, 2010:

FOR:

Operating Expenditures \$ 900,000

FROM:

American Reinvestment Fund \$ 900,000

SECTION 3. There is hereby reappropriated to the Military Division, for Federal/State Agreements any unexpended and unencumbered balance of the American Reinvestment Fund as appropriated in Section 1 of this act, for the period July 1, 2009, through June 30, 2010.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after passage and approval.

Approved April 27, 2009.

CHAPTER 247
(S.B. No. 1217)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Division of Veterans Services the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	\$1,480,400			\$50,400	\$1,530,800
Miscellaneous Revenue Fund	10,020,100	\$3,708,800	\$247,300		13,976,200
Veterans Home Endowment Income Fund	16,600	477,400			494,000
Federal Grant Fund	<u>5,013,600</u>	<u>2,868,300</u>	<u>134,000</u>		<u>8,015,900</u>
TOTAL	\$16,530,700	\$7,054,500	\$381,300	\$50,400	\$24,016,900

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Division of Veterans Services is authorized no more than three hundred ten and thirty-hundredths (310.30) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved April 27, 2009.

CHAPTER 248
(S.B. No. 1208)

AN ACT

APPROPRIATING MONEYS FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2010; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; DIRECTING THE TRANSFER OF CERTAIN FUNDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Board for Professional-Technical Education the following amounts to be expended by the Division of Professional-Technical Education for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. STATE LEADERSHIP & TECHNICAL ASSISTANCE:					
FROM:					
General Fund	\$1,662,000	\$312,100			\$1,974,100
Federal Grant Fund	<u>248,500</u>	<u>111,100</u>			<u>359,600</u>
TOTAL	\$1,910,500	\$423,200			\$2,333,700
II. GENERAL PROGRAMS:					
FROM:					
General Fund	\$241,800	\$38,500	\$10,803,900		\$11,084,200
Hazardous Ma- terials/Waste Enforcement Fund			67,800		67,800
Federal Grant Fund	<u>167,500</u>	<u>23,700</u>	<u>4,649,000</u>		<u>4,840,200</u>
TOTAL	\$409,300	\$62,200	\$15,520,700		\$15,992,200
III. POSTSECONDARY PROGRAMS:					
FROM:					
General Fund Unrestricted Fund				\$37,324,100	\$37,324,100
TOTAL				<u>458,000</u>	<u>458,000</u>
				\$37,782,100	\$37,782,100
IV. UNDERPREPARED ADULTS/DISPLACED HOMEMAKERS:					
FROM:					
General Fund			\$239,100		\$239,100
Displaced Homemaker Fund			170,000		170,000
Federal Grant Fund			<u>1,992,800</u>		<u>1,992,800</u>
TOTAL			\$2,401,900		\$2,401,900
V. RELATED SERVICES:					
FROM:					
General Fund	\$110,800	\$20,700	\$846,900		\$978,400
Miscellaneous Revenue Fund	194,500	44,500			239,000
Seminars and Publications Fund		140,000			140,000
Federal Grant Fund	<u>57,600</u>	<u>71,500</u>	<u>2,039,600</u>		<u>2,168,700</u>
TOTAL	\$362,900	\$276,700	\$2,886,500		\$3,526,100
GRAND TOTAL	\$2,682,700	\$762,100	\$20,809,100	\$37,782,100	\$62,036,000

SECTION 2. There is hereby reappropriated to the State Board for Professional-Technical Education for the Division of Professional-Technical Education any non-General Fund unexpended and unencumbered balance of any appropriation contained in Section 1, Chapter 245, Laws of 2008, to be used

for nonrecurring expenditures, for the period July 1, 2009, through June 30, 2010.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as reductions in personnel funding may create a reduction in force; and inasmuch as the state, as a single employer of multiple departments, agencies and institutions, is required by law to direct across the board salary adjustments; the State Board for Professional-Technical Education is hereby requested to reduce all salaries of classified and nonclassified employees at Idaho State University, Lewis-Clark State College, Eastern Idaho Technical College, the State Leadership & Technical Assistance program and the Related Services program, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies and institutions are also requested to use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. TRANSFER OF FUNDS. There is hereby appropriated and the State Controller shall transfer, on July 1, 2009, or as soon thereafter as practicable, the amount of \$1,172,100 from the American Reinvestment Fund to the General Fund for the period July 1, 2009, through June 30, 2010.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Law without signature.

CHAPTER 249
(S.B. No. 1219)

AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION
FOR FISCAL YEAR 2010.

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

SECTION 1. In addition to the appropriation made in Section 1 of Senate Bill No. 1178, as enacted by the First Regular Session of the Sixtieth Idaho

Legislature, there is hereby appropriated to the Department of Parks and Recreation, for the Management Services Program, the sum of \$264,000 from the Parks and Recreation Fund to be expended for trustee and benefit payments for the period July 1, 2009, through June 30, 2010.

Law without signature.

CHAPTER 250
(H.B. No. 178, As Amended)

AN ACT

RELATING TO THE SEXUAL OFFENDER REGISTRATION ACT; AMENDING SECTION 18-8303, IDAHO CODE, TO REVISE A DEFINITION AND TO FURTHER DEFINE TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-8304, IDAHO CODE, TO PROVIDE THAT CHAPTER 83, TITLE 18, IDAHO CODE, APPLIES TO PERSONS CONVICTED OF CERTAIN CRIMES AND TO CLARIFY THAT AN OFFENDER IS NOT REQUIRED TO COMPLY WITH THE SEX OFFENDER REGISTRATION REQUIREMENTS WHILE INCARCERATED; AND AMENDING SECTION 18-8308, IDAHO CODE, TO REQUIRE ELECTRONIC MONITORING OF VIOLENT SEXUAL PREDATORS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 18-8303, Idaho Code, be, and the same is hereby amended to read as follows:

18-8303. DEFINITIONS. As used in this chapter:

(1) "Aggravated offense" means any of the following crimes ~~as set forth in section 18-8304, Idaho Code:~~ 18-1506A (ritualized abuse of a child); 18-1508 (lewd conduct, when the victim is less than twelve (12) years of age); 18-4003(d) (murder committed in the perpetration of rape); 18-4502 (first-degree kidnapping committed for the purpose of rape, committing an infamous crime against nature, committing any lewd and lascivious act upon any child under the age of sixteen years or for purposes of sexual gratification or arousal); 18-4503 (second degree kidnapping where the victim is an unrelated minor child and the kidnapping is committed for the purpose of rape, committing an infamous crime against nature, committing any lewd and lascivious act upon any child under the age of sixteen years or for purposes of sexual gratification or arousal); 18-6101 (rape, but excluding section 18-6101(1) where the victim is at least twelve (12) years of age or the defendant is eighteen (18) years of age or younger); 18-6108 (male rape); and 18-6608 (forcible sexual penetration by use of a foreign object); 18-8602(1) (sex trafficking); and any other offense set forth in section 18-8304, Idaho Code, if at the time of the commission of the offense the victim was below the age of thirteen years.

(2) "Board" means the sexual offender classification board described in section 18-8312, Idaho Code.

(3) "Central registry" means the registry of convicted sexual offenders maintained by the Idaho state police pursuant to this chapter.

(4) "Certified evaluator" means either a psychiatrist licensed by this state pursuant to chapter 18, title 54, Idaho Code, or a master's or doctoral level mental health professional licensed by this state pursuant to chapter 23, chapter 32, or chapter 34, title 54, Idaho Code. Such person shall have by education, experience and training, expertise in the assessment and treatment of sexual offenders, and such person shall meet the qualifications and shall be approved by the board to perform psychosexual evaluations in this state, as described in section 18-8314, Idaho Code.

(5) "Department" means the Idaho state police.

(6) "Employed" means full-time or part-time employment exceeding ten (10) consecutive working days or for an aggregate period exceeding thirty (30) days in any calendar year, or any employment which involves counseling, coaching, teaching, supervising or working with minors in any way regardless of the period of employment, whether such employment is financially compensated, volunteered or performed for the purpose of any government or education benefit.

(7) "Incarceration" means committed to the custody of the Idaho department of correction or department of juvenile corrections, but excluding cases where the court has retained jurisdiction.

(8) "Offender" means an individual convicted of an offense listed and described in section 18-8304, Idaho Code, or a substantially similar offense under the laws of another state or in a federal, tribal or military court or the court of another country.

(9) "Offense" means a sexual offense listed in section 18-8304, Idaho Code.

(10) "Predatory" means actions directed at an individual who was selected by the offender for the primary purpose of engaging in illegal sexual behavior.

(11) "Psychosexual evaluation" means an evaluation which specifically addresses sexual development, sexual deviancy, sexual history and risk of reoffense as part of a comprehensive evaluation of an offender.

(12) "Recidivist" means an individual convicted two (2) or more times of any offense requiring registration under this chapter.

(13) "Residence" means the offender's present places of abode.

(14) "Student" means a person who is enrolled on a full-time or part-time basis, in any public or private educational institution, including any secondary school, trade or professional institution or institution of higher education.

(15) "Violent sexual predator" means a person who has been convicted of an offense listed in section 18-8314, Idaho Code, and who has been determined to pose a high risk of committing an offense or engaging in predatory sexual conduct.

SECTION 2. That Section 18-8304, Idaho Code, be, and the same is hereby amended to read as follows:

18-8304. APPLICATION OF CHAPTER. (1) The provisions of this chapter shall apply to any person who:

(a) On or after July 1, 1993, is convicted of the crime, or an attempt, a solicitation, or a conspiracy to commit a crime provided for in section 18-909 (assault with attempt to commit rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-911 (battery with attempt to commit rape, infamous crime against nature, or lewd and lascivious conduct with a minor, but excluding mayhem, murder or robbery), 18-919 (sexual exploitation by a medical care provider), 18-1505B (sexual abuse and exploitation of a vulnerable adult), 18-1506 (sexual abuse of a child under sixteen years of age), 18-1506A (ritualized abuse of a child), 18-1507 (sexual exploitation of a child), 18-1507A (possession of sexually exploitative material for other than a commercial purpose), 18-1508 (lewd conduct with a minor child), 18-1508A (sexual battery of a minor child sixteen or seventeen years of age), 18-1509A (enticing a child over the internet), 18-4003(d) (murder committed in perpetration of rape), 18-4116 (indecent exposure, but excluding a misdemeanor conviction), 18-4502 (first degree kidnapping committed for the purpose of rape, committing the infamous crime against nature or for committing any lewd and lascivious act upon any child under the age of sixteen, or for purposes of sexual gratification or arousal),

18-4503 (second degree kidnapping where the victim is an unrelated minor child), 18-5609 (inducing person under eighteen years of age into prostitution), 18-6101 (rape, but excluding 18-6101 1. where the defendant is eighteen years of age or younger or where the defendant is exempted under subsection (4) of this section), 18-6108 (male rape), 18-6110 (sexual contact with a prisoner), 18-6602 (incest), 18-6605 (crime against nature), 18-6608 (forcible sexual penetration by use of a foreign object), ~~or~~ upon a second or subsequent conviction under 18-6609, ~~Idaho Code~~ (video voyeurism) or 18-8602(1), Idaho Code, (sex trafficking).

(b) On or after July 1, 1993, has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another state, territory, commonwealth, or other jurisdiction of the United States, including tribal courts and military courts, that is substantially equivalent to the offenses listed in subsection (1) (a) of this section and enters the state to establish permanent or temporary residence.

(c) Has been convicted of any crime, an attempt, a solicitation or a conspiracy to commit a crime in another state, territory, commonwealth, or other jurisdiction of the United States, including tribal courts and military courts, that is substantially equivalent to the offenses listed in subsection (1) (a) of this section and was required to register as a sex offender in any other state or jurisdiction when he established permanent or temporary residency in Idaho.

(d) Pleads guilty to or has been found guilty of a crime covered in this chapter prior to July 1, 1993, and the person, as a result of the offense, is incarcerated in a county jail facility or a penal facility or is under probation or parole supervision, on or after July 1, 1993.

(e) Is a nonresident regularly employed or working in Idaho or is a student in the state of Idaho and was convicted, found guilty or pleaded guilty to a crime covered by this chapter and, as a result of such conviction, finding or plea, is required to register in his state of residence.

(2) ~~The provisions of this chapter~~ An offender shall not apply to any such person be required to comply with the registration provisions of this chapter while the person is incarcerated in a correctional institution of the department of correction, a county jail facility, committed to the department of juvenile corrections or committed to a mental health institution of the department of health and welfare.

(3) A conviction for purposes of this chapter means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment.

(4) When a defendant is convicted of rape under section 18-6101 1., Idaho Code, and at the time of the offense the defendant is nineteen (19) or twenty (20) years of age and not more than three (3) years older than the victim of the rape, the court may order that the defendant is exempt from the requirements of this chapter upon a finding by the court that:

(a) All parties have stipulated to the exemption; or

(b) The defendant has demonstrated by clear and convincing evidence that he is not a risk to commit another crime identified in subsection (1) of this section and in the case there were no allegations by the victim of any violation of section 18-6101 2. through 7., Idaho Code.

SECTION 3. That Section 18-8308, Idaho Code, be, and the same is hereby amended to read as follows:

18-8308. VERIFICATION OF ADDRESS AND ELECTRONIC MONITORING OF VIOLENT SEXUAL PREDATORS. (1) ~~Violent sexual predators.~~ The address or physical

residence of an offender designated as a violent sexual predator shall be verified by the department between registrations.

(a) The procedure for verification shall be as follows:

(i) The department shall mail a nonforwardable notice of address verification every thirty (30) days between registrations, to each offender designated as a violent sexual predator.

(ii) Each offender designated as a violent sexual predator shall complete, sign and return the notice of address verification form to the department within seven (7) days of the mailing date of the notice. If the notice of address verification is returned to the department as not delivered, the department shall, within five (5) days, notify the sheriff with whom the offender designated as a violent sexual predator last registered.

(iii) The sheriff shall verify the address of the offender by visiting the offender's residence once every six (6) months or, if the offender fails to comply with the provisions of paragraph (a) (ii) of this subsection, at any reasonable time to verify the address provided at registration.

(2) ~~All other sexual offenders.~~ The address or physical residence of any sex offender not designated as a violent sexual predator shall be verified by the department between registrations.

(a) The procedure for verification shall be as follows:

(i) The department shall mail a nonforwardable notice of address verification every four (4) months between annual registrations.

(ii) Each offender shall complete, sign and return the notice of address verification form to the department within seven (7) days of the mailing date of the notice. If the notice of address verification is returned as not delivered, the department shall notify the sheriff within five (5) days and the sheriff shall visit the residence of the registered offender at any reasonable time to verify the address provided at registration.

(3) Any individual designated as a violent sexual predator shall be monitored with electronic monitoring technology for the duration of the individual's probation or parole period as set forth in section 20-219(2), Idaho Code. Any person who, without authority, intentionally alters, tampers with, damages or destroys any electronic monitoring equipment required to be worn or used by a violent sexual predator shall be guilty of a felony.

Approved April 29, 2009.

CHAPTER 251
(S.B. No. 1133)

AN ACT

RELATING TO DRIVING BUSINESSES; REPEALING CHAPTER 21, TITLE 49, IDAHO CODE, RELATING TO COMMERCIAL DRIVER SCHOOLS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 54, TITLE 54, IDAHO CODE, TO PROVIDE A SHORT TITLE AND DECLARATION OF POLICY, TO DEFINE TERMS, TO CREATE THE DRIVING BUSINESSES LICENSURE BOARD IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES, TO PROVIDE FOR TERMS OF MEMBERS, QUALIFICATIONS, POWERS AND DUTIES, MEETINGS AND COMPENSATION, TO PROVIDE FEES, TO PROVIDE LICENSE REQUIREMENTS FOR DRIVING BUSINESSES, TO PROVIDE REQUIREMENTS FOR DRIVING INSTRUCTORS, TO PROVIDE CURRICULUM COMPONENTS FOR DRIVING BUSINESSES, TO PROVIDE FOR DISCIPLINARY ACTIONS AND TO PROHIBIT CERTAIN ACTS; AND AMENDING SECTION 67-2601, IDAHO CODE, TO CREATE THE CERTIFIED

SHORTHAND REPORTERS BOARD AND THE DRIVING BUSINESSES LICENSURE BOARD IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Chapter 21, Title 49, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 54, Title 54, Idaho Code, and to read as follows:

CHAPTER 54
DRIVING BUSINESSES

54-5401. SHORT TITLE -- DECLARATION OF POLICY. (1) This chapter shall be known as the "Idaho Driving Businesses Act."

(2) In order to safeguard life, health and property, and to promote the public welfare, the business of driver education in this state is hereby declared to be subject to regulation in the public interest. It shall be unlawful for any person to offer private driver education for others in this state, as defined in the provisions of this chapter, unless such person has been licensed or is otherwise exempt under the provisions of this chapter. The right to engage in the business of driver education shall be deemed a personal right, based on the qualifications of the individual as evidenced by the license, and shall not be transferable.

54-5402. DEFINITIONS. As used in this chapter:

(1) "Board" means the Idaho driving businesses licensure board, which will act as the state regulatory body for driving businesses hereinafter provided in this chapter.

(2) "Driver education" means classroom instruction and behind-the-wheel driving time.

(3) "Driving business" means any driver education business, for the education of students in a classroom or motor vehicle, or both, which education shall not qualify a student for a commercial driver's license or which education is run by a church or synagogue or by a refugee program or those teaching accident prevention courses taught by or regulated or licensed by the transportation department.

(4) "Driving instructor" means a person who is licensed by the board to teach the classroom instruction phase and behind-the-wheel training phase of automobile driver training. This term does not apply to any independent certified driving instructor who participates in a state or federal program directed at training or retraining persons in occupational skills, or to instructors who operate or work for public driving businesses that are overseen by the department of education.

(5) "License" means a document issued by the bureau of occupational licenses on behalf of the board officially documenting the individual's right to practice as a driving instructor or to operate a driving business within the state of Idaho.

(6) "Student" means a person aged fourteen and one-half (14 1/2) up to seventeen (17) years.

54-5403. BOARD -- TERMS OF MEMBERS -- QUALIFICATIONS -- POWERS AND DUTIES -- MEETINGS -- COMPENSATION. (1) A driving businesses licensure board is hereby established in the department of self-governing agencies whose duty it shall be to administer the provisions of this chapter.

(2) The board shall consist of five (5) members appointed by the governor. The governor may consider recommendations for appointment to the board

from the Idaho association of professional driving businesses, any association of driving businesses or from any individual residing in this state. The board shall consist of four (4) members who have been in the driving business for at least five (5) years and one (1) member of the public who has been a customer of private driver education.

(3) Members shall begin their terms on July 1, 2009, and serve at the pleasure of the governor. Terms shall initially be staggered as follows: one (1) member whose term expires July 1, 2010; two (2) members whose terms expire July 1, 2011; and two (2) members whose terms expire July 1, 2012. Thereafter, each member of the board shall serve three (3) year terms. No member of the board may be appointed to more than two (2) consecutive terms. Members of the board shall hold office until the expiration of the term for which they were appointed and until their successors have been appointed and qualified. In the event of a vacancy other than expiration of a term, the governor shall appoint a replacement to fill the vacancy for the remainder of the unexpired term.

(4) Members of the board who are driving business owners shall be citizens of the United States and residents of this state, and they shall have been licensed driving business owners with a minimum of five (5) years of continuous licensing prior to being nominated, and shall never have been the subject of a disciplinary action under the provisions of section 54-5409, Idaho Code.

(5) The board shall:

(a) Enforce the minimum standards and requirements as provided in this chapter and by rule adopted by the board. The board may promulgate such rules, in compliance with chapter 52, title 67, Idaho Code, as may be necessary to carry out the provisions of this chapter in order to effectuate the purposes herein and for the orderly and efficient administration thereof, except as may be limited or prohibited by law and the provisions of this chapter;

(b) Accept or reject applications for licensing, business and instruction, and establish the fees to be charged for original application and renewal, subject to the provisions of this chapter;

(c) Hold and attend public meetings, and furnish copies of information to those engaged in the business and to the public upon request;

(d) Review and approve instructor training curriculum and programs;

(e) Contract with the bureau of occupational licenses to provide administrative services; and

(f) Include a link on the bureau of occupational licenses' website to current curriculum components offered by private driver education businesses.

(6) The board shall have the authority to conduct inspections and audits of any licensed driving business or any licensed instructor to ensure compliance with the laws and rules of the board. Failure to cooperate with an inspection or audit may constitute grounds for disciplinary action.

(7) The board shall meet within thirty (30) days after the appointment of its members and thereafter at such times as may be expedient and necessary for the proper performance of its duties, but it shall not meet less than once per year.

(8) At the board's first meeting, the members shall elect one (1) of their number to be chairman and then shall elect a chairman annually thereafter. The chairman may serve in such capacity for a one (1) year term and may not serve in such capacity for more than two (2) consecutive terms.

(9) A majority of the board shall constitute a quorum for the transaction of business.

(10) Each member of the board shall be compensated as provided by section 59-509(k), Idaho Code.

54-5404. FEES. (1) All fees received under the provisions of this chapter shall be paid to the bureau of occupational licenses and deposited in the state treasury to the credit of the occupational licenses fund. All costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund. Actual fees shall be set by administrative rule.

(2) An original application fee shall be no more than one hundred dollars (\$100).

(3) The fee for the original license, and the annual renewal, of any instructor license or apprentice permit shall be no more than one hundred dollars (\$100).

(4) A fee for the original license, and the annual renewal, of any driving business license shall be no more than nine hundred dollars (\$900).

(5) All licenses issued under the provisions of this chapter shall be subject to annual renewal. License renewal and reinstatement shall be in accordance with section 67-2614, Idaho Code.

(6) All fees are nonrefundable.

54-5405. DRIVING BUSINESSES - LICENSE REQUIREMENTS. (1) No private driver training business shall be established nor shall any existing business continue to operate unless the business applies for and obtains from the board a license which expires on the license issue date and must be renewed annually. The application for license shall include the name of the owner, criminal history background check, the location of the business, a certificate of occupancy, a certificate of automobile insurance, a list of certified instructors, proof of an annual vehicle check, board approved curriculum components and a course of instruction for students, which shall include the following:

(a) Not less than thirty (30) hours of classroom instruction;

(b) Not less than six (6) hours of behind-the-wheel practice driving; and

(c) Not less than six (6) hours of observation.

(2) Any private driver training business or driving instructor licensed pursuant to this chapter shall be exempt from the provisions of title 33, Idaho Code, that regulate driver education as long as such license is current and valid and the private driver training business or driving instructor is acting pursuant to activities that the license permits.

(3) Any driving business licensed pursuant to this chapter may contract with a public school to provide driver education. Any driving business that contracts with a public school to provide driver education may be allowed to use the services of any or all of the driving instructors of that driving business. Once a person has been licensed as a driving instructor, that person is authorized to teach in any approved driver education program.

54-5406. DRIVING INSTRUCTORS - REQUIREMENTS. (1) Each person applying for a driving instructor license must complete an application provided by the bureau of occupational licenses that requires the applicant to be at least twenty-one (21) years of age, have a valid driver's license, a copy of a satisfactory driving record from the Idaho transportation department, criminal history background check, medical certificate and copies of required completed coursework and the board approved apprenticeship training program.

(2) On and after July 1, 2010, every new applicant for a license pursuant to this chapter shall have completed a board approved apprenticeship training program of not less than sixty (60) hours of classroom instruction and one hundred eight (108) hours of behind-the-wheel training.

54-5407. CURRICULUM COMPONENTS FOR DRIVING BUSINESSES. The curriculum components for driving businesses shall be approved by the board and re-

viewed annually and the curriculum components must accompany any original application for a license.

54-5408. DISCIPLINE. (1) Grounds for discipline. The board shall have the power to deny any application for or renewal of a driving instructor license or to revoke, suspend or otherwise sanction any such license issued pursuant to this chapter and to limit or restrict the practice of any driving instructor upon a determination by the board that the person:

(a) Was convicted, found guilty, received a withheld judgment or suspended sentence in this or any other state, of any action constituting a felony or of a crime involving moral turpitude; or

(b) Violated the provisions of this chapter or rules, standards of conduct and practice, or any ethical codes as may be adopted by the board; or

(c) Is or has been negligent or reckless in the practice of driver education; or

(d) Has had any license, certificate or registration to work as a driving instructor suspended or revoked in any jurisdiction. A certified copy of the order of suspension or revocation shall be prima facie evidence of such suspension or revocation.

(2) Every person subject to disciplinary proceedings shall be afforded an opportunity for hearing.

(a) All proceedings hereunder shall be in accordance with chapter 52, title 67, Idaho Code.

(b) Hearings shall be conducted by the board or by persons appointed by the board to conduct hearings and receive evidence.

(3) The board may, pursuant to an order of discipline, require the person to pay all or part of the costs and fees incurred by the board in proceedings upon which the order was entered.

(4) The board may, pursuant to an order of discipline, require the person to pay an administrative fine not to exceed one thousand dollars (\$1,000) for each violation identified in the order.

54-5409. CERTAIN ACTS PROHIBITED. (1) The following acts shall be unlawful and punishable as a misdemeanor:

(a) The violation of any of the provisions of this chapter;

(b) Permitting any person in one's employ, supervision or control to practice as a driving instructor unless that person has complied with the provisions of this chapter;

(c) Practicing or offering to practice any of the occupations defined in this chapter, unless licensed as herein provided;

(d) Maintaining or operating a driving business unless such business is licensed as herein provided.

(2) The board may seek injunction against any person who practices as a driving instructor or who operates a driving business in violation of the provisions of this chapter. In the event a permanent injunction is entered against such person, or plea or verdict of guilty is entered in any criminal matter, the board may impose a civil penalty in the amount of all costs and fees incurred by the board in prosecuting the matter.

SECTION 3. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601. DEPARTMENT CREATED -- ORGANIZATION -- DIRECTOR -- BUREAU OF OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; the Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; and the Idaho aquaculture commission, as provided by chapter 44, title 22, Idaho Code.

(b) Professional and occupational licensing boards: Idaho state board of certified public accountancy, as provided by chapter 2, title 54, Idaho Code; board of acupuncture, as provided by chapter 47, title 54, Idaho Code; board of architectural examiners, as provided by chapter 3, title 54, Idaho Code; office of the state athletic director, as provided by chapter 4, title 54, Idaho Code; board of barber examiners, as provided by chapter 5, title 54, Idaho Code; board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic physicians, as provided by chapter 7, title 54, Idaho Code; Idaho board of cosmetology, as provided by chapter 8, title 54, Idaho Code; Idaho counselor licensing board, as provided by chapter 34, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of dentistry, as provided by chapter 33, title 54, Idaho Code; state board of engineering examiners, as provided by chapter 12, title 54, Idaho Code; state board for registration of professional geologists, as provided by chapter 28, title 54, Idaho Code; speech and hearing services licensure board, as provided by chapter 29, title 54, Idaho Code; Idaho physical therapy licensure board, as provided by chapter 22, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; liquefied petroleum gas safety board, as provided by chapter 53, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of naturopathic medical examiners, as provided by chapter 51, title 54, Idaho Code; board of nurses, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides board, as provided by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; Idaho real estate commission, as provided by chapter 20, title 54, Idaho Code; real estate appraiser board, as provided by chapter 41, title 54, Idaho Code; board of social work examiners, as provided by chapter 32, title 54, Idaho Code; the board of veterinary medicine, as provided by chapter 21, title 54, Idaho Code; the board of examiners of residential care facility administrators, as provided by chapter 42, title 54, Idaho Code; the certified shorthand reporters board, as provided by chapter 31, title 54, Idaho Code; the driving businesses licensure board, as provided by chapter 54, title 54, Idaho Code; and the board of drinking water and wastewater professionals, as provided by chapter 24, title 54, Idaho Code.

(c) The board of examiners, pursuant to section 67-2001, Idaho Code.

(d) The division of building safety: building code board, chapter 41, title 39, Idaho Code; ~~manufactured home advisory housing~~ board, chapter 21, title 44, Idaho Code; electrical board, chapter 10, title 54,

Idaho Code; public works contractors license board, chapter 19, title 54, Idaho Code; plumbing board, chapter 26, title 54, Idaho Code; public works construction management, chapter 45, title 54, Idaho Code; the heating, ventilation and air conditioning board, chapter 50, title 54, Idaho Code; and modular buildings advisory board, chapter 43, title 39, Idaho Code.

(e) The division of veterans services to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of the division shall administer the provisions of chapter 2, title 65, Idaho Code, and chapter 9, title 66, Idaho Code, with the advice of the veterans affairs commission established under chapter 2, title 65, Idaho Code, and shall perform such additional duties as are imposed upon him by law.

(3) The bureau of occupational licenses is hereby created within the department of self-governing agencies.

Approved April 30, 2009.

CHAPTER 252
(S.B. No. 1184)

AN ACT

RELATING TO THE COMMISSION FOR REAPPORTIONMENT; AMENDING SECTION 72-1502, IDAHO CODE, TO PROVIDE THAT A PERSON WHO HAS SERVED ON A COMMISSION FOR REAPPORTIONMENT SHALL BE PRECLUDED FROM SERVING ON A FUTURE COMMISSION FOR REAPPORTIONMENT UNLESS THE COMMISSION IS RECONSTITUTED BECAUSE A COURT OF COMPETENT JURISDICTION HAS INVALIDATED A PLAN OF THE COMMISSION AND THE COMMISSION IS REQUIRED TO MEET TO COMPLETE A REAPPORTIONMENT OR REDISTRICTING PLAN AND TO CLARIFY THE DATE OF APPLICATION ON THE LIMITATION; AMENDING SECTION 72-1506, IDAHO CODE, TO REVISE CRITERIA FOR REAPPORTIONMENT OR REDISTRICTING PLANS; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 72-1502, Idaho Code, be, and the same is hereby amended to read as follows:

72-1502. MEMBERS. The president pro tempore of the senate, the speaker of the house of representatives, and the minority leaders of the senate and the house of representatives shall each designate one (1) member of the commission and the state chairmen of the two (2) largest political parties, determined by the vote cast for governor in the last gubernatorial election, shall each designate one (1) member of the commission. Appointing authorities should give consideration to achieving geographic representation in appointments to the commission. If an appointing authority does not select the members within fifteen (15) calendar days following the secretary of state's order to form the commission, such members shall be appointed by the supreme court.

Should a vacancy on the commission occur during the tenure of a commission, the secretary of state shall issue an order officially recognizing such vacancy. The vacancy shall be filled by the original appointing authority within fifteen (15) days of the order. Should the original appointing authority fail to make the appointment within fifteen (15) days, the vacancy shall be filled by the supreme court.

No person may serve on the commission who:

- (1) Is not a registered voter of the state at the time of selection; or

- (2) Is or has been within one (1) year a registered lobbyist; or
- (3) Is or has been within two (2) years prior to selection an elected official or elected legislative district, county or state party officer. The provisions of this subsection do not apply to the office of precinct committeeperson.

A person who has served on a commission for reapportionment shall be precluded from serving in either house of the legislature for five (5) years following such service on the commission and shall be precluded from serving on a future commission for reapportionment unless the commission is reconstituted because a court of competent jurisdiction has invalidated a plan of the commission and the commission is required to meet to complete a reapportionment or redistricting plan. This limitation on serving on a future commission for reapportionment shall apply on and after January 1, 2001.

SECTION 2. That Section 72-1506, Idaho Code, be, and the same is hereby amended to read as follows:

72-1506. CRITERIA GOVERNING PLANS. Congressional and legislative redistricting plans considered by the commission, and plans adopted by the commission, shall be governed by the following criteria:

(1) The total state population as reported by the U.S. census bureau, and the population of subunits determined therefrom, shall be exclusive permissible data.

(2) To the maximum extent possible, districts shall preserve traditional neighborhoods and local communities of interest.

(3) Districts shall be substantially equal in population and should seek to comply with all applicable federal standards and statutes.

(4) To the maximum extent possible, the plan should avoid drawing districts that are oddly shaped.

(5) Division of counties ~~should~~ shall be avoided whenever possible. ~~Counties should be divided into districts not wholly contained within that county only to the extent reasonably necessary to meet the requirements of the equal population principle.~~ In the event that a county must be divided, the number of such divisions, per county, should be kept to a minimum.

(6) To the extent that counties must be divided to create districts, such districts shall be composed of contiguous counties.

(7) District boundaries ~~should~~ shall retain, ~~as far as practicable,~~ the local voting precinct boundary lines to the extent those lines comply with the provisions of section 34-306, Idaho Code. When the commission determines, by an affirmative vote of at least five (5) members recorded in its minutes, that it cannot complete its duties for a legislative district by fully complying with the provisions of this subsection, this subsection shall not apply to the commission or legislative redistricting plan it shall adopt.

(8) Counties shall not be divided to protect a particular political party or a particular incumbent.

(9) When a legislative district contains more than one (1) county or a portion of a county, the counties or portion of a county in the district shall be directly connected by roads and highways which are designated as part of the interstate highway system, the United States highway system or the state highway system. When the commission determines, by an affirmative vote of at least five (5) members recorded in its minutes, that it cannot complete its duties for a legislative district by fully complying with the provisions of this subsection, this subsection shall not apply to the commission or legislative redistricting plan it shall adopt.

SECTION 3. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to

any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

Approved April 30, 2009.

CHAPTER 253
(H.B. No. 308)

AN ACT

APPROPRIATING MONEYS FOR THE HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR THE SEVERAL DESIGNATED PROGRAMS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho and the State Board of Education for Health Education Programs the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. WASHINGTON-IDAHO VETERINARY EDUCATION:					
FROM:					
General Fund	\$528,000	\$1,211,700			\$1,739,700
Restricted Fund				<u>\$100,000</u>	<u>100,000</u>
TOTAL	\$528,000	\$1,211,700		\$100,000	\$1,839,700
II. WWAMI MEDICAL EDUCATION:					
FROM:					
General Fund	\$475,200	\$72,700		\$2,857,300	\$3,405,200
Unrestricted (Uncontrolled) Fund	<u>188,900</u>	<u>177,200</u>			<u>366,100</u>
TOTAL	\$664,100	\$249,900		\$2,857,300	\$3,771,300
III. IDAHO DENTAL EDUCATION PROGRAM:					
FROM:					
General Fund	\$234,000	\$15,000		\$1,005,500	\$1,254,500
Unrestricted Fund	<u>129,600</u>	<u>10,000</u>	<u>\$5,500</u>		145,100
TOTAL	\$363,600	\$25,000	\$5,500	\$1,005,500	\$1,399,600
IV. UNIVERSITY OF UTAH MEDICAL EDUCATION:					
FROM:					
General Fund				\$1,200,000	\$1,200,000
V. FAMILY MEDICINE RESIDENCIES:					
FROM:					
General Fund	\$572,400	\$310,900		\$1,106,000	\$1,989,300
VI. WICHE:					
FROM:					
General Fund				\$245,800	\$245,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VII. PSYCHIATRY RESIDENCY:					
FROM:					
General Fund				\$104,800	\$104,800
GRAND TOTAL	\$2,128,100	\$1,797,500	\$5,500	\$6,619,400	\$10,550,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, there is authorized no more than twenty-one and four-hundredths (21.04) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the W-I Veterinary Education Program, WWAMI Medical Education Program, Idaho Dental Education Program and Family Practice Residencies Program as specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby reappropriated to the Board of Regents of the University of Idaho and the State Board of Education for the W-I Veterinary Education Program, WWAMI Medical Education Program, Idaho Dental Education Program, University of Utah Medical Education Program, Family Medicine Residency Programs, the WICHE Program and the Psychiatry Residency Program the unexpended and unencumbered balance of any non-General Fund appropriation contained in Section 1, Chapter 292, Laws of 2008, to be used for nonrecurring expenditures, for the period July 1, 2009, through June 30, 2010.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 5. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state, as a single employer of multiple departments, agencies and institutions, is required by law to direct across the board salary adjustments; the State Board of Education and the Board of Regents of the University of Idaho is hereby requested to reduce all salaries of classified and nonclassified employees for the Health Education Programs at the University of Idaho and Idaho State University, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Institutions are also requested to use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved April 30, 2009.

CHAPTER 254
(H.B. No. 309)

AN ACT

APPROPRIATING MONEYS FOR COMMUNITY COLLEGES FOR FISCAL YEAR 2010; AND DIRECTING THE ALLOCATION OF CERTAIN FUNDS.

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

SECTION 1. There is hereby appropriated to the State Board of Education for Community Colleges the following amount to be expended according to the designated expense class from the listed funds for the period July 1, 2009, through June 30, 2010:

FOR:	
Trustee and Benefit Payments	\$28,632,200
FROM:	
General Fund	\$26,407,000
American Reinvestment Fund	1,640,200
Community College Fund	<u>585,000</u>
TOTAL	\$28,632,200

SECTION 2. The General Fund moneys appropriated in Section 1 of this act shall be allocated as follows:

- (1) \$4,586,200 to the College of Western Idaho; and
- (2) The remainder pursuant to the formula as agreed to and set forth in the 2006 document entitled "College of Southern Idaho and North Idaho College: State General Fund Distribution Process."

The community college fund moneys appropriated in Section 1 of this act shall be allocated evenly among the three community colleges.

Approved April 30, 2009.

CHAPTER 255
(H.B. No. 310)

AN ACT

APPROPRIATING MONEYS FOR THE SPECIAL PROGRAMS FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR THE DESIGNATED PROGRAM; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho and the State Board of Education for Special Programs the following amounts to be expended for the designated programs according to

the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. FOREST UTILIZATION RESEARCH:				
FROM:				
General Fund	\$469,200	\$87,300		\$556,500
II. GEOLOGICAL SURVEY:				
FROM:				
General Fund	\$747,400	\$21,200		\$768,600
III. SCHOLARSHIPS AND GRANTS:				
FROM:				
General Fund			\$7,101,700	\$7,101,700
Opportunity Scholarship Program Fund			1,000,000	1,000,000
Federal Grant Fund			<u>440,000</u>	<u>440,000</u>
TOTAL			\$8,541,700	\$8,541,700
IV. MUSEUM OF NATURAL HISTORY:				
FROM:				
General Fund	\$483,700	\$13,800		\$497,500
V. SMALL BUSINESS DEVELOPMENT CENTERS:				
FROM:				
General Fund	\$275,100			\$275,100
VI. IDAHO COUNCIL FOR ECONOMIC EDUCATION:				
FROM:				
General Fund		\$49,300		\$49,300
VII. TECHHELP:				
FROM:				
General Fund	\$159,200			\$159,200
GRAND TOTAL	\$2,134,600	\$171,600	\$8,541,700	\$10,847,900

SECTION 2. In accordance with Section 67-3519, Idaho Code, there is authorized no more than thirty-four and four-tenths (34.4) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for Forest Utilization Research, Idaho Geological Survey, the Idaho Museum of Natural History, Small Business Development Centers and TechHelp as specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby reappropriated to the State Board of Education for the Scholarships and Grants Program, subject to the provisions of Section 4 of this act, the unexpended and unencumbered balance of any appropriation contained in Section 1, Chapter 247, Laws of 2008, to be used for nonrecurring expenditures, for the period July 1, 2009, through June 30, 2010.

SECTION 4. The reappropriation for the General Fund moneys granted in Section 3 of this act shall be subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2009, is zero, the reappropriation for the General Fund moneys in Section 3 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Fund on June 30, 2009, is greater than zero but less than the total General Fund reappropriation authority granted to all state agencies, that amount reappropriated in Section 3 of this act shall be in the proportion that the reappropriation for the State Board of Education bears to the total General Fund reappropriation authority granted to all state agencies.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 6. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state, as a single employer of multiple departments, agencies and institutions, is required by law to direct across the board salary adjustments; the State Board of Education and the Board of Regents of the University of Idaho is hereby requested to reduce all salaries of classified and nonclassified employees for the Special Programs, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Institutions are also requested to use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after passage and approval.

Approved April 30, 2009.

CHAPTER 256
(H.B. No. 314)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDEPENDENT COUNCILS FOR FISCAL YEAR 2010; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE INDEPENDENT COUNCILS; PROVIDING LEG-

ISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Independent Councils the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COUNCIL FOR THE DEAF AND HARD OF HEARING:				
FROM:				
Cooperative Welfare				
(General) Fund	\$126,000	\$17,100		\$143,100
Cooperative Welfare				
(Dedicated) Fund	_____	_____	<u>\$7,500</u>	<u>7,500</u>
TOTAL	\$126,000	\$17,100	\$7,500	\$150,600
II. DEVELOPMENTAL DISABILITIES COUNCIL:				
FROM:				
Cooperative Welfare				
(General) Fund	\$94,100	\$12,700		\$106,800
Cooperative Welfare				
(Dedicated) Fund		15,000		15,000
Cooperative Welfare				
(Federal) Fund	<u>301,300</u>	<u>388,500</u>	<u>\$31,600</u>	<u>721,400</u>
TOTAL	\$395,400	\$416,200	\$31,600	\$843,200
III. DOMESTIC VIOLENCE COUNCIL:				
FROM:				
Cooperative Welfare				
(General) Fund	\$12,100	\$1,400		\$13,500
Domestic Violence Project Fund	150,400	163,200	\$171,800	485,400
Cooperative Welfare				
(Dedicated) Fund		40,000		40,000
Cooperative Welfare				
(Federal) Fund	<u>90,900</u>	<u>76,900</u>	<u>2,865,400</u>	<u>3,033,200</u>
TOTAL	\$253,400	\$281,500	\$3,037,200	\$3,572,100
GRAND TOTAL	\$774,800	\$714,800	\$3,076,300	\$4,565,900

SECTION 2. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 3. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than twelve (12) full-time equivalent positions for the Independent Councils during the period July 1, 2009, through June 30, 2010. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the department's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 4. EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES. Recognizing that employee development is an essential part of a workforce but that budget shortfalls require a reprioritization of expenditures towards core functions first and development and training second. The Department of Health and Welfare is hereby directed not to pay any education stipends, regardless of funding source, for employees during the fiscal year 2010 due to budgetary shortfalls and a reprioritization towards core expenditures.

SECTION 5. TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES. Notwithstanding the provisions of Section 67-3511, Idaho Code, that state "No appropriation made for expenses other than personnel costs shall be expended for personnel costs of the particular department, office or institution for which it is appropriated,..." For fiscal year 2010, the Department of Health and Welfare may transfer funds appropriated for operating expenditures to personnel costs with the consent of the State Board of Examiners that currently designates the responsibility to the Division of Financial Management.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 7. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Section 7 of this act shall be in full force and effect on and after passage and approval.

Approved April 30, 2009.

CHAPTER 257
(H.B. No. 315)

AN ACT

APPROPRIATING MONEYS FOR THE DEPARTMENT OF HEALTH AND WELFARE FOR SUBSTANCE ABUSE SERVICES IN THE SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAM FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING EXPENDITURES FOR RADAR FUNDING; DIRECTING EXPENDITURES FOR GAIN PROVIDER TRAINING; DIRECTING EXPENDITURES FOR STATEWIDE MEDIA CAMPAIGN FOR UNDERAGE DRINKING; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for substance abuse services in the Substance Abuse Treatment and Prevention Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
Cooperative Welfare (General) Fund	\$513,000	\$622,500	\$7,207,300	\$8,342,800
Prevention of Minors' Access to Tobacco Fund	6,400	43,800		50,200
Substance Abuse Treatment Fund			3,232,900	3,232,900
Cooperative Welfare (Dedicated) Fund	44,100	438,300		482,400
Liquor Control Fund			650,000	650,000
Cooperative Welfare (Federal) Fund	<u>291,100</u>	<u>2,817,500</u>	<u>7,055,800</u>	<u>10,164,400</u>
TOTAL	\$854,600	\$3,922,100	\$18,146,000	\$22,922,700

SECTION 2. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than thirteen and four-hundredths (13.04) full-time equivalent positions for the Substance Abuse Treatment and Prevention Program during the period July 1, 2009, through June 30, 2010. Transfers of full-time equivalent positions between appropriated programs within the department are au-

thorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the department's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. MILLENNIUM FUND INTENT REGARDING RADAR FUNDING. It is the intent of the Joint Millennium Fund Committee that the Department of Health and Welfare Substance Abuse Treatment and Prevention Program utilize its fiscal year 2010 operating budget to fund the costs of the Regional Alcohol Drug Awareness Resource (RADAR) Network Center's distribution of informational materials on tobacco and drug use prevention and cessation to individuals and organizations statewide.

SECTION 5. GAIN PROVIDER TRAINING. It is the intent of the Legislature that the Department of Health and Welfare Substance Abuse Treatment and Prevention Program utilize up to \$140,000 of its fiscal year 2010 operating budget appropriation for the purposes of GAIN provider training. The \$140,000 is in addition to any funding that the Office of Drug Policy designates within its operating budget for GAIN provider training.

SECTION 6. STATEWIDE MEDIA CAMPAIGN FOR UNDERAGE DRINKING. It is the intent of the Legislature that for fiscal year 2010, the Department of Health and Welfare Substance Abuse Treatment and Prevention Program shall continue to fund at least \$50,000 of the \$1.6 million prevention budget for the youth and adult media campaign on underage drinking.

SECTION 7. EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES. Recognizing that employee development is an essential part of a workforce but that budget shortfalls require a reprioritization of expenditures towards core functions first and development and training second. The Department of Health and Welfare is hereby directed not to pay any education stipend, regardless of funding source, for employees during the fiscal year 2010 due to budgetary shortfalls and a reprioritization towards core expenditures.

SECTION 8. TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES. Notwithstanding the provisions of Section 67-3511, Idaho Code, that state "No appropriation made for expenses other than personnel costs shall be expended for personnel costs of the particular department, office or institution for which it is appropriated,..." For fiscal year 2010, the Department of Health and Welfare may transfer funds appropriated for operating expenditures to personnel costs with the consent of the State Board of Examiners that currently designates the responsibility to the Division of Financial Management.

SECTION 9. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2010.

SECTION 10. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the

education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 11. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 12. An emergency existing therefor, which emergency is hereby declared to exist, Section 11 of this act shall be in full force and effect on and after passage and approval.

Approved April 30, 2009.

CHAPTER 258
(H.B. No. 316)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND FOR SENATE BILL NO. 1199; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2009; DIRECTING THE MANAGEMENT OF VEHICLES; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for Indirect Support Services the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Cooperative Welfare (General) Fund	\$9,718,100	\$7,452,900		\$17,171,000
Cooperative Welfare (Dedicated) Fund	545,500	1,172,700	\$264,900	1,983,100
Cooperative Welfare (Federal) Fund	<u>10,285,700</u>	<u>7,649,900</u>	<u>223,700</u>	<u>18,159,300</u>
TOTAL	\$20,549,300	\$16,275,500	\$488,600	\$37,313,400

SECTION 2. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than three hundred two and ninety-two hundredths (302.92) full-time equivalent positions for Indirect Support Services for the period July 1, 2009, through June 30, 2010. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the department's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. GENERAL FUND TRANSFERS. In addition to the appropriation made in Section 3 of Senate Bill No. 1199, as enacted by the First Regular Session of the Sixtieth Idaho Legislature, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 5. In addition to the appropriation made in Section 1, Chapter 353, Laws of 2008, there is hereby appropriated to the Department of Health and Welfare for Indirect Support Services the following amount to be expended by the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:		
Operating Expenditures		\$202,000
FROM:		
Cooperative Welfare (Federal) Fund		\$202,000

SECTION 6. VEHICLE MANAGEMENT. It is the intent of the Legislature that all vehicles authorized for the Department of Health and Welfare will be utilized at maximum capacity, thus, the Indirect Support Services Program is to ensure that the newest and lowest mileage vehicles are located in the regional offices for use by regional staff and the oldest and highest mileage vehicles are utilized by the central office staff in Boise, Idaho. It is also the intent of the Legislature that Indirect Support Services review vehicle usage and determine if the current number of vehicles owned by the department is the appropriate number needed. If it is not, then it is the intent of the Legislature that Indirect Support Services surplus any underutilized vehi-

cles and bring the overall number of vehicles on the fixed assets list in line with the actual number of vehicles needed by the department.

SECTION 7. EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES. Recognizing that employee development is an essential part of a workforce but that budget shortfalls require a reprioritization of expenditures towards core functions first and development and training second. The Department of Health and Welfare is hereby directed not to pay any education stipend, regardless of funding source, for employees during the fiscal year 2010 due to budgetary shortfalls and a reprioritization towards core expenditures.

SECTION 8. TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES. Notwithstanding the provisions of Section 67-3511, Idaho Code, that state "No appropriation made for expenses other than personnel costs shall be expended for personnel costs of the particular department, office or institution for which it is appropriated,..." For fiscal year 2010, the Department of Health and Welfare may transfer funds appropriated for operating expenditures to personnel costs with the consent of the State Board of Examiners that currently designates the responsibility to the Division of Financial Management.

SECTION 9. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 10. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3 and 10 this act shall be in full force and effect on and after passage and approval.

Approved April 30, 2009.

CHAPTER 259
(H.B. No. 317)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SERVICE INTEGRATION PROGRAM FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Service Integration Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
Cooperative Welfare (General) Fund	\$833,500	\$146,000		\$979,500
Cooperative Welfare (Dedicated) Fund	20,000		\$115,000	135,000
Cooperative Welfare (Federal) Fund	<u>978,800</u>	<u>168,400</u>	<u>700,000</u>	<u>1,847,200</u>
TOTAL	\$1,832,300	\$314,400	\$815,000	\$2,961,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than thirty-three (33) full-time equivalent positions for the Service Integration Program during the period July 1, 2009, through June 30, 2010. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the department's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. TRUSTEE AND BENEFIT PAYMENT TRANSFER. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2010.

SECTION 5. EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES. Recognizing that employee development is an essential part of a workforce but that budget shortfalls require a reprioritization of expendi-

tures towards core functions first and development and training second. The Department of Health and Welfare is hereby directed not to pay any education stipend, regardless of funding source, for employees during the fiscal year 2010 due to budgetary shortfalls and a reprioritization towards core expenditures.

SECTION 6. TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES. Notwithstanding the provisions of Section 67-3511, Idaho Code, that state "No appropriation made for expenses other than personnel costs shall be expended for personnel costs of the particular department, office or institution for which it is appropriated," For fiscal year 2010, the Department of Health and Welfare may transfer funds appropriated for operating expenditures to personnel costs with the consent of the State Board of Examiners that currently designates the responsibility to the Division of Financial Management.

SECTION 7. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 8. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, Section 8 of this act shall be in full force and effect on and after passage and approval.

Approved April 30, 2009.

CHAPTER 260
(H.B. No. 318)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SERVICES FOR THE DEVELOPMENTALLY DISABLED FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE IDAHO STATE SCHOOL AND HOSPITAL FOR FISCAL YEAR 2009; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE IDAHO STATE SCHOOL AND HOSPITAL FOR FISCAL YEAR 2009; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THAT THE FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; REQUIRING IDAHO STATE SCHOOL AND HOSPITAL TO COMPLETE A CLIENT TRANSITION REVIEW AND REPORT TO THE LEGISLATURE; PROVIDING LEGISLATIVE INTENT FOR THE INFANT AND TODDLER DATABASE SYSTEM; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for services for the developmentally disabled the following amounts to be expended according to the designated programs from the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:				
FROM:				
Cooperative Welfare				
(General) Fund	\$4,499,000	\$1,263,900	\$2,485,000	\$8,247,900
Cooperative Welfare				
(Dedicated) Fund	821,600	46,300	1,579,800	2,447,700
Cooperative Welfare				
(Federal) Fund	<u>4,329,300</u>	<u>2,492,500</u>	<u>945,900</u>	<u>7,767,700</u>
TOTAL	\$9,649,900	\$3,802,700	\$5,010,700	\$18,463,300
II. IDAHO STATE SCHOOL AND HOSPITAL:				
FROM:				
Cooperative Welfare				
(General) Fund	\$2,363,700	\$189,100	\$70,300	\$2,623,100
Medical Assistance Fund		3,500		3,500
Cooperative Welfare				
(Dedicated) Fund	630,500	437,800	10,600	1,078,900
Cooperative Welfare				
(Federal) Fund	<u>16,073,800</u>	<u>3,106,100</u>	<u>205,100</u>	<u>19,385,000</u>
TOTAL	\$19,068,000	\$3,736,500	\$286,000	\$23,090,500
GRAND TOTAL	\$28,717,900	\$7,539,200	\$5,296,700	\$41,553,800

SECTION 2. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than one hundred sixty-nine and forty-two hundredths (169.42) full-time equivalent positions for the Community Developmental Disability Services Program for the period July 1, 2009, through June 30, 2010. The Department of Health and Welfare is authorized no more than three hundred eighty-one and fifty-three hundredths (381.53) full-time equivalent positions for the Idaho State School and Hospital Program for the period July 1, 2009, through June 30, 2010. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the department's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 3. In addition to the appropriation made in Section 3, Chapter 354, Laws of 2008, there is hereby appropriated to the Department of Health and Welfare for the Idaho State School and Hospital the following amount to be expended according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:

Personnel Costs	\$1,273,000
Operating Expenditures	213,300
Trustee and Benefit Payments	<u>19,000</u>
TOTAL	\$1,505,300

FROM:

Cooperative Welfare (Federal) Fund	\$1,505,300
------------------------------------	-------------

SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made in Section 3, Chapter 354, Laws of 2008, is hereby reduced by the following amount for the Idaho State School and Hospital Program, according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:

Personnel Costs	\$1,273,000
Operating Expenditures	213,300
Trustee and Benefit Payments	<u>19,000</u>
TOTAL	\$1,505,300

FROM:

Cooperative Welfare (General) Fund	\$1,505,300
------------------------------------	-------------

SECTION 5. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 6. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2010.

SECTION 7. IDAHO STATE SCHOOL AND HOSPITAL CLIENT TRANSITION REVIEW AND REPORT. It is the intent of the Idaho Legislature, that the Department of Health and Welfare and the Board of the Idaho State School and Hospital shall enter into discussions with stakeholders to create a plan for transitioning the current residents of the Idaho State School and Hospital into services in the community or other private institutional settings. The discussion shall include the Divisions of Family and Community Services, Behavioral Health, Medicaid, Idaho State School and Hospital Administration and board representatives, community providers, and other stakeholders as identified by the department. The plan shall include, at a minimum, a broad based manifest of the clientele that the Idaho State School and Hospital serves and their individual medical as well as treatment needs, strategies for transitioning that clientele out of the Idaho State School and Hospital, a detailed list of barriers and suggestions for overcoming the barriers, a detailed cost analysis for transitioning clients, and timelines for transition. A report by the Department of Health and Welfare outlining the plan shall be provided to the Health and Welfare germane committees and the Joint Finance-Appropriations Committee during the Second Regular Session of the Sixtieth Idaho Legislature.

SECTION 8. INFANT AND TODDLER DATABASE SYSTEM. Recognizing that many parents of clients utilizing the Department of Health and Welfare Infant Toddler Program have the capacity to pay for services through personal insurance, and that the current infant and toddler systems do not possess the information technology structure to handle insurance billing and receipting, the Department of Health and Welfare is directed to include in the purchase of any information technology systems, including a database system, for the Infant and Toddler Program the capacity to bill and receipt insurance payments for any and all services provided to the client through the Infant and Toddler Program.

SECTION 9. EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES. Recognizing that employee development is an essential part of a workforce but that budget shortfalls require a reprioritization of expenditures towards core functions first and development and training second. The Department of Health and Welfare is hereby directed not to pay any education stipend, regardless of funding source, for employees during the fiscal year 2010 due to budgetary shortfalls and a reprioritization towards core expenditures.

SECTION 10. TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES. Notwithstanding the provisions of Section 67-3511, Idaho Code, that state "No appropriation made for expenses other than personnel costs shall be expended for personnel costs of the particular department, office or institution for which it is appropriated, . . ." For fiscal year 2010, the Department of Health and Welfare may transfer funds appropriated for operating expenditures to personnel costs with the consent of the State Board of Examiners that currently designates the responsibility to the Division of Financial Management.

SECTION 11. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds

that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 12. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 13. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3, 4 and 12 of this act shall be in full force and effect on and after passage and approval.

Approved April 30, 2009.

CHAPTER 261
(H.B. No. 319)

AN ACT

APPROPRIATING MONEYS FOR THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILD WELFARE DIVISION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE FOSTER AND ASSISTANCE PAYMENTS PROGRAM FOR FISCAL YEAR 2009; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE FOSTER AND ASSISTANCE PAYMENTS PROGRAM FOR FISCAL YEAR 2009; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Child Welfare Division the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CHILD WELFARE:				
FROM:				
Cooperative Welfare (General) Fund	\$9,983,500	\$1,867,500		\$11,851,000
Cooperative Welfare (Dedicated) Fund	71,000	20,000		91,000
Cooperative Welfare (Federal) Fund	<u>12,476,000</u>	<u>6,084,200</u>		<u>18,560,200</u>
TOTAL	\$22,530,500	\$7,971,700		\$30,502,200
II. FOSTER & ASSISTANCE PAYMENTS:				
FROM:				
Cooperative Welfare (General) Fund			\$11,584,400	\$11,584,400
Cooperative Welfare (Dedicated) Fund			1,251,100	1,251,100
Cooperative Welfare (Federal) Fund			<u>13,476,400</u>	<u>13,476,400</u>
TOTAL			\$26,311,900	\$26,311,900
GRAND TOTAL	\$22,530,500	\$7,971,700	\$26,311,900	\$56,814,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than three hundred ninety-two and sixty-seven hundredths (392.67) full-time equivalent positions for the Child Welfare Program during the period July 1, 2009, through June 30, 2010. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the department's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 3. EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES. Recognizing that employee development is an essential part of a workforce but that budget shortfalls require a reprioritization of expenditures towards core functions first and development and training second. The Department of Health and Welfare is hereby directed not to pay any education stipends, regardless of funding source, for employees during fiscal year 2010 due to budgetary shortfalls and a reprioritization towards core expenditures.

SECTION 4. TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES. Notwithstanding the provisions of Section 67-3511, Idaho Code, that state "No appropriation made for expenses other than personnel costs shall be expended for personnel costs of the particular department, office or institution for which it is appropriated,...." For fiscal year 2010, the Department of Health and Welfare may transfer funds appropriated for operating expenditures to personnel costs with the consent of the State Board of Examiners that currently designate the responsibility to the Division of Financial Management.

SECTION 5. GENERAL FUND TRANSFER. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 6. TRUSTEE AND BENEFIT PAYMENT LEGISLATIVE INTENT. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2010.

SECTION 7. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 8. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 9. In addition to the appropriation made in Section 3, Chapter 357, Laws of 2008, there is hereby appropriated to the Department of Health and Welfare for the Foster and Assistance Payments Program the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:		
Trustee and Benefit Payments		\$335,000
FROM:		
Cooperative Welfare (Federal) Fund		\$335,000

SECTION 10. Notwithstanding any other provision of law to the contrary, the appropriation made in Section 3, Chapter 357, Laws of 2008, is hereby reduced to the Department of Health and Welfare for the Foster and Assistance Payments Program by the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:
Trustee and Benefit Payments \$335,000

FROM:
General Fund \$335,000

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, Sections 8, 9, and 10 of this act shall be in full force and effect on and after passage and approval.

Approved April 30, 2009.

CHAPTER 262
(H.B. No. 320)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2009; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2009; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for Psychiatric Hospitalization in the designated programs the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMMUNITY HOSPITALIZATION:					
FROM:					
Cooperative Welfare (General) Fund				\$3,000,000	\$3,000,000
II. STATE HOSPITAL NORTH:					
FROM:					
Cooperative Welfare (General) Fund	\$5,931,300	\$963,600		\$19,000	\$6,913,900
Cooperative Welfare (Dedicated) Fund	134,200	54,500		1,000	189,700
State Hospital North Endowment Income Fund	<u>219,100</u>	<u>547,000</u>		<u>46,700</u>	<u>812,800</u>
TOTAL	\$6,284,600	\$1,565,100		\$66,700	\$7,916,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. STATE HOSPITAL SOUTH:					
FROM:					
Cooperative Welfare (General) Fund	\$9,100,200	\$709,900		\$221,100	\$10,031,200
Cooperative Welfare (Dedicated) Fund	2,410,300	679,200	\$125,000	900	3,215,400
Mental Hospital Endowment Income Fund	1,071,300	585,800			1,657,100
Cooperative Welfare (Federal) Fund	<u>3,193,600</u>	<u>1,673,500</u>	<u> </u>	<u>17,300</u>	<u>4,884,400</u>
TOTAL	\$15,775,400	\$3,648,400	\$125,000	\$239,300	\$19,788,100
GRAND TOTAL	\$22,060,000	\$5,213,500	\$125,000	\$3,306,000	\$30,704,500

SECTION 2. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than one hundred ten and thirty-nine hundredths (110.39) full-time equivalent positions for the State Hospital North Program during the period July 1, 2009, through June 30, 2010. The Department of Health and Welfare is authorized no more than two hundred sixty-four and twenty-two hundredths (264.22) full-time equivalent positions for the State Hospital South Program during the period July 1, 2009, through June 30, 2010. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the department's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 3. In addition to the appropriation made in Section 4, Chapter 269, Laws of 2008, there is hereby appropriated to the Department of Health and Welfare the following amount to be expended for the State Hospital South Program according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:	
Personnel Costs	\$266,100
Operating Expenditures	132,000
Trustee and Benefit Payments	<u>1,200</u>
TOTAL	\$399,300
FROM:	
Cooperative Welfare (Federal) Fund	\$399,300

SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made in Section 4, Chapter 269, Laws of 2008, is hereby reduced by the following amount for the State Hospital South Program, ac-

ording to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:

Personnel Costs	\$266,100
Operating Expenditures	132,000
Trustee and Benefit Payments	<u>1,200</u>
TOTAL	\$399,300

FROM:

Cooperative Welfare (General) Fund	\$399,300
------------------------------------	-----------

SECTION 5. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 6. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2010.

SECTION 7. EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES. Recognizing that employee development is an essential part of a workforce but that budget shortfalls require a reprioritization of expenditures towards core functions first and development and training second. The Department of Health and Welfare is hereby directed not to pay any education stipend, regardless of funding source, for employees during the fiscal year 2010 due to budgetary shortfalls and a reprioritization towards core expenditures.

SECTION 8. TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES. Notwithstanding the provisions of Section 67-3511, Idaho Code, that state "No appropriation made for expenses other than personnel costs shall be expended for personnel costs of the particular department, office or institution for which it is appropriated,..." For fiscal year 2010, the Department of Health and Welfare may transfer funds appropriated for operating expenditures to personnel costs with the consent of the State Board of Examiners that currently designates the responsibility to the Division of Financial Management.

SECTION 9. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 10. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3, 4 and 10 of this act shall be in full force and effect on and after passage and approval.

Approved April 30, 2009.

CHAPTER 263
(H.B. No. 321)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MENTAL HEALTH SERVICES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE CHILDREN'S MENTAL HEALTH PROGRAM AND THE ADULT MENTAL HEALTH PROGRAM; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILDREN'S MENTAL HEALTH PROGRAM FOR FISCAL YEAR 2009; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILDREN'S MENTAL HEALTH PROGRAM FOR FISCAL YEAR 2009; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE DRUG COURT, MENTAL HEALTH COURT AND FAMILY COURT SERVICES FUND; DIRECTING AN INTERAGENCY PAYMENT FOR A JUVENILE DETENTION CLINICIANS CONTRACT; LIMITING THE TRANSFER OF TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT WITH REGARD TO CHILDREN'S MENTAL HEALTH CONTRACT TREATMENT SERVICES; DIRECTING A REPORT RELATING TO CHILDREN'S MENTAL HEALTH DAY TREATMENT SERVICES; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; DIRECTING THE USE OF CERTAIN MONEYS IN THE MENTAL HEALTH GRANT PROGRAM; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for Mental Health Services the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CHILDREN'S MENTAL HEALTH:				
FROM:				
Cooperative Welfare (General) Fund	\$2,593,000	\$710,500	\$4,783,000	\$8,086,500
Cooperative Welfare (Dedicated) Fund			164,500	164,500
Cooperative Welfare (Federal) Fund	<u>3,119,600</u>	<u>1,410,800</u>	<u>1,117,600</u>	<u>5,648,000</u>
TOTAL	\$5,712,600	\$2,121,300	\$6,065,100	\$13,899,000
II. ADULT MENTAL HEALTH:				
FROM:				
Cooperative Welfare (General) Fund	\$11,976,400	\$1,768,300	\$674,700	\$14,419,400
Cooperative Welfare (Dedicated) Fund	698,800		650,000	1,348,800
Drug Court, Mental Health and Family Court Services Fund	158,400	98,000		256,400
Cooperative Welfare (Federal) Fund	<u>2,723,600</u>	<u>1,173,200</u>	<u>353,700</u>	<u>4,250,500</u>
TOTAL	\$15,557,200	\$3,039,500	\$1,678,400	\$20,275,100
III. MENTAL HEALTH GRANTS:				
FROM:				
Cooperative Welfare (General) Fund			\$2,011,600	\$2,011,600
GRAND TOTAL	\$21,269,800	\$5,160,800	\$9,755,100	\$36,185,700

SECTION 2. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than ninety-one and eighty-hundredths (91.80) full-time equivalent positions for the Children's Mental Health Program for the period July 1, 2009, through June 30, 2010. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than two hundred forty-three and seventy-nine hundredths (243.79) full-time equivalent positions for the Adult Mental Health Program for the period July 1, 2009, through June 30, 2010. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the department's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 355, Laws of 2008, there is hereby appropriated to the Department of Health and Welfare for the Children's Mental Health Program the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:

Trustee and Benefit Payments	\$9,000
------------------------------	---------

FROM:

Cooperative Welfare (Federal) Fund	\$9,000
------------------------------------	---------

SECTION 4. Notwithstanding any other provision of law to the contrary, the appropriation made in Section 1, Chapter 355, Laws of 2008, is hereby reduced by the following amount, according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:

Trustee and Benefit Payments	\$9,000
------------------------------	---------

FROM:

General Fund	\$9,000
--------------	---------

SECTION 5. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 6. DRUG COURT, MENTAL HEALTH COURT AND FAMILY COURT SERVICES FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the Drug Court, Mental Health Court and Family Court Services Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 7. INTERAGENCY PAYMENT FOR JUVENILE DETENTION CLINICIANS CONTRACT. The Children's Mental Health Program shall make, no later than July 10, 2009, an interagency payment of \$327,000 from the Cooperative Welfare (General) Fund to the Department of Juvenile Corrections to be utilized for the purchase of contract clinician services with juvenile detention facilities in Idaho, for the period July 1, 2009, through June 30, 2010.

SECTION 8. LIMITING THE TRANSFER OF TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511(1), Idaho Code, appropriations made in Section 1 of this act for trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2010.

SECTION 9. CHILDREN'S MENTAL HEALTH CONTRACT TREATMENT SERVICES. It is hereby declared to be the intent of the Idaho Legislature that, of those monies appropriated in Section 1 of this act, \$2,104,700 from the Cooperative Welfare (General) Fund be used to provide Children's Mental Health contract treatment services for the period July 1, 2009, through June 30, 2010. The amount so specified is not meant to be a limit, but rather a minimum amount to be provided for such services. Contract treatment services may include, but are not limited to, family support and preservation services, intensive outpatient and outpatient treatment, day treatment services outside the public school system, and contract wraparound case management services.

SECTION 10. DIRECTING A REPORT RELATIVE TO CHILDREN'S MENTAL HEALTH DAY TREATMENT SERVICES. It is the intent of the Legislature that the Children's Mental Health Program report to the Joint Finance-Appropriations Committee during its 2010 budget hearing the amount of annual funds paid to public schools for day treatment services by school district, the number of children by school district that were treated annually, and the outcome data reported as required by the contracts for services. If no funds are expended for day treatment in the school districts then no report will be required.

SECTION 11. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential ser-

VICES to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 12. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 13. MENTAL HEALTH GRANTS. It is the intent of the Legislature that the department utilize the \$846,600 of ongoing funding within the Mental Health Grants Program for the Region 4 Dual Diagnosis Crisis Intervention beds that will be contractually operated by Ada County. It is also the intent of the Legislature that the \$1,165,000 base ongoing funding be continued in fiscal year 2010 for the Region 7 grant project that was selected in fiscal year 2008.

SECTION 14. EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES. Recognizing that employee development is an essential part of a workforce but that budget shortfalls require a reprioritization of expenditures towards core functions first and development and training second. The Department of Health and Welfare is hereby directed not to pay any education stipend, regardless of funding source, for employees during the fiscal year 2010 due to budgetary shortfalls and a reprioritization towards core expenditures.

SECTION 15. TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES. Notwithstanding the provisions of Section 67-3511, Idaho Code, that state "No appropriation made for expenses other than personnel costs shall be expended for personnel costs of the particular department, office or institution for which it is appropriated, . . ." For fiscal year 2010, the Department of Health and Welfare may transfer funds appropriated for operating expenditures to personnel costs with the consent of the State Board of Examiners that currently designates the responsibility to the Division of Financial Management.

SECTION 16. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3, 4 and 12 of this act shall be in full force and effect on and after passage and approval.

Approved April 30, 2009.

CHAPTER 264
(H.B. No. 322)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; AUTHORIZING THE EXPENDITURE OF ALL RECEIPTS COLLECTED; AUTHORIZING A TRANSFER OF CERTAIN MONEYS APPROPRIATED FOR TRUSTEE AND BENEFIT PAYMENTS; PROVIDING LEGISLATIVE INTENT FOR COST CONTAINMENT MEASURES; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for Medical Assistance Services the following amounts to be expended according to the designated programs for the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION & MEDICAL MANAGEMENT:				
FROM:				
Cooperative Welfare (General) Fund	\$6,817,500	\$9,022,900	\$1,311,000	\$17,151,400
Idaho Health Insurance Access Card Fund Cooperative Welfare (Dedicated) Fund Cooperative Welfare (Federal) Fund		152,000 5,983,800		152,000 5,983,800
	<u>11,645,000</u>	<u>32,296,400</u>	<u>1,638,600</u>	<u>45,580,000</u>
TOTAL	\$18,462,500	\$47,455,100	\$2,949,600	\$68,867,200
II. COORDINATED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General) Fund			\$95,220,700	\$95,220,700
Hospital Assessment Fund Cooperative Welfare (Dedicated) Fund Cooperative Welfare (Federal) Fund			165,600 10,756,900	165,600 10,756,900
			<u>334,097,600</u>	<u>334,097,600</u>
TOTAL			\$440,240,800	\$440,240,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. ENHANCED MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General) Fund			\$133,430,200	\$133,430,200
Idaho Health Insurance Access Card Fund			1,145,800	1,145,800
Medical Assistance Fund			2,500	2,500
Hospital Assessment Fund			2,297,200	2,297,200
Cooperative Welfare (Dedicated) Fund			35,691,500	35,691,500
Cooperative Welfare (Federal) Fund			<u>421,460,900</u>	<u>421,460,900</u>
TOTAL			\$594,028,100	\$594,028,100
IV. BASIC MEDICAID PLAN:				
FROM:				
Cooperative Welfare (General) Fund			\$63,375,900	\$63,375,900
Idaho Health Insurance Access Card Fund			3,251,600	3,251,600
Hospital Assessment Fund			6,296,700	6,296,700
Cooperative Welfare (Dedicated) Fund			31,561,700	31,561,700
Cooperative Welfare (Federal) Fund			<u>299,607,300</u>	<u>299,607,300</u>
TOTAL			\$404,093,200	\$404,093,200
 GRAND TOTAL	 \$18,462,500	 \$47,455,100	 \$1,441,311,700	 \$1,507,229,300

SECTION 2. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than two hundred eighty-three (283) full-time equivalent positions for the Medical Assistance Services Division during the period July 1, 2009, through June 30, 2010. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the Department of Health and Welfare's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES. Recognizing that employee development is an essential part of a

workforce but that budget shortfalls require a reprioritization of expenditures towards core functions first and development and training second. The Department of Health and Welfare is hereby directed not to pay any education stipend, regardless of funding source, for employees during the fiscal year 2010 due to budgetary shortfalls and a reprioritization towards core expenditures.

SECTION 5. TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES. Notwithstanding the provisions of Section 67-3511, Idaho Code, that state "No appropriation made for expenses other than personnel costs shall be expended for personnel costs of the particular department, office or institution for which it is appropriated,...." For fiscal year 2010, the Department of Health and Welfare may transfer funds appropriated for operating expenditures to personnel costs with the consent of the State Board of Examiners that currently designates the responsibility to the Division of Financial Management.

SECTION 6. EXPENDITURES OF COLLECTED RECEIPTS. Notwithstanding the provisions of Section 67-3516(2), Idaho Code, the Department of Health and Welfare is hereby authorized to expend all receipts collected on behalf of the Dual Eligible Individuals Program, Individuals with Disabilities Program, and the Low-Income Children and Working-Age Adults Program, as noncognizable funds for the period July 1, 2009, through June 30, 2010.

SECTION 7. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for provider payments in the trustee and benefit payments expenditure object code in the budgeted Medical Assistance Services may be transferred in excess of ten percent (10%) among the Dual Eligible Individuals Program, Individuals with Disabilities Program, and Low-Income Children and Working-Age Adults Program, but shall not be transferred to any other budgeted programs or objects within the Department of Health and Welfare during fiscal year 2010.

SECTION 8. COST CONTAINMENT MEASURES. Within this Medicaid appropriation, the Department of Health and Welfare is requested to proceed with implementing the necessary policy and operational changes to contain and reduce costs in order to provide for a sustainable Medicaid Program. Key cost containment strategies should include, but are not limited to, the following:

(1) Establish cost-sharing requirements based on ability to pay for families whose children are eligible for Home Care for Certain Disabled Children (commonly known as the Katie Beckett Program).

(2) Evaluate Medicaid Managed Care Programs to determine whether cost-savings objectives have been met. If the objectives of those arrangements that include access, quality and cost have not been realized, initiate appropriate changes and report back to the Legislature on evaluation outcomes and changes made to meet the objectives.

(3) Pursue cost reductions through reviewing a possible implementation of a transportation brokerage model.

(4) Implement utilization management approaches to ensure that the amount, duration and scope of services are appropriate to meet the health needs of Medicaid participants.

(5) Monitor institutional cost drivers and make necessary changes to contain costs.

(6) Implement program administrative and policy changes to encourage coverage through cost-effective premium assistance programs.

(7) Establish operational protocols and related policy where needed to encourage service providers to obtain national accreditation and establish

a provider fee schedule for licensing, surveys and certification as defined by state requirements.

(8) Review the assessment process within the enhanced plan for developmental disabilities services and incorporate any identified cost containment, quality assurance and efficiency measures.

SECTION 9. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 10. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, Section 10 of this act shall be in full force and effect on and after passage and approval.

Approved April 30, 2009.

CHAPTER 265
(H.B. No. 287)

AN ACT

RELATING TO IMMUNITIES; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-341, IDAHO CODE, TO PROVIDE AN IMMUNITY OF EMPLOYERS FOR ALLOWING CERTAIN EMPLOYEE FIREARM STORAGE.

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

SECTION 1. That Chapter 3, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5-341, Idaho Code, and to read as follows:

5-341. IMMUNITY OF EMPLOYERS ALLOWING EMPLOYEE FIREARM STORAGE. No action shall lie or be maintained for civil damages in any court of this state

against an employer where the claim arises out of the policy of an employer to either specifically allow or not prohibit the lawful storage of firearms by employees in their personal motor vehicles on the employer's business premises.

Approved May 1, 2009.

CHAPTER 266
(H.B. No. 299)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME POSITIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR STATEWIDE SUBSTANCE ABUSE SERVICES FOR FISCAL YEAR 2010; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Office of Drug Policy the following amount to be expended from the listed fund for the period July 1, 2009, through June 30, 2010:

FROM:

Idaho Millennium Income Fund	\$440,300
------------------------------	-----------

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of Drug Policy is authorized no more than three (3) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for substance abuse services the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund			\$5,171,100	\$5,171,100
Federal Grant Fund	\$147,300	\$440,900	382,000	970,200
TOTAL	\$147,300	\$440,900	\$5,553,100	\$6,141,300

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability

during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 5. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved May 1, 2009.

CHAPTER 267
(H.B. No. 301)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Juvenile Corrections the following amounts to be expended for the designated programs from the listed funds for the period July 1, 2009, through June 30, 2010:

I. ADMINISTRATION:

FROM:

General Fund	\$3,021,500
Miscellaneous Revenue Fund	<u>90,800</u>
TOTAL	\$3,112,300

II. COMMUNITY, OPERATIONS, AND PROGRAM SERVICES:

FROM:

General Fund	\$5,691,800
Juvenile Corrections Fund	180,200
Juvenile Corrections - Cigarette/Tobacco Tax Fund	5,125,000
Miscellaneous Revenue Fund	444,300

Federal Grant Fund	<u>2,014,600</u>
TOTAL	\$13,455,900
III. INSTITUTIONS:	
FROM:	
General Fund	\$27,384,300
Miscellaneous Revenue Fund	1,248,000
State Juvenile Corrections Center Endowment Income Fund	820,400
Federal Grant Fund	<u>1,363,900</u>
TOTAL	\$30,816,600
 GRAND TOTAL	 \$47,384,800

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Juvenile Corrections is authorized no more than four hundred six and twenty-five hundredths (406.25) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 this act shall be in full force and effect on and after passage and approval.

Approved May 1, 2009.

CHAPTER 268
(H.B. No. 302)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE STATE CONTROLLER TO TRANSFER FUNDS FROM THE RURAL ECONOMIC DEVELOPMENT INTEGRATED FREIGHT TRANSPORTATION FUND TO THE GENERAL FUND; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Agriculture the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General Fund Administration and Accounting Services Fund	\$583,400	\$528,800			\$1,112,200
Facilities Maintenance Fund	694,400	151,000	\$239,000		1,084,400
	<u>101,300</u>	<u>65,600</u>	<u> </u>		<u>166,900</u>
TOTAL	\$1,379,100	\$745,400	\$239,000		\$2,363,500
II. ANIMAL INDUSTRIES:					
FROM:					
General Fund Agricultural Inspection Fund	\$1,425,100	\$244,300			\$1,669,400
Fees - Livestock Disease Control Fund	38,000	9,700			47,700
Agricultural Fees - Dairy Inspection Fund	504,200	269,700	\$53,100		827,000
Agricultural Fees - Egg Inspection Fund	980,200	302,600			1,282,800
Agricultural Fees - Commercial Fisheries Fund	156,500	16,200			172,700
Seminars and Publications Fund	5,700	4,200			9,900
Federal Grant Fund		98,400	6,600		105,000
	<u>780,800</u>	<u>534,900</u>	<u> </u>	<u>\$333,200</u>	<u>1,648,900</u>
TOTAL	\$3,890,500	\$1,480,000	\$59,700	\$333,200	\$5,763,400
III. AGRICULTURAL RESOURCES:					
FROM:					
General Fund	\$247,600	\$231,700			\$479,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Agricultural Fees - Pesticides Fund	1,456,000	527,300	\$61,100		2,044,400
Federal Grant Fund	<u>441,500</u>	<u>173,700</u>	<u> </u>		<u>615,200</u>
TOTAL	\$2,145,100	\$932,700	\$61,100		\$3,138,900

IV. PLANT INDUSTRIES:

FROM:

General Fund	\$839,000	\$266,500		\$1,128,000	\$2,233,500
Agricultural Inspection Fund	1,017,800	286,300	\$13,100	111,100	1,428,300
Agricultural Fees - Commercial Feed and Fertilizer Fund	822,500	224,100	42,300		1,088,900
Agricultural Fees - Honey Advertising Fund	400	16,300			16,700
Quality Assurance Laboratory Services Fund	512,700	72,300	16,200		601,200
Federal Grant Fund	<u>742,300</u>	<u>1,710,800</u>	<u>58,800</u>	<u>1,161,700</u>	<u>3,673,600</u>
TOTAL	\$3,934,700	\$2,576,300	\$130,400	\$2,400,800	\$9,042,200

V. AGRICULTURAL INSPECTIONS:

FROM:

General Fund	\$627,500	\$186,300			\$813,800
Agricultural Inspection Fund	63,700	17,000		\$3,700	84,400
Weights and Measures Inspection Fund	225,500	51,600	\$121,100		398,200
Agricultural Fees - Organic Food Products Fund	158,100	71,200			229,300
Agricultural Fees - Fresh Fruit and Vegetable Inspection Fund	<u>7,352,200</u>	<u>732,000</u>	<u>94,200</u>	<u>371,100</u>	<u>8,549,500</u>
TOTAL	\$8,427,000	\$1,058,100	\$215,300	\$374,800	\$10,075,200

VI. MARKETING AND DEVELOPMENT:

FROM:

General Fund	\$401,500	\$394,500			\$796,000
Agricultural Inspection Fund	23,500	10,300			33,800
Miscellaneous Revenue Fund		125,000			125,000
Seminars and Publications Fund		245,700			245,700
USDA Publica- tions Fund		64,900			64,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Rural Economic Development Integrated Freight Trans. Fund	9,300	20,000		\$100,000	129,300
Agricultural Loans Fund	12,400	15,300		5,200	32,900
Federal Grant Fund	<u>58,400</u>	<u>75,500</u>		<u>42,500</u>	<u>176,400</u>
TOTAL	\$505,100	\$951,200		\$147,700	\$1,604,000

VII. ANIMAL DAMAGE CONTROL:

FROM:

General Fund				\$148,800	\$148,800
Animal Damage Control Fund				215,700	215,700
Agricultural Fees - Sheep Industry Regulation Fund		\$200		167,200	167,400
Federal Grant Fund				<u>45,000</u>	<u>45,000</u>
TOTAL		\$200		\$576,700	\$576,900

VIII. SHEEP COMMISSION:

FROM:

General Fund	\$59,400				\$59,400
Agricultural Fees - Sheep Industry Regulation Fund	<u>62,900</u>	<u>\$40,100</u>			<u>103,000</u>
TOTAL	\$122,300	\$40,100			\$162,400
GRAND TOTAL	\$20,403,800	\$7,784,000	\$705,500	\$3,833,200	\$32,726,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than one hundred ninety-seven and five-hundredths (197.05) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. On July 1, 2009, or as soon thereafter as possible, the State Controller shall transfer the sum of \$1,000,000 from the Rural Economic Development Integrated Freight Transportation Fund to the General Fund.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keep-

ing newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 5. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved May 1, 2009.

CHAPTER 269
(H.B. No. 311)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN TRANSFERS BEING CONTINUOUSLY APPROPRIATED; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR AIRPORT DEVELOPMENT GRANTS; AUTHORIZING THE TRANSFER OF HIGHWAY FUNDS TO THE TOURISM AND PROMOTION FUND; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF TITLE XII AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 FUNDS; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING A SALARY REDUCTION; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2009; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Idaho Transportation Department the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. TRANSPORTATION SERVICES:					
A. ADMINISTRATION:					
FROM:					
State Highway (Dedicated) Fund	\$13,459,800	\$8,137,300	\$608,400		\$22,205,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
State Highway (Billing) Fund	22,700	191,800			214,500
State Highway (Federal) Fund	<u>417,700</u>	<u>105,200</u>			<u>522,900</u>
TOTAL	\$13,900,200	\$8,434,300	\$608,400		\$22,942,900
B. CAPITAL FACILITIES:					
FROM:					
State Aeronautics (Dedicated) Fund			\$50,000		\$50,000
State Highway (Dedicated) Fund			<u>2,800,000</u>		<u>2,800,000</u>
TOTAL			\$2,850,000		\$2,850,000
C. AERONAUTICS:					
FROM:					
State Aeronautics (Dedicated) Fund	\$817,700	\$544,300	\$54,400	\$961,000	\$2,377,400
State Aeronautics (Billing) Fund	74,700	125,400			200,100
State Aeronautics (Federal) Fund	<u>32,500</u>	<u>432,700</u>		<u>294,900</u>	<u>760,100</u>
TOTAL	\$924,900	\$1,102,400	\$54,400	\$1,255,900	\$3,337,600
D. PUBLIC TRANSPORTATION:					
FROM:					
State Highway (Dedicated) Fund	\$235,800	\$54,800	\$2,800	\$404,800	\$698,200
State Highway (Federal) Fund	<u>456,600</u>	<u>190,700</u>		<u>8,898,000</u>	<u>9,545,300</u>
TOTAL	\$692,400	\$245,500	\$2,800	\$9,302,800	\$10,243,500
DIVISION TOTAL	\$15,517,500	\$9,782,200	\$3,515,600	\$10,558,700	\$39,374,000
II. PLANNING:					
FROM:					
State Highway (Dedicated) Fund	\$815,200	\$596,500	\$89,800	\$140,000	\$1,641,500
State Highway (Federal) Fund	<u>1,717,700</u>	<u>1,940,600</u>		<u>140,000</u>	<u>3,798,300</u>
TOTAL	\$2,532,900	\$2,537,100	\$89,800	\$280,000	\$5,439,800
III. MOTOR VEHICLES:					
FROM:					
State Highway (Dedicated) Fund	\$12,150,800	\$6,881,600	\$236,100		\$19,268,500
IV. HIGHWAY OPERATIONS:					
FROM:					
State Highway (Dedicated) Fund	\$71,726,200	\$49,628,700	\$19,030,600		\$140,385,500
State Highway (Billing) Fund		385,600			385,600
State Highway (Local) Fund	194,900	98,200			293,100
State Highway (Federal) Fund	<u>8,474,400</u>	<u>1,827,000</u>		<u>\$2,462,500</u>	<u>12,763,900</u>
TOTAL	\$80,395,500	\$51,939,500	\$19,030,600	\$2,462,500	\$153,828,100
V. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:					
FROM:					
State Highway (Dedicated) Fund		\$5,053,500	\$28,849,300	\$318,000	\$34,220,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
State Highway (Local) Fund		705,200	4,507,200	541,000	5,753,400
State Highway (Federal) Fund		<u>12,153,000</u>	<u>235,668,600</u>	<u>2,914,000</u>	<u>250,735,600</u>
TOTAL		\$17,911,700	\$269,025,100	\$3,773,000	\$290,709,800
GRAND TOTAL	\$110,596,700	\$89,052,100	\$291,897,200	\$17,074,200	\$508,620,200

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho Transportation Department is authorized no more than one thousand eight hundred thirty-three and five-tenths (1,833.5) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. It is legislative intent that all moneys transferred to the Local Bridge Inspection Fund and to the Railroad Grade Crossing Protection Fund, as provided in Section 63-2412, Idaho Code, are hereby continuously appropriated to the Idaho Transportation Department for the stated purposes of those funds.

SECTION 4. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances of the State Highway Fund appropriated for the Contract Construction and Right-of-Way Acquisition Program for fiscal year 2009, to be used for Contract Construction and Right-of-Way Acquisition only for the period July 1, 2009, through June 30, 2010.

SECTION 5. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances of the State Aeronautics Fund appropriated for trustee and benefit payments for fiscal year 2009, to be used for Airport Development Grants for the period July 1, 2009, through June 30, 2010.

SECTION 6. There is hereby appropriated and the State Controller is directed to transfer \$25,000 from the State Highway Fund to the Tourism and Promotion Fund in the Department of Commerce during fiscal year 2010. This transfer will provide the matching fund support of the Gateway Visitor Centers.

SECTION 7. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances of funding from Title XII of the American Recovery and Reinvestment Act of 2009 (fund 0260-46) for fiscal year 2009, to be used in fiscal year 2010, according to all the requirements of the federal act.

SECTION 8. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary

reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 9. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 10. In addition to the appropriation made in Section 1, Chapter 360, Laws of 2008, there is hereby appropriated to the Idaho Transportation Department the following amount to be expended for the designated program according to the designated expense classes from the State Highway Title XII American Recovery and Reinvestment Act Fund for the period July 1, 2008, through June 30, 2009:

FOR:

I. PUBLIC TRANSPORTATION:

Operating Expenditures	\$1,310,600
Trustee and Benefit Payments	<u>7,431,900</u>
TOTAL	\$8,742,500

II. HIGHWAY OPERATIONS:

Personnel Costs	\$7,693,000
-----------------	-------------

III. CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION:

Capital Outlay	\$174,241,600
GRAND TOTAL	\$190,677,100

FROM:

State Highway Title XII ARRA Fund	\$190,677,100
-----------------------------------	---------------

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, Sections 9 and 10 of this act shall be in full force and effect on and after passage and approval.

Approved May 1, 2009.

CHAPTER 270
(H.B. No. 323)

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2010; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2010; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2010; EXPRESSING LEGISLATIVE INTENT THAT CERTAIN STATE FUNDED BENEFITS BE PAID; AND AMENDING SECTION 33-1004E, IDAHO CODE, TO DECREASE BASE SALARIES FOR ADMINISTRATIVE STAFF.

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

SECTION 1. The following amount shall be expended for the Public Schools Division of Administrators for the period July 1, 2009, through June 30, 2010:

FROM:

General Fund	\$76,256,700
American Reinvestment Fund	<u>5,234,400</u>
TOTAL	\$81,491,100

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2009, through June 30, 2010:

FROM:

General Fund	\$76,256,700
--------------	--------------

SECTION 3. There is hereby appropriated to the Educational Support Program/Division of Administrators, pursuant to law and the provisions of this act, the following amount to be expended from the listed funds for the period July 1, 2009, through June 30, 2010:

FROM:

Public School Income Fund	\$76,256,700
American Reinvestment Fund	<u>5,234,400</u>
TOTAL	\$81,491,100

SECTION 4. It is legislative intent that public school employee benefits paid by the state, pursuant to Section 33-1004F, Idaho Code, be paid for all eligible employees that a school district or public charter school actually employs with its salary-based apportionment allotment, regardless of whether such employees are categorized as administrative, instructional or classified staff.

SECTION 5. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of \$25,231. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. The instructional salary allocation shall be further increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than \$31,750. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall be designated as a master teacher and receive \$2,000 per year for five (5) years. The instructional salary shall be increased by \$2,000 for each master teacher. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase as master teacher shall be those who have been recognized as national board certified teachers as of July 1 of each year.

2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district administrative staff index shall be multiplied by the base salary of ~~\$36,532~~ \$34,705. The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(3), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

3. To determine the apportionment for classified staff, multiply \$20,376 by the district classified staff allowance determined as provided in section 33-1004(4), Idaho Code. The amount so determined is the district's apportionment for classified staff.

4. The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections 1., 2. and 3., of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

Approved May 1, 2009.

CHAPTER 271
(H.B. No. 324)

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF TEACHERS FOR FISCAL YEAR 2010; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS DIVISION OF TEACHERS; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2010; PROVIDING MONEYS FOR THE UNEMPLOYMENT INSURANCE PROGRAM; DIRECTING THAT AN AMOUNT BE DISTRIBUTED FOR MASTER TEACHER AWARD PAYMENTS; DIRECTING THE DISTRIBUTION OF \$1,000,000 BETWEEN TRAINING TO SERVE THE NEEDS OF GIFTED AND TALENTED STUDENTS AND TRAINING TEACHERS TO PROVIDE ADDITIONAL ADVANCED LEARNING OPPORTUNITIES FOR STUDENTS; DIRECTING THAT \$300 BE DISTRIBUTED TO EACH QUALIFIED TEACHER FOR CLASSROOM SUPPLIES; AND AMENDING SECTION 33-1004E, IDAHO CODE, TO PROVIDE FOR A BASE SALARY DECREASE FOR INSTRUCTIONAL STAFF, TO REVISE INSTRUCTIONAL SALARY ALLOCATION INCREASES AND TO DECREASE THE MINIMUM INSTRUCTIONAL STAFF SALARY.

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

SECTION 1. The following amount shall be expended for the Public Schools Division of Teachers for the period July 1, 2009, through June 30, 2010:

FROM:	
General Fund	\$696,256,000
American Reinvestment Fund	29,956,500
Federal Grant Fund	<u>30,000,000</u>
TOTAL	\$756,212,500

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2009, through June 30, 2010:

FROM:	
General Fund	\$696,256,000

SECTION 3. There is hereby appropriated to the Educational Support Program/Division of Teachers, pursuant to law and the provisions of this act, the following amount to be expended from the listed funds for the period July 1, 2009, through June 30, 2010:

FROM:	
Public School Income Fund	\$696,256,000
American Reinvestment Fund	29,956,500
Federal Grant Fund	<u>30,000,000</u>
TOTAL	\$756,212,500

SECTION 4. Of the moneys appropriated in Section 3 of this act, the amount necessary for the Unemployment Insurance Program shall be expended according to Section 72-1349A, Idaho Code, for the period July 1, 2009, through June 30, 2010.

SECTION 5. Of the moneys appropriated in Section 3 of this act, the amount necessary shall be awarded to those instructional staff members who have been recognized as master teachers by the National Board for Professional Teaching Standards, according to the provisions of Section 33-1004E, Idaho Code.

SECTION 6. Of the moneys appropriated in Section 3 of this act, \$1,000,000 shall be distributed as follows:

(1) \$500,000 shall be distributed to train general education teachers, gifted/talented (G/T) facilitators, administrators and/or parents to better meet the needs of gifted/talented students. One-half (1/2) of these funds shall be allocated pro rata based on each district's prior year total student enrollment compared to the prior year total statewide enrollment. One-half (1/2) of these funds shall be allocated based on the number of gifted/talented students identified and served as indicated on the prior year's December 1 child count. The number of gifted/talented students identified for purposes of this section shall not exceed seven percent (7%) of the district's total student enrollment. No district shall receive less than \$500. Funds shall be distributed upon submission and approval of an application submitted to the State Department of Education demonstrating how in-service training will establish or improve identification and service of gifted/talented students in the five (5) mandated talent areas. The Superintendent of Public Instruction may reallocate any gifted/talented funds that are left unrequested by school districts to all other school districts that have requested gifted/talented funds, according to the distribution formula outlined in this section.

(2) Pursuant to the fiscal impact statement for State Board of Education rule, IDAPA 08.02.03, Docket Number 08-0203-0605, \$500,000 shall be distributed to train teachers to provide advanced learning opportunities for students. The allocation and utilization of such funds shall be determined jointly by the State Board of Education and the Superintendent of Public Instruction, under the administration of the State Department of Education, provided that the funds not be used for state personnel costs.

SECTION 7. Of the moneys appropriated in Section 3 of this act, \$300 shall be distributed to each full-time equivalent certificated classroom teacher for the purchase of classroom supplies. The Superintendent of Public Instruction shall determine the formulas and methodologies by which such funds are distributed, within this framework, and the permissible uses. The Superintendent of Public Instruction may withhold or require the return of such funds, in the case of any school district or public charter school that is using or is proposing to use such funds in an impermissible manner.

SECTION 8. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of ~~\$25,231~~ \$24,567. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. The instructional salary allocation shall be further increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section.

Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than ~~\$31,750~~ \$30,915. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall be designated as a master teacher and receive \$2,000 per year for five (5) years. The instructional salary shall be increased by \$2,000 for each master teacher. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase as master teacher shall be those who have been recognized as national board certified teachers as of July 1 of each year.

2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district administrative staff index shall be multiplied by the base salary of \$36,532. The amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(3), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

3. To determine the apportionment for classified staff, multiply \$20,376 by the district classified staff allowance determined as provided in section 33-1004(4), Idaho Code. The amount so determined is the district's apportionment for classified staff.

4. The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections 1., 2. and 3., of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

Approved May 1, 2009.

CHAPTER 272
(H.B. No. 325)

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF OPERATIONS; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS DIVISION OF OPERATIONS FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2010; DIRECTING THAT \$9,150,000 BE EXPENDED FOR TECHNOLOGY PROGRAMS; DIRECTING THAT \$1,508,500 BE DISTRIBUTED FOR THE REPLACEMENT OF CERTAIN LEVY FUNDS; DIRECTING THAT SPECIFIC DOLLAR AMOUNTS BE DISTRIBUTED BASED ON AVERAGE DAILY ATTENDANCE FOR SOFTWARE AND TEXTBOOK MATERIAL PURCHASES; PROVIDING THAT FUNDS FROM THE SCHOOL DISTRICT BUILDING ACCOUNT BE USED AS DISCRETIONARY FUNDS; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; AND AMENDING SECTION 33-1004E, IDAHO CODE, TO PROVIDE FOR A DECREASE IN THE BASE SALARY OF CLASSIFIED STAFF.

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

SECTION 1. The following amount shall be expended from state sources for the Public Schools Division of Operations for the period July 1, 2009, through June 30, 2010:

FROM:

General Fund	\$488,455,700
Public School Endowment Earnings Reserve Fund Transfer	31,292,400

Federal Mineral Royalties	1,500,000
Public Education Stabilization Fund	1,508,500
Liquor Control Fund	1,200,000
Miscellaneous Receipts/Balances	2,300,000
School District Building Fund	19,025,000
American Reinvestment Fund	25,444,500
Federal Grant Fund	<u>8,000,000</u>
TOTAL	\$578,726,100

SECTION 2. Notwithstanding the provisions of Sections 33-907, 33-1018, 33-1018A and 33-1018B, Idaho Code, there is hereby appropriated the following amounts to be transferred to the Public School Income Fund for the period July 1, 2009, through June 30, 2010:

FROM:

General Fund	\$488,455,700
Public Education Stabilization Fund	<u>1,508,500</u>
TOTAL	\$489,964,200

SECTION 3. There is hereby appropriated to the Educational Support Program/Division of Operations, pursuant to law and the provisions of this act, the following amounts to be expended from the listed funds for the period July 1, 2009, through June 30, 2010:

FROM:

Public School Income Fund	\$526,256,600
School District Building Fund	19,025,000
American Reinvestment Fund	25,444,500
Federal Grant Fund	<u>8,000,000</u>
TOTAL	\$578,726,100

SECTION 4. Of the moneys appropriated in Section 3 of this act, \$9,150,000 shall be expended by the Superintendent of Public Instruction as follows:

(1) The Superintendent of Public Instruction shall distribute \$4,050,000 for ongoing school district technology expenditures, through the Public School Technology Grant Program, pursuant to Section 33-4806, Idaho Code. Such expenditures may include the personnel costs associated with school district information technology staff support. Of this amount, up to \$160,000 may be expended by the Superintendent of Public Instruction for staff support and various expenses related to the implementation and coordination of technology initiatives in public schools, including the Idaho Education Network and the state's longitudinal data project.

(2) The Superintendent of Public Instruction shall distribute \$5,100,000 in ongoing moneys to school districts, based on the number of support units used to calculate salary-based apportionment in the current year. Seventy-five percent (75%) of such moneys shall be distributed by August 31, with the remainder distributed by February 15. Such moneys shall be expended for the purchase of technology equipment and software.

SECTION 5. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction shall distribute \$1,508,500 to school districts, allocated according to the same proportions as the moneys distributed in fiscal year 2007, pursuant to Section 63-3638(10), Idaho Code, for the replacement of school maintenance and operations levy funds.

SECTION 6. Of the moneys appropriated in Section 3 of this act, an amount equal to fifteen dollars (\$15.00) for each student in average daily attendance in grade six and under, and an amount equal to thirty dollars (\$30.00) for each student in average daily attendance in grade seven and higher shall be distributed for the purchase of instructional software

and textbooks, whether physical or electronic. For the purposes of this section, the average daily attendance figure used shall be the figure for the first reporting period.

SECTION 7. The provisions of Sections 33-905 and 33-1019, Idaho Code, notwithstanding, for the period July 1, 2009, through June 30, 2010, only, all moneys appropriated from the school district building account shall be distributed as discretionary funds, and school districts are hereby relieved of any restrictions on the use of such funds, apart from restrictions that apply to the use of discretionary funds.

SECTION 8. Pursuant to the provisions of Section 33-1018, Idaho Code, it is estimated that the appropriation of state funds to the Educational Support Program/Division of Operations will result in total discretionary funds of \$25,459 per support unit.

SECTION 9. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of \$25,231. The amount so determined shall be multiplied by the district staff allowance for instructional staff determined as provided in section 33-1004(2), Idaho Code. The instructional salary allocation shall be further increased by the amount necessary for each full-time equivalent instructional staff member placed on the experience and education index to be allocated at least the minimum salary mandated by this section. Full-time instructional staff salaries shall be determined from a salary schedule developed by each district and submitted to the state department of education. No full-time instructional staff member shall be paid less than \$31,750. If an instructional staff member has been certified by the national board for professional teaching standards, the staff member shall be designated as a master teacher and receive \$2,000 per year for five (5) years. The instructional salary shall be increased by \$2,000 for each master teacher. The resulting amount is the district's salary-based apportionment for instructional staff. For purposes of this section, teachers qualifying for the salary increase as master teacher shall be those who have been recognized as national board certified teachers as of July 1 of each year.

2. To determine the apportionment for district administrative staff, first determine the district average experience and education index by placing all eligible certificated administrative employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the school year 1994-95, and shall receive their actual index but not more than the state average index plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district administrative staff index shall be multiplied by the base salary of \$36,532. The

amount so determined shall be multiplied by the district staff allowance for administrative staff determined as provided in section 33-1004(3), Idaho Code. The resulting amount is the district's salary-based apportionment for administrative staff.

3. To determine the apportionment for classified staff, multiply ~~\$20,376~~ \$19,840 by the district classified staff allowance determined as provided in section 33-1004(4), Idaho Code. The amount so determined is the district's apportionment for classified staff.

4. The district's salary-based apportionment shall be the sum of the apportionments calculated in subsections 1., 2. and 3., of this section, plus the benefit apportionment as provided in section 33-1004F, Idaho Code.

Approved May 1, 2009.

CHAPTER 273
(H.B. No. 326)

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF CHILDREN'S PROGRAMS; PROVIDING A DESCRIPTION OF THE PUBLIC SCHOOLS DIVISION OF CHILDREN'S PROGRAMS AND PROVIDING THE AMOUNTS TO BE EXPENDED; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF CHILDREN'S PROGRAMS FOR FISCAL YEAR 2010; DIRECTING THAT \$7,000,000 OF THE MONEYS ACCRUING PURSUANT TO SECTIONS 63-2506 AND 63-2552A, IDAHO CODE, AND SUCH OTHER MONEYS WHICH MAY BECOME AVAILABLE PURSUANT TO SECTION 63-7439, IDAHO CODE, BE EXPENDED FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THE DISTRIBUTION OF FUNDS FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO FEATURES OF THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THAT \$2,800,000 BE USED FOR THE LITERACY PROGRAMS AND EXPRESSING LEGISLATIVE INTENT THAT THE STATE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION COORDINATE CERTAIN PROGRAMS; DIRECTING THAT \$3,972,500 BE ALLOCATED TO IMPLEMENT A MATH EDUCATION PROGRAM; DIRECTING THAT \$6,040,000 BE ALLOCATED FOR PROGRAMS FOR STUDENTS WITH NON-ENGLISH OR LIMITED-ENGLISH PROFICIENCY; DIRECTING THAT \$5,000,000 BE DISTRIBUTED TO PROVIDE REMEDIAL IDAHO STANDARDS ACHIEVEMENT TEST EDUCATION AND COMPUTERIZED REMEDIATION SERVICES FOR CERTAIN STUDENTS AND REQUIRING A LOCAL EXPENDITURE MATCH; DIRECTING THE IDAHO DIGITAL LEARNING ACADEMY TO UTILIZE STATE FUNDS TO ACHIEVE CERTAIN GOALS; GRANTING AUTHORITY TO TRANSFER FUNDS BETWEEN THE FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM BUDGET; DIRECTING THAT MONEYS DISTRIBUTED FOR PROGRAMS PURSUANT TO SECTIONS 33-1002 AND 33-2006, IDAHO CODE, BE LIMITED WITH PROVISIONS FOR A WAIVER; AND DIRECTING THAT A REVIEW OF PERFORMANCE OUTCOMES FOR THE SAFE AND DRUG-FREE SCHOOLS PROGRAM IS OF MERIT AND THAT SUCH INFORMATION BE EVALUATED BY THE JOINT FINANCE-APPROPRIATIONS COMMITTEE AND GERMANE COMMITTEES.

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

SECTION 1. The Public Schools Division of Children's Programs includes programs that provide direct educational or material benefits to children, where funding does not primarily go to paying certificated teachers and administrators. It also includes programs that primarily and specifically provide funding for the separate instruction of identified subgroups of children outside the normal classroom of an Idaho public school. The following amount shall be expended from the listed sources for the Public Schools

Division of Children's Programs for the period July 1, 2009, through June 30, 2010:

FROM:

General Fund	\$30,346,800
Cigarette, Tobacco and Lottery Income Taxes Fund	7,000,000
Federal Grant Fund	<u>231,383,000</u>
TOTAL	\$268,729,800

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2009, through June 30, 2010:

FROM:

General Fund	\$30,346,800
--------------	--------------

SECTION 3. There is hereby appropriated to the Educational Support Program/Division of Children's Programs, pursuant to law and the provisions of this act, the following amount to be expended from the listed funds for the period July 1, 2009, through June 30, 2010:

FROM:

Public School Income Fund	\$37,346,800
Federal Grant Fund	<u>231,383,000</u>
TOTAL	\$268,729,800

SECTION 4. Of the moneys appropriated in Section 3 of this act, up to \$7,000,000 shall be expended by the Superintendent of Public Instruction for the Idaho Safe and Drug-Free Schools Program, from funds determined by available revenues accruing pursuant to Sections 63-2506 and 63-2552A, Idaho Code, and other such moneys which may become available pursuant to Section 67-7439, Idaho Code, for the period July 1, 2009, through June 30, 2010. If federal grant funds are reauthorized for this program for use during this period, the amount of state moneys that may be expended pursuant to this section shall be reduced by the amount of federal grant moneys available.

SECTION 5. The funds allocated for the Idaho Safe and Drug-Free Schools Program in Section 4 of this act shall be distributed as follows: the provisions of Section 63-2552A(3), Idaho Code, notwithstanding, \$200,000 shall be remitted to the Idaho State Police; \$100,000 may be utilized by the Superintendent of Public Instruction for program administration, technical assistance and evaluation. Of the remaining amount, ninety-two percent (92%) shall be distributed to each school district through a combination of a base amount of \$1,500 and a prorated amount based on the prior year's average daily attendance. Such funds shall be used either to fund the Idaho Safe and the Drug-Free Schools Program or to defray the costs of community resource workers, or both, at the discretion of the school district's board of trustees. The remaining eight percent (8%), shall be used to make discretionary grants as determined by the Idaho Safe and Drug-Free Schools and Communities Advisory Board, including up to \$80,000 in subgrants that may be authorized to the Commission on Hispanic Affairs.

SECTION 6. It is legislative intent that the Idaho Safe and Drug-Free Schools Program shall include the following:

(1) Districts will develop a policy and plan that will provide a guide for their substance abuse programs.

(2) Districts will have an advisory board to assist each district in making decisions relating to the programs.

(3) The districts' substance abuse programs will be comprehensive to meet the needs of all students. This will include prevention programs, student assistance programs that address early identification and referral, and aftercare.

(4) Districts shall submit an annual evaluation of their programs to the State Department of Education as to the effectiveness of their programs.

SECTION 7. Of the moneys appropriated in Section 3 of this act, \$2,800,000 shall be used for literacy programs, as outlined in Sections 33-1614, 33-1615 and 33-1207A(2), Idaho Code. It is legislative intent that the State Board of Education and the State Department of Education coordinate federally funded literacy programs with state literacy programs, resulting in well-coordinated, complementary literacy efforts.

SECTION 8. Of the moneys appropriated in Section 3 of this act, \$3,972,500 shall be utilized by the Superintendent of Public Instruction to implement a math education program, similar in approach to the literacy programs described in Section 7 of this act.

SECTION 9. Of the moneys appropriated in Section 3 of this act, \$6,040,000 shall be distributed for support of programs for students with non-English or limited-English proficiency, as follows:

(1) The State Department of Education shall distribute \$5,290,000 to school districts pro rata, based upon the population of limited-English proficient students under criteria established by the department.

(2) The State Department of Education shall use \$750,000 to continue the competitive grant program for school districts in which the population of English language learners failed to meet Adequate Yearly Progress (AYP) in math or reading, as defined in federal law. Of this amount, \$700,000 shall be distributed annually to school districts in three-year grant cycles, in which the recipients will receive full grant awards each of the three (3) years, contingent on appropriation. The remaining \$50,000 will be used for evaluation and administration of the program.

(3) The department shall develop the program elements governing the use of these funds, modeled on the training, intervention, and remediation elements of the program described in Section 7 of this act. The purpose of these funds is to improve the English language skills of English language learners, to enable such students to better access the educational opportunities offered in public schools. The Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the House and Senate Education Committees, by no later than February 1, 2010, on the program design, uses of funds and effectiveness of the program.

SECTION 10. Of the moneys appropriated in Section 3 of this act, \$5,000,000 shall be distributed to provide remedial coursework for students failing to achieve proficiency in the Idaho Standards Achievement Test and to fund a computerized remediation service to schools. The Superintendent of Public Instruction shall determine the formulas and methodologies by which such funds are distributed, and the permissible uses; provided however, that the distribution of such funds to public schools shall be conditioned on a match of at least one dollar (\$1.00) in local expenditures for every two dollars (\$2.00) in distributed funds.

SECTION 11. The Idaho Digital Learning Academy, created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state funds to achieve the following:

(1) No increase in tuition charged by the Idaho Digital Learning Academy to Idaho students.

(2) Provide remedial coursework for students failing to achieve proficiency in one (1) or more areas of the Idaho Standards Achievement Test.

(3) Pursuant to State Board of Education rule, IDAPA 08.02.03.106, provide advanced learning opportunities for students.

(4) Pursuant to State Board of Education rule, IDAPA 08.02.03.106, work with institutions of higher education to provide dual credit coursework. The preceding list shall not be construed as excluding other instruction and training that may be provided by the Idaho Digital Learning Academy.

SECTION 12. The State Department of Education is hereby granted the authority to transfer funds between the five (5) divisions of the Educational Support Program budget, in any amount necessary, to comply with the public school funding provisions of appropriations and the Idaho Code.

SECTION 13. The provisions of Sections 33-1002 and 33-2006, Idaho Code, notwithstanding, the amount of moneys distributed in fiscal year 2010 pursuant to Section 33-2006, Idaho Code, shall not exceed the amount distributed in fiscal year 2009. Provided however, that additional moneys may be distributed if a school district applies for a waiver from the State Department of Education, which may grant such a waiver if increased distributions are justified by increased program participation.

SECTION 14. It is the Joint Finance-Appropriations Committee intent that a review of the fiscal year 2009 performance outcomes of the Safe and Drug-Free Schools Program is of merit and that such information be evaluated by the Joint Finance-Appropriations Committee and the germane committees for the fiscal year 2011 budget.

Approved May 1, 2009.

CHAPTER 274
(H.B. No. 327)

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF FACILITIES; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF FACILITIES FOR FISCAL YEAR 2010; TRANSFERRING AND APPROPRIATING CERTAIN FUNDS TO THE BOND LEVY EQUALIZATION FUND; AND RELIEVING THE STATE OF THE REQUIREMENT TO PROVIDE SCHOOL MAINTENANCE MATCHING FUNDS.

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

SECTION 1. There is hereby appropriated to the Educational Support Program/Division of Facilities, \$17,900,000 from the General Fund, to be expended for the period July 1, 2009, through June 30, 2010.

SECTION 2. Of the moneys appropriated to the Educational Support Program the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated to the Bond Levy Equalization Fund.

SECTION 3. The provisions of Sections 33-1018B and 33-1019, Idaho Code, notwithstanding, for the period July 1, 2009, through June 30, 2010, only, the state is hereby temporarily relieved from the requirement to provide its portion of the school maintenance matching funds normally required by such sections, nor shall school districts be required to make up such portion that would otherwise be provided by the state.

Approved May 1, 2009.

CHAPTER 275
(S.B. No. 1227)

AN ACT

PROVIDING LEGISLATIVE INTENT FOR THE GOVERNOR TO ACCESS FUNDS IN FISCAL YEAR 2009; AUTHORIZING THE BOARD OF EXAMINERS TO TRANSFER FUNDS FROM THE PUBLIC EDUCATION STABILIZATION FUND TO THE GENERAL FUND AT THE END OF FISCAL YEAR 2009; AUTHORIZING THE BOARD OF EXAMINERS TO TRANSFER FUNDS FROM THE BUDGET STABILIZATION FUND TO THE GENERAL FUND AT THE END OF FISCAL YEAR 2009; PROVIDING LEGISLATIVE INTENT THAT CERTAIN CASH BALANCES IN THE GENERAL FUND SHOULD BE MAINTAINED AT THE BEGINNING OF FISCAL YEAR 2010; AUTHORIZING THE GOVERNOR TO DIRECT THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE BUDGET STABILIZATION FUND AND THE PUBLIC EDUCATION STABILIZATION FUND UNDER CERTAIN CONDITIONS AT THE BEGINNING OF FISCAL YEAR 2010; APPROPRIATING AND TRANSFERRING MONEYS FROM THE BUDGET STABILIZATION FUND TO THE GENERAL FUND IN FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2010 FROM THE AMERICAN REINVESTMENT FUND FOR PUBLIC WATER SYSTEMS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2010 FROM THE AMERICAN REINVESTMENT FUND FOR WASTEWATER TREATMENT PROJECTS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2010 FROM THE AMERICAN REINVESTMENT FUND FOR THE IDAHO EDUCATION NETWORK; AUTHORIZING AN ADDITIONAL FULL-TIME EQUIVALENT POSITION TO THE DEPARTMENT OF ADMINISTRATION; STATING LEGISLATIVE INTENT THAT THE PROJECT INFRASTRUCTURE FOR THE IDAHO EDUCATION NETWORK SHOULD BE PRIMARILY LOCATED WITHIN IDAHO; APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2009 FROM THE AMERICAN REINVESTMENT FUND; PROVIDING LEGISLATIVE INTENT TO DISTRIBUTE FUNDS THROUGH THE IDAHO TRANSPORTATION BOARD FOR GRANTS; AUTHORIZING THE IDAHO TRANSPORTATION DEPARTMENT REAPPROPRIATION OF THE UNENCUMBERED AND UNEXPENDED FUNDS FROM THE AMERICAN REINVESTMENT FUND FOR FISCAL YEAR 2010; PROVIDING LEGISLATIVE INTENT TO MAKE NULL AND VOID ALL REFERENCES TO A REDUCTION OF SALARIES IN FISCAL YEAR 2010 APPROPRIATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE GOVERNOR TO BE USED FOR EXECUTIVE BRANCH PERSONNEL COSTS; APPROPRIATING ADDITIONAL DEDICATED AND FEDERAL FUNDS FOR FISCAL YEAR 2010 TO AGENCIES AND INSTITUTIONS FOR PERSONNEL COSTS; APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATURE FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is the intent of the Legislature that the Governor shall have access and utilize both the Public Education Stabilization Fund and the Budget Stabilization Fund to the amount necessary to balance the state budget for the fiscal year ending June 30, 2009.

SECTION 2. It is the intent of the Legislature that if General Fund revenues for fiscal year 2009 do not meet the executive forecast of \$2,560,400,000; and the remaining cash balance in the General Fund is insufficient to cover revenue shortfalls for the remainder of fiscal year 2009; and notwithstanding the provisions of Section 33-1018A, Idaho Code, the State Board of Examiners is authorized to direct the State Controller, on or about June 30, 2009, to transfer sufficient funds from the Public Education Stabilization Fund to the General Fund in the same ratio provided for in Section 33-1018A, Idaho Code, for the purpose of balancing the state

budget. The Board shall not transfer more than fifty percent (50%) of the Public Education Stabilization Fund into the General Fund to meet revenue shortfalls in fiscal year 2009, with the fund balance to be determined on June 1, 2009. Such transfer is an appropriation of moneys.

SECTION 3. It is the intent of the Legislature that if General Fund revenues for fiscal year 2009 do not meet the executive forecast of \$2,560,400,000; and the remaining cash balance in the General Fund is insufficient to cover revenue shortfalls for the remainder of fiscal year 2009; and notwithstanding the provisions of Section 57-814A, Idaho Code, the State Board of Examiners is authorized to direct the State Controller, on or about June 30, 2009, to transfer sufficient funds from the Budget Stabilization Fund to the General Fund for the purpose of balancing the state budget. The Board shall not transfer more than fifty percent (50%) of the Budget Stabilization Fund into the General Fund to meet revenue shortfalls in fiscal year 2009, with the fund balance to be determined on June 1, 2009. Such transfer is an appropriation of moneys.

SECTION 4. In order to fund fiscal year 2010 General Fund original appropriations of \$2,591,677,700, it is the intent of the Legislature that the beginning General Fund cash balance carried over from fiscal year 2009 into fiscal year 2010 should be at least fifty million dollars (\$50,000,000) as certified by the State Controller on or after July 1, 2009.

SECTION 5. It is the intent of the Legislature that if, at the beginning of fiscal year 2010, the General Fund beginning balance is less than fifty million dollars (\$50,000,000), the Governor is authorized to direct the State Controller, notwithstanding the provisions of Section 57-814A, Idaho Code, to transfer up to twenty-five million dollars (\$25,000,000) from the Budget Stabilization Fund, and notwithstanding the provisions of Section 33-1018A, Idaho Code, to transfer up to twenty-five million dollars (\$25,000,000) from the Public Education Stabilization Fund to bring the beginning General Fund cash balance on or after July 1, 2009, up to no more than fifty million dollars (\$50,000,000). If necessary to transfer funds, the Governor shall divide the shortfall equally between the Budget Stabilization Fund and the Public Education Stabilization Fund into the General Fund. Such transfer is an appropriation of moneys.

SECTION 6. Notwithstanding the provisions of Section 57-814, Idaho Code, there is hereby appropriated, and the State Controller is directed to transfer, the sum of thirty million dollars (\$30,000,000) from the Budget Stabilization Fund to the General Fund on July 1, 2009.

SECTION 7. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality for the Water Quality Program the following amount to be used in accordance with Section 39-3632, Idaho Code, for distribution to public water systems, subject to federal approval for moneys received by the state of Idaho under Title XIV of the federal American Recovery and Reinvestment Act of 2009, the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2009, through June 30, 2010:

FOR:

Trustee and Benefit Payments	\$5,000,000
------------------------------	-------------

FROM:

American Reinvestment Fund	\$5,000,000
----------------------------	-------------

SECTION 8. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality

for the Water Quality Program the following amount to be used in accordance with Section 39-3631, Idaho Code, for distribution to any municipality for construction of sewage treatment works, subject to federal approval for moneys received by the state of Idaho under Title XIV of the federal American Recovery and Reinvestment Act of 2009, the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2009, through June 30, 2010:

FOR:

Trustee and Benefit Payments	\$10,000,000
------------------------------	--------------

FROM:

American Reinvestment Fund	\$10,000,000
----------------------------	--------------

SECTION 9. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Administration for the Information Technology Program for the Idaho Education Network, subject to federal approval for moneys received by the state of Idaho under Title XIV of the federal American Recovery and Reinvestment Act of 2009, the following amounts to be expended according to the designated expense classes from the listed fund for the period July 1, 2009, through June 30, 2010:

FOR:

Personnel Costs	\$199,500
-----------------	-----------

Operating Expenditures	<u>2,800,000</u>
------------------------	------------------

TOTAL	\$2,999,500
-------	-------------

FROM:

American Reinvestment Fund	\$2,999,500
----------------------------	-------------

SECTION 10. In addition to the full-time equivalent positions authorized in Section 2 of Senate Bill No. 1218, as enacted by the First Regular Session of the Sixtieth Idaho Legislature, the Department of Administration is authorized one (1) full-time equivalent position for the period July 1, 2009, through June 30, 2010.

SECTION 11. It is the intent of the Legislature that the funds appropriated to the Department of Administration for the Idaho Education Network shall be used to acquire a broadband transport system that is supported by infrastructure primarily located within the state of Idaho.

SECTION 12. In addition to the appropriation made in Section 1, Chapter 360, Laws of 2008, there is hereby appropriated to the Idaho Transportation Department, subject to federal approval for moneys received by the state of Idaho under Title XIV of the federal American Recovery and Reinvestment Act of 2009, the following amount to be expended for the Contract Construction and Right-of-Way Division according to the designated expense class from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:

Trustee and Benefit Payments	\$17,471,100
------------------------------	--------------

FROM:

American Reinvestment Fund	\$17,471,100
----------------------------	--------------

SECTION 13. It is the intent of the Legislature that the funds appropriated in Section 12 of this act shall be allocated by the Idaho Transportation Board to the Local Highway Technical Assistance Council. The Local Highway Technical Assistance Council shall award grants for highway infrastructure

projects, with the advice and consent of the Idaho Transportation Board, based upon the established distribution process prescribed in Idaho Transportation Board Policy B-11-04. Priority for project selection shall be given to "shovel ready" projects that can be started within the next eighteen (18) months.

SECTION 14. There is hereby reappropriated to the Idaho Transportation Department the unexpended and unencumbered balance of any appropriation contained in Section 12 of this act, to be used for the period July 1, 2009, through June 30, 2010, for the same purposes as stated in Section 13.

SECTION 15. It is the intent of the Legislature that the provision of any act appropriating moneys which contains a three percent (3%) reduction in salaries of classified and nonclassified employees regardless of fund source is null, void and of no force and effect.

SECTION 16. There is hereby appropriated \$7,032,300 from the Budget Stabilization Fund to the Executive Office of the Governor for the Administration Program for the period July 1, 2009, through June 30, 2010. Notwithstanding the provisions of Chapters 35 and 36, Title 67, Idaho Code, the Governor is authorized to transfer up to \$7,032,300 in spending authority from the moneys appropriated in this section to any agency or institution in the Executive Branch receiving moneys from the General Fund for personnel costs in fiscal year 2010. These moneys are appropriated to the Governor, to be used at his discretion for personnel costs, to maintain the health, public safety, and essential government services to the citizens of Idaho. Such distributions are appropriations of money.

SECTION 17. In addition to appropriations made in the Laws of 2009 for personnel costs for fiscal year 2010, there is hereby appropriated the following amounts for the designated state agencies and state institutions from the listed funds for the period July 1, 2009, through June 30, 2010:

(1) STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, BOISE STATE UNIVERSITY, IDAHO STATE UNIVERSITY, LEWIS-CLARK STATE COLLEGE, THE UNIVERSITY OF IDAHO, AND THE OFFICE OF THE STATE BOARD OF EDUCATION:

FROM:

Unrestricted Fund	\$1,407,000	
Restricted Fund	179,200	
TOTAL		\$1,586,200

(2) STATE BOARD OF EDUCATION

COMMUNITY COLLEGE SUPPORT:

FROM:

Community College Fund	\$7,700
------------------------	---------

(3) STATE BOARD OF EDUCATION

IDAHO SCHOOL FOR THE DEAF AND THE BLIND:

FROM:

Miscellaneous Revenue Fund	\$1,300	
Federal Grant Fund	1,400	
TOTAL		\$2,700

(4) STATE BOARD OF EDUCATION

OFFICE OF THE STATE BOARD OF EDUCATION:

FROM:

Indirect Cost Recovery Fund	\$400	
Miscellaneous Revenue Fund	200	
Federal Grant Fund	12,500	
TOTAL		\$13,100

(5) STATE BOARD OF EDUCATION BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO
AND THE STATE BOARD OF EDUCATION FOR

HEALTH EDUCATION PROGRAMS:

FROM:

Unrestricted Fund	\$2,700	
Unrestricted (Uncontrolled) Fund	4,000	
TOTAL		\$6,700

(6) STATE BOARD OF EDUCATION

IDAHO STATE HISTORICAL SOCIETY:

FROM:

Miscellaneous Revenue Fund	\$6,500	
Permanent Building Fund	5,400	
Federal Grant Fund	15,900	
TOTAL		\$27,800

(7) STATE BOARD OF EDUCATION

IDAHO COMMISSION FOR LIBRARIES:

FROM:

Federal Grant Fund		\$10,300
--------------------	--	----------

(8) STATE BOARD FOR PROFESSIONAL-TECHNICAL EDUCATION

DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION:

FROM:

Miscellaneous Revenue Fund		\$4,100
----------------------------	--	---------

(9) STATE BOARD OF EDUCATION

EDUCATIONAL PUBLIC BROADCASTING SYSTEM:

FROM:

Miscellaneous Revenue Fund		\$19,800
----------------------------	--	----------

(10) SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION:

FROM:

Indirect Cost Recovery Fund	\$10,900	
Driver's Education Fund	3,300	
Public Instruction Fund	12,600	
Miscellaneous Revenue Fund	5,400	
Federal Grant Fund	70,200	
TOTAL		\$102,400

(11) STATE BOARD OF EDUCATION

DIVISION OF VOCATIONAL REHABILITATION:

FROM:

Federal Grant Fund		\$140,000
--------------------	--	-----------

(12) DEPARTMENT OF HEALTH AND WELFARE

CHILD WELFARE:

FROM:

Cooperative Welfare Fund (Dedicated)	\$1,500	
Cooperative Welfare Fund (Federal)	261,600	
TOTAL		\$263,100

(13) DEPARTMENT OF HEALTH AND WELFARE

SERVICES FOR THE DEVELOPMENTALLY DISABLED:

FROM:

Cooperative Welfare Fund (Dedicated)	\$30,400	
Cooperative Welfare Fund (Federal)	385,000	
TOTAL		\$415,400

(14) DEPARTMENT OF HEALTH AND WELFARE

INDEPENDENT COUNCILS:

FROM:

Domestic Violence Project Fund	\$3,200	
Cooperative Welfare Fund (Federal)	7,600	
TOTAL		\$10,800

(15) DEPARTMENT OF HEALTH AND WELFARE

INDIRECT SUPPORT SERVICES:

FROM:

Cooperative Welfare Fund (Dedicated)	\$8,800	
Cooperative Welfare Fund (Federal)	209,500	
TOTAL		\$218,300

(16) DEPARTMENT OF HEALTH AND WELFARE

MEDICAL ASSISTANCE SERVICES:

FROM:

Cooperative Welfare Fund (Federal)		\$237,800
------------------------------------	--	-----------

(17) DEPARTMENT OF HEALTH AND WELFARE

MENTAL HEALTH SERVICES:

FROM:

Drug Court, Mental Health and Family Court Services Fund	\$3,400	
Cooperative Welfare Fund (Dedicated)	14,700	
Cooperative Welfare Fund (Federal)	122,100	
TOTAL		\$140,200

(18) DEPARTMENT OF HEALTH AND WELFARE

PSYCHIATRIC HOSPITALIZATION:

FROM:

Cooperative Welfare Fund (Dedicated)	\$80,500	
Cooperative Welfare Fund (Federal)	58,800	
TOTAL		\$139,300

(19) DEPARTMENT OF HEALTH AND WELFARE

PUBLIC HEALTH SERVICES:

FROM:

Cancer Control Fund	\$1,100	
Emergency Medical Services Fund	30,800	
Cooperative Welfare Fund (Dedicated)	44,500	
Cooperative Welfare Fund (Federal)	129,800	
TOTAL		\$206,200

(20) DEPARTMENT OF HEALTH AND WELFARE

SERVICE INTEGRATION PROGRAM:

FROM:

Cooperative Welfare Fund (Dedicated)	\$400	
Cooperative Welfare Fund (Federal)	20,600	
TOTAL		\$21,000

(21) DEPARTMENT OF HEALTH AND WELFARE

SUBSTANCE ABUSE TREATMENT AND PREVENTION:

FROM:

Prevention of Minors' Access to Tobacco Fund	\$100	
Cooperative Welfare Fund (Dedicated)	900	
Cooperative Welfare Fund (Federal)	6,100	
TOTAL		\$7,100

(22) DEPARTMENT OF HEALTH AND WELFARE

DIVISION OF WELFARE:

FROM:

Idaho Health Insurance Access Card Fund	\$1,300	
Cooperative Welfare Fund (Federal)	403,800	
TOTAL		\$405,100

(23) STATE INDEPENDENT LIVING COUNCIL:

FROM:

State Independent Living Council (Dedicated) Fund	\$2,000	
State Independent Living Council (Federal) Fund	300	
TOTAL		\$2,300

(24) DEPARTMENT OF CORRECTION:

FROM:

Inmate Labor Fund	\$65,700	
Parolee Supervision Fund	89,700	
Drug and Mental Health Court Supervision Fund	6,200	
Miscellaneous Revenue Fund	25,200	
Federal Grant Fund	10,800	
TOTAL		\$197,600

(25) SUPREME COURT:

FROM:

ISTARS Technology Fund	\$3,200	
Drug Court, Mental Health and Family Court Services Fund	9,800	
Federal Grant Fund	4,000	
TOTAL		\$17,000

(26) DEPARTMENT OF JUVENILE CORRECTIONS:

FROM:

Juvenile Corrections Fund	\$1,900	
Miscellaneous Revenue Fund	1,400	
Federal Grant Fund	6,500	
TOTAL		\$9,800

(27) IDAHO STATE POLICE:

FROM:

Idaho State Racing Commission Fund	\$8,200	
State Brand Board Fund	43,500	
Idaho Law Enforcement (Project Choice) Fund	355,600	
Peace Officers Fund	35,900	
Drug Enforcement Donation Fund	2,200	
Hazardous Materials/Waste Enforcement Fund	3,000	
Idaho Law Enforcement Telecommunications Fund	7,600	
Miscellaneous Revenue Fund	23,400	
Federal Grant Fund	50,700	
TOTAL		\$530,100

(28) DEPARTMENT OF ENVIRONMENTAL QUALITY:

FROM:

Air Quality Permitting Fund	\$26,300	
Public Water System Supervision Fund	26,100	
Water Pollution Control Fund	5,600	
Environmental Remediation (Box) Fund	500	
Environmental Remediation (Basin) Fund	3,600	
Department of Environmental Quality (Receipts) Fund	20,800	
Department of Environmental Quality (Federal) Fund	229,700	
TOTAL		\$312,600

(29) DEPARTMENT OF LANDS:

FROM:

Department of Lands Fund	\$74,800	
Fire Suppression Deficiency Fund	2,700	
Indirect Cost Recovery Fund	3,000	
Miscellaneous Revenue Fund	2,000	
Endowment Administrative Fund	263,500	
Federal Grant Fund	28,600	
TOTAL		\$374,600

(30) DEPARTMENT OF FISH AND GAME:

FROM:

Fish and Game (Licenses) Fund	\$429,700	
Fish and Game (Other) Fund	44,500	
Fish and Game Set-aside (Licenses) Fund	5,100	
Fish and Game Set-aside (Other) Fund	18,500	
Fish and Game Expendable Trust Fund	10,200	
Fish and Game Nonexpendable Trust Fund	200	
Fish and Game (Federal) Fund	415,100	
TOTAL		\$923,300

(31) DEPARTMENT OF PARKS AND RECREATION:

FROM:

Indirect Cost Recovery Fund	\$5,500	
Parks and Recreation Fund	56,000	
Recreational Fuels Fund	14,400	
Parks and Recreation Registration Fund	15,400	
Miscellaneous Revenue Fund	200	
Public Recreation Enterprise Fund	5,200	
Parks and Recreation Expendable Trust Fund	8,400	
Federal Grant Fund	20,600	
TOTAL		\$125,700

(32) LAVA HOT SPRINGS FOUNDATION:

FROM:

Lava Hot Springs Foundation Fund		\$15,700
----------------------------------	--	----------

(33) DEPARTMENT OF WATER RESOURCES:

FROM:

Indirect Cost Recovery Fund	\$8,800	
Aquifer Planning and Management Fund	3,900	
Water Administration Fund	24,400	
Miscellaneous Revenue Fund	13,900	
Federal Grant Fund	13,500	
TOTAL		\$64,500

(34) DEPARTMENT OF AGRICULTURE:

FROM:

Administration and Accounting Services Fund	\$14,300	
Facilities Maintenance Fund	2,100	
Agricultural Inspection Fund	25,400	
Weights and Measures Inspection Fund	4,600	
Agricultural Fees - Sheep Industry Regulation Fund	1,300	
Agricultural Fees - Commercial Feed and Fertilizer Fund	16,900	
Agricultural Fees - Pesticides	29,900	
Agricultural Fees - Livestock Disease Control	11,600	
Agricultural Fees - Dairy Inspection Fund	20,200	
Agricultural Fees - Egg Inspection Fund	3,300	
Agricultural Fees - Organic Food Products Fund	3,300	
Agricultural Fees - Commercial Fisheries	100	
Quality Assurance Laboratory Services Fund	10,800	
Rural Economic Development Integrated Freight Trans. Fund	200	
Agricultural Fees - Fresh Fruit and Vegetable Inspection Fund	155,000	
Agricultural Loans Fund	300	
Federal Grant Fund	43,000	
TOTAL		\$342,300

(35) SOIL CONSERVATION COMMISSION:

FROM:

Federal Grant Fund		\$4,000
--------------------	--	---------

(36) DEPARTMENT OF COMMERCE:

FROM:

Tourism and Promotion Fund	\$13,700	
Miscellaneous Revenue Fund	2,600	
Federal Grant Fund	10,200	
TOTAL		\$26,500

(37) DEPARTMENT OF FINANCE:

FROM:

State Regulatory Fund	\$75,600	
Securities Investor Training Fund	1,000	
TOTAL		\$76,600

(38) INDUSTRIAL COMMISSION:

FROM:

Industrial Administration Fund	\$148,100	
Peace Officer and Detention Officer Temporary Disability Fund	500	
Crime Victims Compensation Fund	14,200	
TOTAL		\$162,800

(39) DEPARTMENT OF INSURANCE :

FROM:

Self-Governing Operating Fund	\$77,900	
Self-Governing State Fire Marshal Fund	14,200	
Federal Grant Fund	3,200	
TOTAL		\$95,300

(40) DEPARTMENT OF LABOR:

FROM:

Miscellaneous Revenue Fund	\$6,200	
Federal Grant Fund	3,900	
TOTAL		\$10,100

(41) PUBLIC UTILITIES COMMISSION:

FROM:

Public Utilities Commission Fund	\$70,200	
Federal Grant Fund	1,000	
TOTAL		\$71,200

(42) DEPARTMENT OF SELF-GOVERNING AGENCIES

DIVISION OF BUILDING SAFETY:

FROM:

State Regulatory Fund	\$182,400	
Miscellaneous Revenue/Industrial Safety Fund	6,800	
Miscellaneous Revenue/Logging Fund	6,700	
Miscellaneous Revenue/Energy Program Fund	400	
Federal Grant Fund	800	
TOTAL		\$197,100

(43) IDAHO COMMISSION ON HISPANIC AFFAIRS:

FROM:

Federal Grant Fund		\$900
--------------------	--	-------

(44) DEPARTMENT OF SELF-GOVERNING AGENCIES

IDAHO STATE LOTTERY:

FROM:

State Lottery Fund		\$56,400
--------------------	--	----------

(45) DEPARTMENT OF SELF-GOVERNING AGENCIES

MEDICAL BOARDS:

FROM:

State Regulatory Fund		\$47,900
-----------------------	--	----------

(46) DEPARTMENT OF SELF-GOVERNING AGENCIES

REGULATORY BOARDS:

FROM:
State Regulatory Fund \$71,200

(47) DIVISION OF VETERANS SERVICES:

FROM:
Miscellaneous Revenue Fund \$209,900
Federal Grant Fund 102,100
TOTAL \$312,000

(48) IDAHO TRANSPORTATION DEPARTMENT:

FROM:
State Aeronautics (Dedicated) Fund \$17,300
State Aeronautics (Billing) Fund 1,500
State Highway (Dedicated) Fund 2,062,700
State Highway (Billing) Fund 400
State Highway (Local) Fund 4,100
State Aeronautics (Federal) Fund 600
State Highway (Federal) Fund 232,100
TOTAL \$2,318,700

(49) DEPARTMENT OF ADMINISTRATION:

FROM:
Indirect Cost Recovery Fund \$19,600
Permanent Building Fund 39,100
Administration and Accounting Services Fund 67,300
Federal Surplus Property Revolving Fund 3,200
Employee Group Insurance Fund 6,100
Retained Risk Fund 10,000
Administrative Code Fund 4,600
Industrial Special Indemnity Fund 3,900
TOTAL \$153,800

(50) DEPARTMENT OF ADMINISTRATION

CAPITOL COMMISSION:

FROM:
Permanent Building Fund \$2,500

(51) ATTORNEY GENERAL:

FROM:
Consumer Protection Fund \$2,200
Federal Grant Fund 10,700
TOTAL \$12,900

(52) STATE CONTROLLER:

FROM:
Data Processing Services Fund \$83,600

(53) OFFICE OF THE GOVERNOR

COMMISSION ON AGING:

FROM:

Miscellaneous Revenue Fund	\$1,000	
Federal Grant Fund	9,700	
TOTAL		\$10,700

(54) OFFICE OF THE GOVERNOR

COMMISSION ON THE ARTS:

FROM:

Federal Grant Fund		\$5,800
--------------------	--	---------

(55) OFFICE OF THE GOVERNOR

COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED:

FROM:

Adaptive Aids and Appliances Fund	\$300	
Federal Grant Fund	35,000	
TOTAL		\$35,300

(56) OFFICE OF THE GOVERNOR

OFFICE OF ENERGY RESOURCES:

FROM:

Indirect Cost Recovery Fund	\$600	
Renewable Energy Resources Fund	900	
Miscellaneous Revenue Fund	2,800	
Petroleum Price Violation Fund	18,200	
Federal Grant Fund	3,600	
TOTAL		\$26,100

(57) OFFICE OF THE GOVERNOR

DIVISION OF FINANCIAL MANAGEMENT:

FROM:

Miscellaneous Revenue Fund		\$700
----------------------------	--	-------

(58) OFFICE OF THE GOVERNOR

DIVISION OF HUMAN RESOURCES:

FROM:

Division of Human Resources Fund		\$21,900
----------------------------------	--	----------

(59) OFFICE OF THE GOVERNOR

HUMAN RIGHTS COMMISSION:

FROM:

Federal Grant Fund		\$2,500
--------------------	--	---------

(60) OFFICE OF THE GOVERNOR

STATE LIQUOR DISPENSARY:

FROM:
Liquor Control Fund \$203,500

(61) OFFICE OF THE GOVERNOR

MILITARY DIVISION:

FROM:
Administration and Accounting Services Fund \$33,100
Indirect Cost Recovery Fund 2,400
Federal Grant Fund 238,700
TOTAL \$274,200

(62) OFFICE OF THE GOVERNOR

PUBLIC EMPLOYEE RETIREMENT SYSTEM:

FROM:
PERSI Administrative Fund \$69,700
PERSI Special Fund 12,100
TOTAL \$81,800

(63) OFFICE OF THE GOVERNOR

OFFICE OF SPECIES CONSERVATION:

FROM:
Federal Grant Fund \$2,000

(64) LEGISLATIVE COUNCIL

LEGISLATIVE SERVICES OFFICE:

FROM:
Permanent Building Fund \$1,600
Professional Services Fund 23,400
TOTAL \$25,000

(65) DEPARTMENT OF REVENUE AND TAXATION

STATE TAX COMMISSION:

FROM:
Multistate Tax Compact Fund \$26,500
Administration and Accounting Fund 2,300
Administration Services for Transportation 52,600
Abandoned Property Trust - Unclaimed Property 11,200
TOTAL \$92,600

(66) STATE TREASURER:

FROM:
State Treasurer LGIP Fund \$4,600
Treasurer's Office - Professional Services Fund 4,300
TOTAL \$8,900

GRAND TOTAL \$11,395,100

SECTION 18. There is hereby appropriated \$30,000 from the Budget Stabilization Fund to the Idaho Senate, and \$51,100 from the Budget Stabilization

Fund to the House of Representatives, for the period July 1, 2009, through June 30, 2010. The Pro Tempore of the Senate and the Speaker of the House of Representatives shall, at their discretion, determine if the expenditure of these funds for personnel costs is necessary in order to maintain essential services to the citizens of Idaho.

SECTION 19. There is hereby appropriated \$98,800 from the Budget Stabilization Fund to the Legislative Council for the Legislative Services Office and the Office of Performance Evaluations for the period July 1, 2009, through June 30, 2010. The Legislative Council shall, at its discretion, determine if the expenditure of these funds for personnel costs is necessary in order to maintain essential services to the Idaho Legislature and the citizens of Idaho.

SECTION 20. There is hereby appropriated \$194,100 from the Budget Stabilization Fund to the Supreme Court for the period July 1, 2009, through June 30, 2010. The Supreme Court shall, at its discretion, determine if the expenditure of these funds for personnel costs is necessary in order to maintain essential services to the citizens of Idaho.

SECTION 21. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2, 3, 12, 13 and 15 of this act shall be in full force and effect on and after passage and approval.

Approved May 1, 2009.

CHAPTER 276

(H.B. No. 187, As Amended in the Senate)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 28, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2805A, IDAHO CODE, TO PROVIDE FOR NOTICE RELATING TO CERTAIN ADVERTISEMENTS AND TO DEFINE A TERM; AMENDING SECTION 49-2806, IDAHO CODE, TO PROVIDE THAT A MOTOR VEHICLE SERVICE CONTRACT PROVIDER, ITS REPRESENTATIVE OR ANY OTHER PERSON MAY NOT MAKE, PERMIT OR ALLOW TO BE MADE CERTAIN STATEMENTS OR DELIBERATELY OMIT CERTAIN STATEMENTS IN CONNECTION WITH THE SALE, OFFER TO SELL OR ADVERTISEMENT OF A MOTOR VEHICLE SERVICE CONTRACT, AND TO PROVIDE FOR APPLICATION OF LAW; AND AMENDING TITLE 49, CHAPTER 28, IDAHO CODE, BY THE ADDITION OF A NEW SECTION, 49-2811, IDAHO CODE, TO PROVIDE THAT THE ATTORNEY GENERAL MAY BRING AN ACTION FOR CERTAIN VIOLATIONS AND TO PROVIDE PROVISIONS RELATING TO THE AUTHORITY OF THE ATTORNEY GENERAL AND THE DISTRICT COURT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 28, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-2805A, Idaho Code, and to read as follows:

49-2805A. NOTICE. (1) All advertisements to sell a motor vehicle service contract from an automobile dealer licensed pursuant to chapter 16, title 49, Idaho Code, a motor vehicle manufacturer, a motor vehicle service contract provider, its representative or any other person, shall contain the following notice in clear, conspicuous and understandable language that is easy to read and is in substantially the following form:

"THIS IS AN ADVERTISEMENT FOR A MOTOR VEHICLE SERVICE CONTRACT. THE SENDER OF THIS ADVERTISEMENT IS (INSERT NAME AND CONTACT INFORMATION OF THE LICENSED IDAHO AUTOMOBILE DEALER, THE MOTOR VEHICLE

MANUFACTURER, THE MOTOR VEHICLE SERVICE CONTRACT PROVIDER, ITS REPRESENTATIVE OR THE PERSON SENDING THE ADVERTISEMENT)." ."

(2) The term "advertisement" as used in this section shall not include any marketing materials provided to consumers within the offices of a licensed automobile dealer or at the point of sale of a motor vehicle service contract.

SECTION 2. That Section 49-2806, Idaho Code, be, and the same is hereby amended to read as follows:

49-2806. PROHIBITED ACTS. (1) A motor vehicle service contract provider may not use in its name, contracts or literature:

(a) Any of the words insurance, casualty, surety, mutual or any other words descriptive of the insurance, casualty or surety business; or

(b) A name deceptively similar to the name or description of any insurance or surety corporation, or any other motor vehicle service contract provider.

(2) A motor vehicle service contract provider, ~~or~~ its representative or any other person may not make, permit or allow to be made any false, deceptive or misleading statement, or deliberately omit any material statement that would be considered misleading if omitted, in connection with the sale, offer to sell or advertisement of a motor vehicle service contract.

(3) A motor vehicle service contract provider, its representative or any other person may not make, permit or allow to be made any advertisement to sell a motor vehicle service contract that does not comply with section 49-2805A, Idaho Code.

SECTION 3. That Chapter 28, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-2811, Idaho Code, and to read as follows:

49-2811. ENFORCEMENT BY ATTORNEY GENERAL. The attorney general may, when in the public interest, bring an action pursuant to the Idaho consumer protection act, chapter 6, title 48, Idaho Code, against any motor vehicle service contract provider, its representative or any other person for a violation of the provisions of section 49-2805A or 49-2806, Idaho Code. For purposes of such action, violations of the provisions of section 49-2805A or 49-2806, Idaho Code, shall be deemed to be violations of the Idaho consumer protection act. In any such action, the attorney general and the district court shall have the same authority as is granted the attorney general and the district court under the Idaho consumer protection act.

SECTION 4. This act shall be in full force and effect on and after July 1, 2009. Provided that Section 1 of this act shall be null, void and of no force and effect on and after July 1, 2010.

Approved May 4, 2009.

CHAPTER 277
(H.B. No. 195)

AN ACT

RELATING TO VETERANS; AMENDING SECTION 65-101, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COUNTY MEMORIAL COMMISSION AND ITS POWERS; AND AMENDING SECTION 65-602, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 65-101, Idaho Code, be, and the same is hereby amended to read as follows:

65-101. COUNTY MEMORIAL COMMISSION -- CREATION AND POWERS -- APPROPRIATION. There is hereby created a county commission to consist of the commander, ~~or commanders~~ or designee of ~~the American Legion, other established and recognized body of World War veterans~~ local veteran service organizations and county commissioners in each county in the state of Idaho, said commission to receive no compensation for their services. ~~and to~~ The commission shall determine the kind, character, design and style of memorial to be erected in any county in the state of Idaho to the memory of deceased ~~soldiers, sailors and marines,~~ service men and women who lost their lives in ~~the late war with Germany and her allies~~ any war or conflict. Said commission to have full power and authority to determine the kind, character, design and style of said memorial ~~to be made for, and in~~ on behalf of, the citizens of this state.

SECTION 2. That Section 65-602, Idaho Code, be, and the same is hereby amended to read as follows:

65-602. COMPENSATION AND OFFICE OF SERVICE OFFICER. The board of county commissioners shall fix the compensation, or a county contribution to the salary, of such service officer, provide ~~him~~ the individual with an office and the necessary equipment therefor in the same manner as is provided for any other county officer under the provisions of ~~chapter~~ section 31-1001, Idaho Code, and shall make provision in the budget for the employment of such service officer and the expense for the proper maintenance of such office. Payments therefor shall be from the general tax fund of the county or out of other available funds not otherwise appropriated.

Approved May 4, 2009.

CHAPTER 278
(H.B. No. 198, As Amended)

AN ACT

RELATING TO PUBLICATION OF NOTICE OF THE GENERAL TERMS OF WRITTEN AGREEMENTS FOR TRANSFER OR CONVEYANCES OF REAL OR PERSONAL PROPERTY BETWEEN UNITS OF GOVERNMENT OR DISTRICTS; AMENDING SECTION 67-2323, IDAHO CODE, TO REVISE THE REQUIRED PUBLICATION NOTICE.

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

SECTION 1. That Section 67-2323, Idaho Code, be, and the same is hereby amended to read as follows:

67-2323. WRITTEN AGREEMENT BEFORE TRANSFER -- PUBLICATION OF NOTICE. Prior to any such conveyance or transfer, a written agreement shall be made between units of government or districts for a conveyance or transfer of real or personal property from one to the other with or without consideration.

Notice of the general terms of the agreement shall be ~~published for two (2) consecutive weeks~~ given by publication in at least two (2) issues in a newspaper printed or of general circulation in the county or counties in which such respective units are located and having general circulation within such county or counties. Said notice shall give time and place of the next regular or special meeting of each respective unit at which time the governing board of such units propose to ratify such an agreement. The

first publication shall be made not less than twelve (12) days prior to each meeting, and the last publication of notice shall be made not less than five (5) days prior to each meeting.

Approved May 4, 2009.

CHAPTER 279

(H.B. No. 218, As Amended in the Senate)

AN ACT

RELATING TO BUILDING CODES; AMENDING SECTION 39-4109, IDAHO CODE, TO DELETE PROVISIONS RELATING TO CERTAIN INTERNATIONAL BUILDING CODE SECTIONS; AMENDING SECTION 39-4116, IDAHO CODE, TO EXEMPT CERTAIN BUILDINGS FROM CERTAIN PROVISIONS OF THE INTERNATIONAL FIRE CODE, THE INTERNATIONAL BUILDING CODE AND THE INTERNATIONAL RESIDENTIAL CODE AND TO PROVIDE FOR VOLUNTARY INSTALLATION OF CERTAIN FIRE SPRINKLER SYSTEMS.

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

SECTION 1. That Section 39-4109, Idaho Code, be, and the same is hereby amended to read as follows:

39-4109. APPLICATION OF CODES. The following codes are hereby adopted effective January 1, 2008, for the state of Idaho division of building safety and shall only be applied by local governments as prescribed by section 39-4116, Idaho Code:

(1) The 2003 International Building Code:

(a) Including appendices thereto pertaining to building accessibility;

(b) Excluding the incorporated electrical codes, mechanical code, fuel gas code, plumbing codes, fire codes or property maintenance codes other than specifically referenced subjects or sections of the International Fire Code; and

(c) Including the incorporated International Residential Code, parts I, II, III, IV and IX; International Energy Conservation Code; and rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the fair housing act accessibility guidelines shall be included; and

~~(d) Replacing section 903.2.7 of the 2003 International Building Code with sections 903.2.7, 903.2.8 and 903.2.9 of the 2000 International Building Code, which pertain to fire sprinklers in group R occupancies.~~

(2) The 2003 International Residential Code as published by the International Code Council, except for parts V, VI, VII and VIII as they pertain to mechanical, fuel gas, plumbing and electrical requirements;

(3) The 2006 International Energy Conservation Code as published by the International Code Council; and

(4) The existing 2003 International Building Code as published by the International Code Council.

SECTION 2. That Section 39-4116, Idaho Code, be, and the same is hereby amended to read as follows:

39-4116. LOCAL GOVERNMENT ADOPTION AND ENFORCEMENT OF BUILDING CODES. (1) Local governments enforcing building codes shall do so only in compliance with the provisions of this section. Local governments that have not previously instituted and implemented a code enforcement program prior to the effective date of this act may elect to implement a building code enforcement program by passing an ordinance evidencing the intent to do so.

Local governments may contract with a public or private entity to administer their building code enforcement program.

(2) By January 1, 2005, local governments that issue building permits and perform building code enforcement activities shall, by ordinance, adopt the following codes as published by the International Code Council together with any amendments or revisions set forth in section 39-4109, Idaho Code:

- (a) International Building Code, including all rules promulgated by the board to provide equivalency with the provisions of the Americans with disabilities act accessibility guidelines and the federal fair housing act accessibility guidelines;
- (b) International Residential Code, parts I-IV and IX; and
- (c) International Energy Conservation Code.

Local governments are not required by this chapter to adopt the other referenced codes in the International Building Code.

(3) All single family homes and multiple family dwellings up to two (2) units are hereby exempted from the provisions of the International Fire Code, the International Building Code and the International Residential Code that require such dwellings to have automatic fire sprinkler systems installed. Nothing in this section shall prevent any person from voluntarily installing an automatic fire sprinkler system in any residential dwelling.

(4) Local governments may amend by ordinance the adopted codes or provisions of referenced codes to reflect local concerns, provided such amendments establish at least an equivalent level of protection to that of the adopted building code. A local jurisdiction shall not have the authority to amend any accessibility provision pursuant to section 39-4109, Idaho Code.

(45) Local governments shall exempt agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated by the board. A county may issue permits for farm buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost to the county of issuing the permits.

(56) Permits shall be governed by the laws in effect at the time the permit application is received.

(67) The division shall retain jurisdiction for in-plant inspections and installation standards for manufactured or mobile homes and for in-plant inspections and enforcement of construction standards for modular buildings and commercial coaches.

Approved May 4, 2009.

CHAPTER 280

(H.B. No. 258, As Amended in the Senate)

AN ACT

RELATING TO A SPECIALTY LIMITED HEATING CONTRACTOR/JOURNEYMAN; AMENDING SECTION 54-5003, IDAHO CODE, TO REVISE DEFINITIONS AND TO PROVIDE A DEFINITION OF "SPECIALTY LIMITED HEATING."

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

SECTION 1. That Section 54-5003, Idaho Code, be, and the same is hereby amended to read as follows:

54-5003. DEFINITIONS. As used in this chapter:

(1) "Heating, ventilation and air conditioning (HVAC)" means and includes the business, trade, practice or work, materials and fixtures used in the design, construction, installation, improvement, extension and al-

teration of all piping, venting, ductwork, appliances and appurtenances in connection with any heating, ventilation or air conditioning system or sub-systems of such.

(2) "Heating, ventilation and air conditioning apprentice" means any person who, as his principal occupation, is engaged in learning and assisting in installation, improvement, extension, alteration or repair of HVAC systems. An apprentice shall perform HVAC work under the supervision of an HVAC journeyman or HVAC contractor.

(3) "Heating, ventilation and air conditioning contractor" means any person who fabricates, installs, maintains, services and repairs warm air heating and water heating systems, heat pumps, complete with warm air appliances including, but not limited to, boilers, pool heaters, space heaters, decorative gas and solid-fuel burning furnaces, and gas, propane, electric or oil-fired water heaters; ventilating systems complete with blowers and plenum chambers; air conditioning systems complete with air conditioning unit and the ducts, registers, flues, humidity and thermostatic controls of air, liquid or gas temperatures below fifty (50) degrees fahrenheit or ten (10) degrees celsius, and air filters in connection with any of these systems.

(4) "Heating, ventilation and air conditioning journeyman" means any person who, as his principal occupation, is engaged in the installation, improvement, extension, alteration or repair of HVAC systems and who is familiar with the provisions of this chapter and who works in the employ and under direction of an HVAC contractor.

(5) "Heating, ventilation and air conditioning specialty apprentice including specialty limited heating apprentice" means any person who, as his principal occupation, is engaged in learning and assisting in a specific aspect of installation, improvement, extension, alteration or repair of HVAC systems that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A specialty apprentice shall perform HVAC work under the supervision of an HVAC journeyman, HVAC specialty journeyman, HVAC contractor or an HVAC specialty contractor.

(6) "Heating, ventilation and air conditioning specialty contractor including specialty limited heating contractor" means any person who, as his principal occupation, is engaged in a specific aspect of the heating, ventilation and air conditioning trade that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances.

(7) "Heating, ventilation and air conditioning specialty journeyman including specialty limited heating journeyman" means any person who, as his principal occupation, is engaged in a specific aspect of installation, improvement, extension, alteration or repairing of HVAC systems that includes, but is not limited to, such aspects as gas piping, gas appliances and installation, or decorative gas-fired appliances. A specialty journeyman is familiar with the provisions of this chapter and works in the employ and under direction of an HVAC contractor or an HVAC specialty contractor.

(8) "Heating, ventilation and air conditioning system" means any heating, ventilation or air conditioning system in a residential, private, public or semipublic building or structure including, but not limited to, any mechanical means of heating or air conditioning and to gas piping, venting, ductwork and controls.

(9) "Local government" means any incorporated city or any county in the state.

(10) "Specialty limited heating as it applies to the definitions of "heating, ventilation and air conditioning specialty apprentice," "heating, ventilation and air conditioning specialty contractor" and "heating, ventilation and air conditioning specialty journeyman" means any person who installs, maintains, services and repairs LP gas-fired appliances, LP

fuel gas piping and related exhaust venting. This definition of specialty limited heating shall exclude boilers, hydronic systems, ducted forced air systems, ventilating and air conditioning systems, systems with a BTU input rating over three hundred thousand (300,000), solid fuel and electric fueled systems. A "specialty limited heating journeyman" is required to meet the experience requirement and either the education or examination requirement set forth in this section to receive a certificate of competency. The education of a "specialty limited heating journeyman" shall include one hundred twenty (120) hours of instruction approved by the board of professional-technical education in LP gas specialty education. The experience requirement of a "specialty limited heating journeyman" shall be two (2) years' experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installation on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. The examination required in this section shall be developed by the board of professional-technical education and approved by the Idaho heating, ventilation and air conditioning board.

Approved May 4, 2009.

CHAPTER 281

(H.B. No. 267, As Amended in the Senate)

AN ACT

RELATING TO THE HAZARDOUS SUBSTANCE EMERGENCY RESPONSE ACT; AMENDING SECTION 39-7102, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS AND PURPOSES; AMENDING SECTION 39-7103, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 39-7104, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE MILITARY DIVISION'S POWERS AND DUTIES; AMENDING SECTION 39-7109, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REIMBURSEMENT OF CERTAIN COSTS; AMENDING SECTION 39-7111, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LIABILITY FOR THE RELEASE OF A HAZARDOUS SUBSTANCE AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 39-7112, IDAHO CODE, TO REVISE PROVISIONS RELATING TO RECOVERABLE COSTS AND CIVIL REMEDIES.

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

SECTION 1. That Section 39-7102, Idaho Code, be, and the same is hereby amended to read as follows:

39-7102. LEGISLATIVE FINDINGS AND PURPOSES. (1) The legislature of the state of Idaho finds:

- (a) That the state has a duty to protect the health, safety and welfare of the people of Idaho;
- (b) That the protection and preservation of Idaho's environment promotes the health, safety and welfare of her people;
- (c) That the unexpected and uncontrolled releases or threat of releases of hazardous substances constitute a threat to the people and environment of Idaho; and
- (d) That knowledgeable persons, governmental entities and organizations should be encouraged to lend expert assistance in the event of a hazardous substance incident.

(2) Therefore, it is hereby declared that the purposes of the provisions of this chapter are:

- (a) To facilitate emergency response planning and coordination at a state and local level;

(b) To provide for the prompt response and containment of releases or threats of release of hazardous or potentially hazardous substances to include explosives and weapons of mass destruction;

(c) To provide liability for emergency response costs associated with responding to hazardous substances incidents;

(d) To encourage knowledgeable persons, governmental entities and organizations to lend assistance by providing them with limited immunity from civil liability; and

(e) To provide a mechanism for recovery of costs incurred by the state and local governments in responding to emergency hazardous substance incidents to be used in lieu of, and not in addition to, cost recovery mechanisms or claims for relief provided by applicable federal laws. By enacting this chapter, it is the intent of the legislature that the state and local governments elect to proceed in state courts under the provisions of this chapter and other provisions of state law rather than in federal court under federal laws, where necessary to recover emergency response costs. There is no provision for cost recovery for a hazardous substance incident response occurring on private property where the owner responds to the incident with the approval of the incident commander.

SECTION 2. That Section 39-7103, Idaho Code, be, and the same is hereby amended to read as follows:

39-7103. DEFINITIONS. As used in this chapter:

(1) "Bureau" means the bureau of homeland security within the military division.

(2) "Emergency" means ~~an abrupt~~ release or threat of release which in the reasonable judgment of the local emergency response authority in consultation with the bureau, threatens immediate and irreparable harm to the environment or the health and safety of any individual and which requires immediate action for the containment or control of a hazardous or potentially hazardous substance to prevent, minimize or mitigate harm to the public health, safety or the environment which may result if action is not taken.

(3) "Hazardous substance incident" means an emergency circumstance requiring a response by the state emergency response team or the local emergency response authority to monitor, assess and evaluate a release or threat of a release of a hazardous or potentially hazardous substance. A hazardous substance incident may require containment or confinement or both, but does not include site cleanup or remediation efforts after the incident commander has determined the emergency has ended.

(4) "Hazardous substance" means:

(a) Any "hazardous substance" within the scope of section 101(14) of the federal comprehensive environmental response, compensation and liability act (CERCLA), 42 U.S.C. 9601(14);

(b) Any hazardous ~~material~~ substance within the scope of section 104 of the federal hazardous materials transportation act, 49 U.S.C. 1803, and the federal department of transportation regulations promulgated pursuant thereto; ~~and~~

(c) Any extremely hazardous substance within the scope of section 302 of the federal emergency planning and community right-to-know act, 42 U.S.C. 11002; and

(d) Any explosive or weapon of mass destruction utilized or threatened to be utilized in an act of terrorism, crime or other threat to public safety.

(5) "Incident commander" is the person in charge of all responders to a hazardous substance incident and who is identified in the Idaho hazardous

materials emergency incident command and response plan or the private emergency response plan.

(6) "Local emergency response authority" means those persons designated under section 39-7105, Idaho Code, by the city, county, or the military division to be first responders to hazardous substance incidents.

(7) "Military division" means the military division of the office of the governor.

(8) "Person" means any individual, public or private corporation, partnership, joint venture, association, firm, trust, estate, the United States or any department, institution, or agency thereof, the state or any department, institution, or agency thereof, any municipal corporation, county, city, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

(9) "Potentially hazardous substance" means any substance which in the reasonable judgment of the local emergency response authority in consultation with the bureau is likely a hazardous substance.

(10) "Private emergency response plan" means a plan designed to respond to emergency releases of hazardous or potentially hazardous substances at a specific facility or under a specific set of conditions.

(101) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, escaping, dumping or disposing of a hazardous or potentially hazardous substance, or the threat of the same, into the environment. "Release" does not include any discharge of a hazardous substance into the environment which is authorized by limits and conditions in a federal or state permit relating to the protection of public health or the environment so long as the permitted activity from which the release occurs is in compliance with applicable limits and conditions of the permit.

(112) "State emergency response team" means one (1) of the state emergency response teams authorized by the military division to respond to hazardous substance incidents.

(13) "Threat of release" means the release of a hazardous or potentially hazardous substance is likely.

SECTION 3. That Section 39-7104, Idaho Code, be, and the same is hereby amended to read as follows:

39-7104. MILITARY DIVISION -- POWERS AND DUTIES. (1) The military division through the bureau of homeland security shall implement the provisions of this chapter and direct the activities of its staff and, in so doing, the military division may:

(a) Through the bureau, in accordance with the laws of the state, hire, fix the compensation, and prescribe the powers and duties of such other individuals, including consultants, emergency teams and committees, as may be necessary to carry out the provisions of this chapter.

(b) Create and implement state emergency response teams that have appropriately trained personnel and necessary equipment to respond to hazardous substance incidents. The military division shall enter into a written agreement with each entity or person providing equipment or services to a designated emergency response team. The teams shall be available and may respond to hazardous substance incidents at the direction of the military division or its designee or local incident commander.

(c) Contract with persons to meet state emergency response needs for the teams and response authorities.

(d) Advise, consult and cooperate with agencies of the state and federal government, other states and their state agencies, cities, counties, tribal governments and other persons concerned with emergency re-

sponse and matters relating to and arising out of hazardous substance incidents.

(e) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations for and with state emergency response teams, local emergency response authorities and other interested persons.

(f) Collect and disseminate information relating to emergency response to hazardous substance incidents.

(g) Accept and administer loans, grants, or other funds or gifts, conditional or otherwise, made to the state for emergency response activities provided for in this chapter.

(h) Submit an annual report prior to February 1 to the governor and to the legislature concerning emergency response to hazardous substance incidents.

(i) Prepare, coordinate, implement and update a statewide hazardous materials incident command and response plan that coordinates state and local emergency response authorities to respond to hazardous substance incidents within the state for approval by the legislature. The plan shall address radiation, explosive and weapons of mass destruction incidents. The Idaho hazardous materials incident command and response plan shall be consistent with and a part of the Idaho state disaster plan provided in section 46-1006, Idaho Code, after legislative approval.

(2) The military division shall have the powers and duties of a state emergency response commission under the federal emergency planning and community right-to-know act, 42 U.S.C. section 11001 et seq.

(3) The military division may promulgate rules and procedures to govern reimbursement of claims pursuant to this chapter.

(4) All state agencies and institutions will cooperate and provide staff assistance to the military division in carrying out its duties under this chapter.

SECTION 4. That Section 39-7109, Idaho Code, be, and the same is hereby amended to read as follows:

39-7109. RIGHT TO CLAIM REIMBURSEMENT. (1) State emergency response teams and local emergency response authorities may submit claims to the military division for reimbursement of the following documented costs incurred as a result of their response to ~~and containment of~~ a hazardous substance incident:

(a) Disposable materials and supplies acquired, consumed and expended specifically for the purpose of the response;

(b) Compensation of employees for the time and efforts devoted specifically to the response that are not otherwise provided for in the applicant's operating budget, (e.g., overtime pay for permanent full-time and other than full-time employees, recalled personnel or responding when out of jurisdiction);

(c) Rental or leasing of equipment used specifically for the response (e.g., protective equipment or clothing, scientific and technical equipment);

(d) Replacement costs for equipment owned by the applicant that is contaminated beyond reuse or repair, if the applicant can demonstrate that the equipment was a total loss and that the loss occurred as a result of the response (e.g., self-contained breathing apparatus irretrievably contaminated during the response);

(e) Decontamination of equipment contaminated during the response;

(f) Special technical services specifically required for the response (e.g., costs associated with the time and efforts of local and state personnel to recover the costs of response and of technical experts/specialists not otherwise provided for by the local government);

- (g) Medical monitoring or treatment of response personnel;
- (h) Laboratory costs for purposes of analyzing samples taken during the response; and
- (i) Disposal costs. Such costs may be reimbursed as provided in this chapter.

Reimbursement for the costs identified in paragraphs (a) through (c) of this subsection will not exceed the duration of the response.

(2) A private person, who is not a part of the state emergency response team or a local emergency response authority and is not liable under section 39-7111, Idaho Code, may submit a claim to the military division for costs identified in section 39-7109, Idaho Code, if their response was requested by the incident commander.

(3) Claims for reimbursement shall be submitted to the military division within sixty (60) days after termination of the hazardous substance incident for the state's determination of payment, if any.

(4) Reimbursements shall only be paid after the military division finds that the actions by the state emergency response team or the local emergency response authority were taken in response to a hazardous substance incident as defined in this chapter.

(5) The state of Idaho shall be subrogated to the rights of any such person so reimbursed to the extent of such reimbursement.

SECTION 5. That Section 39-7111, Idaho Code, be, and the same is hereby amended to read as follows:

39-7111. LIABILITY FOR RELEASE OF A HAZARDOUS SUBSTANCE. (1) Any person who owns, controls, transports, or causes the release or threat of release of a ~~hazardous~~ substance which is involved in a hazardous substance incident shall be strictly liable for the costs arising out of a hazardous substance incident, identified in section 39-7112, Idaho Code. There shall be no liability under this chapter for a person otherwise liable who can establish by a preponderance of the evidence that:

(a) The hazardous substance incident was caused solely by:

- (i) An act of God;
- (ii) An act of war;
- (iii) An act or omission of a third party, other than an employee or agent of the potentially liable person if:

1. The potentially liable person exercised reasonable care with respect to the ~~hazardous~~ substance involved, taking into consideration the characteristics of the ~~hazardous~~ substance in light of all relevant facts and circumstances; and

2. The potentially liable person took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions; or

(iv) Application of a pesticide product or fertilizer registered under the federal insecticide, fungicide, and rodenticide act, 7 U.S.C. section 136, et seq., according to label requirements; or

(b) The substance was not a hazardous substance and the person otherwise liable acted reasonably under the circumstances.

SECTION 6. That Section 39-7112, Idaho Code, be, and the same is hereby amended to read as follows:

39-7112. COST RECOVERY AND CIVIL REMEDIES. (1) The military division shall be responsible for recovering those costs incurred by the state arising out of a hazardous substance incident identified in section 39-7109, Idaho Code, and ~~legal~~ other costs including processing the documented costs

submitted by response agencies, attorney's fees, investigation costs, prelitigation and litigation costs.

(2) In deciding whether to commence a cost recovery action, and against whom a cost recovery action will be filed, the military division in exercising its prosecutorial discretion will take into consideration the cause of the incident, the total amount of cost incurred in responding to the incident, the avoidability of the incident and such other factors as the military division deems appropriate.

(3) The remedy for the recovery of those emergency response costs identified in section 39-7109, Idaho Code, provided by this chapter shall be exclusive and shall not be used in conjunction with or in addition to any other remedy for recovery of such costs provided by applicable federal laws. Any person who receives compensation for the emergency response costs pursuant to any other federal or state law shall be precluded from recovering compensation for such costs pursuant to this chapter. Nothing in this chapter shall otherwise affect or modify in any way the obligations or liability of any person under any other provision of state or federal law, including common law, for damages, injury or loss resulting from the release of any hazardous substance or potentially hazardous substance or for remedial action or the cost of remedial action for such release.

(4) It shall be the duty of the attorney general to commence any civil action brought by the military division pursuant to this chapter. At the request of a political subdivision of the state or a local governmental entity who has responded to or contained a hazardous substance incident, the attorney general may commence a civil action on their behalf pursuant to this chapter.

(5) Any person who renders assistance at the request of the incident commander or his authorized designee in response to a hazardous substance incident may file a civil action under the provisions of this chapter for recoverable costs which have not been reimbursed by the state.

(6) There is hereby created in the state treasury the hazardous substance emergency response fund. Recoveries by the state for reimbursed costs shall be deposited in said fund to offset amounts paid as reimbursement.

Approved May 4, 2009.

CHAPTER 282
(S.B. No. 1204)

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-207, IDAHO CODE, TO DELETE PROVISIONS RELATING TO AN OFFICIAL SEAL OR LABEL ATTACHED TO PACKAGES OF LIQUOR SOLD TO THE GENERAL PUBLIC, AT A LIQUOR STORE OR DISTRIBUTING STATION, WHICH IS NOT A LICENSED PREMISES; AMENDING SECTION 23-311, IDAHO CODE, TO DELETE A REQUIREMENT THAT A CONTAINER OF ALCOHOLIC LIQUOR SOLD TO THE GENERAL PUBLIC WITH AN OFFICIAL SEAL OR LABEL AFFIXED TO SUCH CONTAINER AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 23-610, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ILLEGAL POSSESSION OF CERTAIN ALCOHOLIC LIQUOR.

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

SECTION 1. That Section 23-207, Idaho Code, be, and the same is hereby amended to read as follows:

23-207. SPECIFIC RULES AND REGULATIONS. Without attempting or intending to limit the general powers of the superintendent of the dispensary con-

tained in section 23-206, Idaho Code, such powers shall extend to and include the following:

(a) To prescribe the duties of the secretary, and to supervise his conduct while in the discharge of his duties.

(b) Subject to the provisions of chapter 53, title 67, Idaho Code, to prescribe the qualifications of and to select clerks, accountants, agents, vendors, inspectors, servants, legal counsel, and other personnel to conduct its business and perform its functions; to require that those holding positions of trust be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code; to fix the compensation of all appointees and employees, assign their duties, and to discharge them.

(c) To regulate the management, operation, bookkeeping, reporting, equipment, records, and merchandise of state liquor stores and distribution stations and warehouses.

(d) To regulate the importation, purchase, transportation, and storage of alcoholic liquor and the furnishing of alcoholic liquor to state liquor stores, distribution stations, and warehouses established under this act.

(e) To determine the classes, varieties, and brands of alcoholic liquors to be kept in state warehouses and for sale at state liquor stores and distribution stations.

(f) To determine the nature, form, and capacity of packages containing liquor kept or sold.

(g) To prescribe the kinds and character of official seals or labels to be attached to packages of liquor sold to a licensed premises. No official seals or labels shall be required to be attached to packages of liquor sold to the general public, at a liquor store or a distributing station, which is not a licensed premises through liquor stores or distributing stations.

(h) From time to time to fix the sale prices, which shall be uniform throughout the state, of the different classes, varieties, or brands of alcoholic liquor, and to issue and distribute price lists thereof.

(i) To prescribe, prepare, and furnish printed forms and information blanks necessary or convenient for administering this act, and printed copies of the regulations made thereunder. To contract for the printing thereof and of all necessary records and reports.

(j) To regulate the issuance, suspension and revocation of permits and licenses to purchase, manufacture and handle or traffic in alcoholic liquor.

(k) To prescribe the conditions and qualifications necessary for obtaining permits and licenses, and the conditions of use of privileges under them; and to provide for the inspection of the records and the conduct of use of permittees and licensees.

(l) To prescribe the kind, quality, and character of alcoholic liquors which may be purchased or sold under any and all licenses and permits, including the quantity which may be purchased or sold at any one (1) time or within any specified period of time.

SECTION 2. That Section 23-311, Idaho Code, be, and the same is hereby amended to read as follows:

23-311. ~~CONTAINERS AND LABELS.~~ No alcoholic liquor shall be sold to any purchaser, which is not a licensed premises, except in a sealed container with the official seal or label prescribed by the dispensary and no such container shall be opened upon the premises of any state warehouse, store, or distributing station. No alcoholic liquor shall be sold to a licensed premises except in a sealed container with the official seal or label prescribed by the dispensary.

SECTION 3. That Section 23-610, Idaho Code, be, and the same is hereby amended to read as follows:

23-610. POSSESSION OF ~~UNSTAMPED~~ LIQUOR NOT SUBJECT TO REGULATION BY DISPENSARY -- ILLEGAL -- EXCEPTIONS. It shall be unlawful for any person, which is not a licensed premises, to possess more than two (2) quarts of alcoholic liquor that ~~does has not have affixed thereto the official seal or label prescribed~~ been subjected to regulation by the Idaho liquor dispensary, except public carriers transporting alcoholic liquor for the Idaho liquor dispensary. All licensed premises shall have liquor to which is affixed the official seal or label prescribed by the liquor dispensary.

Approved May 5, 2009.

CHAPTER 283
(S.B. No. 1215)

AN ACT

RELATING TO FOOD SERVICE IN PUBLIC BUILDINGS; AMENDING SECTION 67-6902, IDAHO CODE, TO REVISE THE DEFINITION OF "PUBLIC BUILDINGS" AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-6902, Idaho Code, be, and the same is hereby amended to read as follows:

67-6902. DEFINITIONS. As used in this chapter:

(1) "Public buildings" means ~~the state capitol~~, all county courthouses, and all city halls and buildings used primarily as governmental offices of the state or any county or city. It does not include public schools or buildings or institutions of higher education or professional-technical training, buildings of the department of health and welfare, ~~or~~ facilities of the state board of correction or the state capitol building.

(2) "Food service facilities" includes restaurants, cafeterias, snack bars, and goods and services customarily offered in connection with any of the foregoing, and also includes vending machines dispensing foods when operated independently or in conjunction with such facilities.

(3) "Handicapped" means:

(a) A person who has a physical or mental impairment which substantially limits one (1) or more major life activities (e.g. communication, ambulation, self-care, socialization, education, vocational training, transportation or employment);

(b) A person who has a record of such an impairment and the impairment is expected to continue indefinitely;

(c) A person who is regarded or treated by others as having such an impairment;

(d) Persons including, but not limited to, persons who are blind, deaf, epileptic, autistic, mentally retarded or mentally ill or who have orthopedic disorders or cerebral palsy.

(4) "Nonprofit organization representing the handicapped" means tax exempt organizations as defined under section 501(c)(3) of the ~~Internal Revenue Code~~ and includes the Idaho commission for the blind and visually impaired.

Approved May 5, 2009.

CHAPTER 284

(H.B. No. 256, As Amended in the Senate, As Amended in the Senate)

AN ACT

RELATING TO PUBLIC SCHOOLS AND TRANSPORTATION SUPPORT; AMENDING SECTION 33-1006, IDAHO CODE, TO PROVIDE THAT THE ONLY MILES FOR WHICH COSTS MAY BE REIMBURSED SHALL BE MILES DIRECTLY ASSOCIATED WITH TRANSPORTING STUDENTS FOR CERTAIN PURPOSES, TO REVISE STATE REIMBURSEMENT FOR CERTAIN COSTS, TO REVISE PROVISIONS RELATING TO THE CALCULATION FOR REIMBURSEMENT, TO REVISE PROVISIONS RELATING TO QUALIFYING AS A HARD-SHIP, TO DELETE A LOAN PROVISION, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL CALCULATE CERTAIN FUNDS LOST, TO PROVIDE FOR DISTRIBUTIONS TO SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS AND TO PROVIDE FOR THE USE OF DISTRIBUTIONS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1006A, IDAHO CODE, TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL AUDIT CERTAIN TRANSPORTATION OPERATIONS, TO PROVIDE FOR RECOMMENDATIONS AND TO PROVIDE FOR CERTAIN REDUCTIONS IN REIMBURSEMENT; AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CERTAIN APPROPRIATION FOR PUBLIC CHARTER SCHOOLS AND TO REVISE PROVISIONS RELATING TO REIMBURSEMENT FOR PUBLIC CHARTER SCHOOL TRANSPORTATION COSTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1006, Idaho Code, be, and the same is hereby amended to read as follows:

33-1006. TRANSPORTATION SUPPORT PROGRAM. (1) The state board of education shall determine what costs of transporting pupils, including maintenance, operation and depreciation of basic vehicles, insurance, payments under contract with other public transportation providers whose vehicles used to transport pupils comply with federal transit administration regulations, "bus testing," 49 C.F.R. part 665, and any revision thereto, as provided in subsection (4) (d) of this section, or other state department of education approved private transportation providers, salaries of drivers, and any other costs, shall be allowable in computing the transportation support program of school districts. Provided however, that the only miles for which costs may be reimbursed, shall be those directly associated with transporting students for the purposes of regular school attendance during regular days and hours, or for approved school activities as provided in subsection (4) of this section.

(2) Any costs associated with the addition of vehicle features that are not part of the basic vehicle shall not be allowable in computing the transportation support program of school districts. A basic vehicle is hereby defined as the cost of the vehicle without optional features, plus the addition of essential safety features and features necessary for the transportation of pupils with disabilities.

(3) Each school district shall maintain records and make reports as are required for the purposes of this section.

(4) The transportation support program of a school district shall be based upon the allowable costs of:

(a) Transporting public school pupils one and one-half (1 1/2) miles or more to school;

(b) Transporting pupils less than one and one-half (1 1/2) miles as provided in section 33-1501, Idaho Code, when approved by the state board of education;

(c) The costs of payments when transportation is not furnished, as provided in section 33-1503, Idaho Code;

(d) The transportation program for grades six (6) through twelve (12), upon the costs of payments pursuant to a contract with other public or private transportation providers entered into as provided in section 33-1510, Idaho Code, if the school district establishes that the reimbursable costs of transportation under the contract are equal to or less than the costs for school buses;

(e) The costs of providing transportation to and from approved school activities as may be approved by rules of the state board of education;

(f) The employer's share of contributions to the public employee retirement system and to social security.

(5) The state's share of the transportation support program shall be ~~eighty-five~~ fifty percent (85%) of reimbursable transportation costs of the district incurred during the immediately preceding state fiscal year, except for the cost of state department of education training and fee assessments and bus depreciation and maintenance, for which the state's share shall be eighty-five percent (85%) of such costs. For school districts that contract for pupil transportation services, the state's share shall be the average state share of costs for district-run operations, based on the statewide total of such costs. Provided however, that the reimbursable costs ~~de~~ for any school district shall not exceed one hundred three percent (103%) of the statewide average reimbursable cost per mile or the state average reimbursable cost per student rider, whichever is more advantageous to the school district. If a school district's costs exceed the one hundred three percent (103%) limit when computed by the more advantageous of the two (2) methods, that school district shall be reimbursed at ~~eighty-five~~ the appropriate percentage designated by this subsection, multiplied by ~~(85%)~~ of the maximum limit for whichever method is more favorable to the school district. A school district may appeal the application of the one hundred three percent (103%) limit on reimbursable costs to the state board of education, which may establish for that district a new percentile limit for reimbursable costs compared to the statewide average, which is higher than one hundred three percent (103%). In doing so, the state board of education may set a new limit that is greater than one hundred three percent (103%), but is less than the percentile limit requested by the school district. However, the percentage increase in the one hundred three percent (103%) cap shall not exceed the percentage of the district's bus runs that qualify as a hardship bus run, pursuant to this subsection. Any costs above the new level established by the state board of education shall not be reimbursed. Such a change shall only be granted by the state board of education for hardship bus runs. To qualify as a hardship bus run, such bus run shall display ~~uniquely difficult geographic circumstances and~~ meet at least two (2) of the following criteria:

(a) The number of student riders per mile is less than fifty percent (50%) of the statewide average number of student riders per mile;

(b) Less than a majority of the miles on the bus run are by paved surface, concrete or asphalt, road;

(c) Over ten percent (10%) of the miles driven on the bus run are a five percent (5%) slope or greater.

The legislative audits section of the legislative services office shall review cap increases granted by the state board of education pursuant to this section, and shall include findings in the board's regular audit report for any instances in which such increases failed to meet the standards set forth in this subsection.

(6) ~~School districts that are unable to absorb the impact of the limitation on reimbursable expenses, through either efficiencies or the utilization of fund balances, may apply to the state board of education to receive a loan of moneys, not to exceed the amount of state funds lost through the~~

~~application of the limitation on reimbursable expenses, from the public education stabilization fund. Any school district receiving such a loan shall cause its reimbursement of state transportation moneys to be reduced by a like amount in the subsequent fiscal year, and the moneys so reduced shall be deposited in the public education stabilization fund.~~

~~(7)~~ Beginning on July 1, 2005, any eligible home-based public virtual school may claim transportation reimbursement for the prior fiscal year's cost of providing educational services to students. In order to be eligible, such a school shall have at least one (1) average daily attendance divisor, pursuant to section 33-1002, Idaho Code, that is greater than the median divisor shown for any category of pupils, among the actual divisors listed. For the purposes of paragraphs (a), (b) and (c) of this subsection ~~(76)~~, "education provider" means the home-based public virtual school or an entity that has legally contracted with the home-based public virtual school to supply education services. Reimbursable costs shall be limited to the costs of:

- (a) Providing an internet connection service between the student and the education provider, not including the cost of telephone service;
- (b) Providing electronic and computer equipment used by the student to transmit educational material between the student and the education provider;
- (c) Providing a toll-free telephone service for students to communicate with the education provider;
- (d) Providing education-related, face-to-face visits by representatives of the home-based public virtual school, with such reimbursements limited to the mileage costs set for state employee travel by the state board of examiners; and
- (e) Any actual pupil transportation costs that would be reimbursable if claimed by a school district.

The total reimbursement for such home-based public virtual schools shall be exempt from the statewide average cost per mile limitations of this section. The state's share of reimbursable costs shall be eighty-five percent (85%), subject to the statewide cost per student rider provisions of this section. For the purposes of such home-based public virtual school, the number of student riders shall be the same as the number of pupils in average daily attendance.

(7) The state department of education shall calculate the amount of state funds lost in fiscal year 2010 by each school district as a result of the decrease in the state reimbursement from eighty-five percent (85%) to fifty percent (50%) of certain eligible costs, including the reduction calculated for districts that contract for pupil transportation services, and excluding any reductions made due to the limitation on reimbursable expenses, all pursuant to subsection (5) of this section. The amount so calculated shall be distributed to each school district in fiscal year 2010. For each fiscal year thereafter, the amount distributed pursuant to this subsection (7) for each school district shall be determined as follows:

- (a) Divide the amount distributed to the district pursuant to this subsection (7) in fiscal year 2010 by the district's support units for fiscal year 2010;
- (b) Multiply the result of the calculation found in subsection (7) (a) of this section by the number of support units in the current fiscal year;
- (c) Determine the percentage change in statewide transportation reimbursements as provided for in subsection (5) of this section since fiscal year 2010;
- (d) Determine the percentage change in statewide student enrollment since fiscal year 2010;

(e) Subtract the result of the calculation found in subsection (7) (d) of this section from the result of the calculation found in subsection (7) (c) of this section;

(f) Adjust the result of the calculation found in subsection (7) (b) of this section by the percentage result from subsection (7) (e) of this section.

For school districts divided after fiscal year 2010, the calculation in subsection (7) (a) of this section shall still be based on the fiscal year 2010 figures for the formerly consolidated district. For public charter schools beginning operations on or after July 1, 2009, all calculations in this subsection (7) that are based on fiscal year 2010 shall instead be based on the public charter school's first fiscal year of operations. For the purposes of this subsection (7), the support units used shall be the number used for calculating salary-based apportionment. Funds distributed pursuant to this subsection (7) shall be used to defray the cost of pupil transportation. If the amount distributed is in excess of a school district's actual pupil transportation costs, less any state reimbursements provided by subsection (5) of this section, the excess funds may be used at the school district's discretion.

SECTION 2. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1006A, Idaho Code, and to read as follows:

33-1006A. PUPIL TRANSPORTATION AUDITS. The state department of education shall audit the transportation operations of any school district with more than twenty (20) enrolled students per square mile that meets both of the following criteria:

(a) The school district's reimbursable costs, based on a three (3) year rolling average of the district's reimbursable costs, exceed one hundred three percent (103%) of the statewide average reimbursable cost per student rider; and

(b) The school district's costs, based on a three (3) year rolling average, are higher on a cost per student rider basis than on a cost per mile basis, as compared to the statewide average reimbursable costs for such measures.

For school districts audited under the provisions of this section, the state department of education shall furnish written recommendations for changes to improve the efficiency of transportation operations including, but not limited to, changes in bell times and routing. Recommendations shall not include changes regarding the decision of a school district on whether to contract for pupil transportation services or to provide such services directly. The recommendations shall state the amount that the department estimates that the school district's total expenditures will be reduced by implementing each recommendation. The department shall discuss its recommendations with the school district prior to finalizing them.

School districts failing to implement any recommendations in the subsequent school year shall have their transportation reimbursement reduced in that year by the lesser of the amount that the department estimated would be saved by all unimplemented recommendations, or the amount that the district's reimbursement would be reduced if the district were prohibited from using the cost per mile cap calculation pursuant to section 33-1006(5), Idaho Code.

SECTION 3. That Section 33-5208, Idaho Code, be, and the same is hereby amended to read as follows:

33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (8) of this section, from the state educational support pro-

gram the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

(1) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of twelve (12) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than thirty (30). Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code. Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that would have been apportioned for that student to the school district in which the public charter school is located.

(3) Alternative school support. Public charter schools may qualify under the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided the public charter school meets the necessary statutory requirements, and students qualify for attendance at an alternative school as provided by rule of the state board of education.

(4) Transportation support. Support shall be paid to the public charter school as provided in chapter 15, title 33, Idaho Code, and section 33-1006, Idaho Code. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November, of public charter school students living who are eligible for reimbursement of transportation costs under the provisions of this subsection and who reside more than one and one-half (1 1/2) miles from the school. For charter schools in the initial year of operation, the petition shall include a proposal for transportation services with an estimated first year cost. The state department of education is authorized to include in the annual appropriation to the charter school eighty six percent (86%) of the estimated transportation cost. The final appropriation payment in July shall reflect eighty five percent (85%) of the actual cost reimbursements of actual costs pursuant to section 33-1006, Idaho Code. To be eligible for state reimbursement under the provisions of section 33-1006, Idaho Code, the student to be transported must reside within the public charter school's attendance zone, and must meet at least one (1) of the following two (2) criteria:

(a) The student resides within the school district in which the public charter school is physically located; or

(b) The student resides within fifteen (15) miles of the public charter school, by road.

The limitations placed by this subsection on the reimbursement of transportation costs for certain students shall not apply to public virtual schools.

(5) Payment schedule. The state department of education is authorized to make an advance payment of twenty-five percent (25%) of a public charter school's estimated annual apportionment for its first year of operation, and each year thereafter, provided the public charter school has an increase of student population in any given year of twenty (20) students or more, to assist the school with initial start-up costs or payroll obligations.

(a) For a state public charter school to receive the advance payment, the school shall submit its anticipated fall membership for each grade level to the state department of education by June 1.

(b) Using the figures provided by the public charter school, the state department of education shall determine an estimated annual apportionment from which the amount of the advance payment shall be calculated. Advance payment shall be made to the school on or after July 1 but no later than July 31.

(c) All subsequent payments, taking into account the one-time advance payment made for the first year of operation, shall be made to the public charter school in the same manner as other traditional public schools in accordance with the provisions of section 33-1009, Idaho Code.

A public charter school shall comply with all applicable fiscal requirements of law, except that the following provisions shall not be applicable to public charter schools: section 33-1003B, Idaho Code, relating to guaranteed minimum support; that portion of section 33-1004, Idaho Code, relating to reduction of the administrative and instructional staff allowance when there is a discrepancy between the number allowed and the number actually employed; and section 33-1004E, Idaho Code, for calculation of district staff indices.

(6) Nothing in this chapter shall be construed to prohibit any private person or organization from providing funding or other financial assistance to the establishment or operation of a public charter school.

(7) Nothing in this chapter shall prevent a public charter school from applying for federal grant moneys.

(8) (a) For the period July 1, 2003, through June 30, 2005, all public virtual schools shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no higher than the median divisor shown for each respective category of pupils, among the possible divisors listed, for each respective category of pupils that contains more than one (1) divisor. If there is an even number of possible divisors listed for a particular category of pupils, then the lesser of the two (2) median divisors shall be used. For the period July 1, 2005, through June 30, 2007, all public virtual schools shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no higher than the second highest divisor shown, among the possible divisors listed, for each respective category of pupils that contains more than one (1) divisor. The divisor provisions contained herein shall only be applicable to the number of pupils in average daily attendance in such public virtual schools for the period July 1, 2003, through June 30, 2004. If the number of pupils in average daily attendance in any particular category of pupils increases, during the period July 1, 2004, through June 30, 2005, to a number above that which existed in the prior fiscal year, then those additional pupils in average daily attendance shall be assigned the divisor, pursuant to section 33-1002, Idaho Code, that would have otherwise been assigned to the school district or public charter school had this section not been in force.

(b) Each student in attendance at a public virtual school shall be funded based upon either the actual hours of attendance in the public virtual school on a flexible schedule, or the percentage of coursework completed, whichever is more advantageous to the school, up to the maximum of one (1) full-time equivalent student.

(c) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated by the state board of education as a local education agency (LEA), as provided in section 33-5203(7), Idaho Code.

(9) Nothing in this section prohibits separate face-to-face learning activities or services.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Section 2 of this act shall be in full force and effect on and after passage and approval.

Approved May 5, 2009.

CHAPTER 285

(H.B. No. 262, As Amended in the Senate)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DETERMINATION OF CERTAIN ALLOWANCES; AND DECLARING THAT THE LEGISLATURE RECOGNIZES THAT SCHOOL DISTRICTS AND PUBLIC CHARTER SCHOOLS WILL RECEIVE REDUCED FUNDING AND ENCOURAGES THE DISTRICTS AND PUBLIC CHARTER SCHOOLS TO ACCOMMODATE SUCH REDUCTIONS.

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

SECTION 1. That Section 33-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004A. EXPERIENCE AND EDUCATION MULTIPLIER. Each instructional and administrative staff position shall be assigned an appropriate multiplier based upon the following table:

Years	EXPERIENCE AND EDUCATION						
	BA	BA + 12	BA + 24	BA + 36 MA	BA + 48 MA + 12	BA + 60 MA + 24	ES/DR MA + 36
0	1.00000	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730
1	1.03750	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410
2	1.07640	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260
3	1.11680	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290
4	1.15870	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510
5	1.20220	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930
6	1.24730	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550
7	1.29410	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380
8	1.34260	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430
9	1.39290	1.44510	1.49930	1.55550	1.61380	1.67430	1.73710
10	1.39290	1.49930	1.55550	1.61380	1.67430	1.73710	1.80220
11	1.39290	1.49930	1.55550	1.61380	1.73710	1.80220	1.86980
12	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	1.93990
13 or more	1.39290	1.49930	1.55550	1.61380	1.73710	1.86980	2.01260

In determining the experience factor, the actual years of teaching or administrative service in a public school, in an accredited private or parochial school, or beginning in the 2005-06 school year and thereafter in an accredited college or university shall be credited, minus one (1); provided however, that the experience factor cannot be less than zero (0).

In determining the education factor, only credits earned after initial certification, based upon a transcript on file with the teacher certification office of the state department of education, earned at an institution of higher education accredited by the state board of education or a regional accrediting association, shall be allowed. Instructional staff whose ini-

tial certificate is an occupational specialist certificate shall be treated as BA degree prepared instructional staff. Credits earned by such occupational specialist instructional staff after initial certification shall be credited toward the education factor.

In determining the statewide average multiplier for instructional staff, no multiplier in excess of 1.59092 shall be used. If the actual statewide average multiplier for instructional staff, as determined by this section, exceeds 1.59092, then each school district's instructional staff multiplier shall be multiplied by the result of 1.59092 divided by the actual statewide average multiplier for instructional staff.

In determining the statewide average multiplier for administrative staff, no multiplier in excess of 1.86643 shall be used. If the actual statewide average multiplier for administrative staff, as determined by this section, exceeds 1.86643, then each school district's administrative staff multiplier shall be multiplied by the result of 1.86643 divided by the actual statewide average multiplier for administrative staff.

SECTION 2. The Legislature recognizes that school districts and public charter schools will receive reduced funding for salaries in Fiscal Year 2010, and encourages school districts and public charter schools to accommodate such reductions by either reducing the amount paid per employee, reducing the number of contract days, or both. Those choosing to reduce contract days shall make such reductions without impacting student-teacher contact time.

Approved May 5, 2009.

CHAPTER 286
(H.B. No. 199)

AN ACT

RELATING TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-107C, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO MAY ESTABLISH ADDITIONAL RETIREMENT PLANS FOR EMPLOYEES OF COLLEGES, UNIVERSITIES AND THE STATE BOARD OF EDUCATION.

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

SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-107C, Idaho Code, and to read as follows:

33-107C. BOARD MAY ESTABLISH ADDITIONAL RETIREMENT PLANS. (1) The state board of education and the board of regents of the university of Idaho may establish one (1) or more retirement plans as described herein for members of the teaching staff and officers of the university of Idaho, Idaho state university, Boise state university, Lewis-Clark state college and the state board of education who are eligible to participate in an optional retirement program described in section 33-107A, Idaho Code, or section 33-107B, Idaho Code, or who are vested members in the public employee retirement system of Idaho.

(2) A plan established under this section shall comply with federal tax laws applicable to the design of the plan, which may include sections 401(a), 403(b), 415(m), 457(b) and 457(f) of the Internal Revenue Code or other federal tax laws.

(3) To the extent permitted by federal tax law, a plan established under this section may provide for contributions or payments solely at the direction of the employer, or deferral of an employee's compensation at the election of the employee.

Approved May 6, 2009.

CHAPTER 287
(S.B. No. 1183)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE FOR PROVISIONS RELATING TO WRECKER PLATES; AND AMENDING SECTION 49-428, IDAHO CODE, TO PROVIDE FOR THE DISPLAY OF A WRECKER PLATE.

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

SECTION 1. That Section 49-402, Idaho Code, be, and the same is hereby amended to read as follows:

49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck, each neighborhood electric vehicle and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds and that complies with the federal motor vehicle safety standards as defined in section 49-107, Idaho Code, shall be:

Vehicles one (1) and two (2) years old	\$48.00
Vehicles three (3) and four (4) years old	\$36.00
Vehicles five (5) and six (6) years old	\$36.00
Vehicles seven (7) and eight (8) years old	\$24.00
Vehicles over eight (8) years old	\$24.00

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered plate system of Idaho for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

(2) For all school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school approved activities, the annual fee shall be twenty-four dollars (\$24.00).

(3) For all motorcycles and motor-driven cycles which comply with the federal motor vehicle safety standards, operated upon the public highways the annual fee shall be nine dollars (\$9.00).

(4) For operation of an all-terrain vehicle, utility type vehicle or motorbike, excluding a motorbike with an engine displacement of fifty (50) cubic centimeters or less, on public lands, a restricted vehicle license plate fee pursuant to section 49-450, Idaho Code, shall be paid. In addition, the registration fee specified in section 67-7122, Idaho Code, shall be paid as provided in section 67-7122, Idaho Code. The registration and restricted vehicle license plate exemption provided in section 49-426(2), Idaho Code, applies to all-terrain vehicles, utility type vehicles, motorbikes and motorcycles used for the purposes described in subsection (2) of section 49-426, Idaho Code.

(5) For all motor homes the fee shall be as specified in subsection (1) of this section and shall be in addition to the fees provided for in section 49-445, Idaho Code.

(6) Registration fees shall not be subject to refund.

(7) A financial institution or repossession service contracted to a financial institution repossessing vehicles under the terms of a security agreement shall move the vehicle from the place of repossession to the financial institution's place of business on a repossession plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective purchaser for a period not to exceed ninety-six (96) hours. The registration fees for repossession plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee. The repossession plate shall be issued on an annual basis by the department.

(8) A wrecker or towing business engaged in the process of towing motorized vehicles, which have been wrecked, abandoned, salvaged or may be disabled, may apply for a wrecker plate to be displayed on those vehicles being towed, provided the power unit is properly registered under this chapter. The registration fees for wrecker plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 4, title 49, Idaho Code, shall be in addition to the registration fee. The wrecker plate shall be issued on an annual basis by the department.

(9) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars (\$25.00) and an annual program fee of fifteen dollars (\$15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars (\$25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections 49-415C, 49-415D, 49-415E, 49-416A, 49-416B, 49-416C, 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-417D, 49-417E, 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E and 49-420G, Idaho Code, there shall be an initial program fee of thirty-five dollars (\$35.00) and an annual program fee of twenty-five dollars (\$25.00). The fees contained in this subsection shall be applicable to all new special plate programs. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

(~~8~~10) Any vehicle that does not meet federal motor vehicle safety standards shall not be registered and shall not be permitted to operate on public highways of the state, as defined in section 40-117, Idaho Code, unless otherwise specifically authorized.

SECTION 2. That Section 49-428, Idaho Code, be, and the same is hereby amended to read as follows:

49-428. DISPLAY OF PLATE AND STICKERS. (1) License plates assigned to a motor vehicle shall be attached, one (1) in the front and the other in the rear, with the exception of the following:

(a) The license plate assigned to a motorcycle, all-terrain vehicle, utility type vehicle, motorbike or semitrailer and the license plate assigned to a motor vehicle operated by a manufacturer, repossession agent or dealer shall be attached to the rear.

(b) Vehicles displaying year of manufacture, old timer, classic car or street rod license plates shall be allowed to display one (1) plate attached to the rear of the vehicle.

(c) The license plate attached to a tractor shall be attached to the front.

(d) The wrecker plate shall be displayed on the vehicle being towed in such a manner as to be visible when the vehicle being towed is approached from the rear.

License plates shall be displayed during the current registration year. The annual registration sticker for the current registration year shall be displayed on each license plate, except for trailers and semitrailers on extended registration under the provisions of section 49-434, Idaho Code. For the purposes of this title, the license plates together with the registration stickers shall be considered as license plates for the year designated on the registration sticker.

(2) Every license plate shall at all times be securely fastened to the vehicle to which it is assigned to prevent the plate from swinging, be at a height not less than twelve (12) inches from the ground, measuring from the bottom of the plate, be in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible, and all registration stickers shall be securely attached to the license plates and shall be displayed as provided in section 49-443(4), Idaho Code.

Approved May 6, 2009.

CHAPTER 288
(S.B. No. 1224)

AN ACT

APPROPRIATING MONEYS AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE RURAL BROADBAND DEVELOPMENT FUND TO THE GENERAL FUND; APPROPRIATING MONEYS FOR ADMINISTRATION OF THE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES PROGRAM FOR FISCAL YEAR 2009; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$446,900 from the Rural Broadband Development Fund to the General Fund on July 1, 2009, or as soon thereafter as practicable.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 288, Laws of 2008, there is hereby appropriated out of the funds made available to the Department of Labor of the State of Idaho, pursuant to Section 903 of the federal Social Security Act, as amended, \$7,500,000 for the payment of expenses incurred for the administration of the Unemployment Insurance and

Employment Services Program. This appropriation is authorized and subject to the limitations of Section 72-1346(4), Idaho Code. This appropriation is for the period July 1, 2008, through June 30, 2009.

SECTION 3. There is hereby appropriated to the Department of Labor the following amounts to be expended for the following programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. WAGE AND HOUR:				
FROM:				
General Fund	\$381,400	\$129,700		\$511,100
Miscellaneous Revenue Fund		<u>10,600</u>		<u>10,600</u>
TOTAL	\$381,400	\$140,300		\$521,700
II. EMPLOYMENT SERVICES:				
FROM:				
Miscellaneous Revenue Fund	\$293,700	\$178,900		\$472,600
Federal Grant Fund	<u>196,000</u>	<u>292,900</u>	<u>\$1,750,000</u>	<u>2,238,900</u>
TOTAL	\$489,700	\$471,800	\$1,750,000	\$2,711,500
GRAND TOTAL	\$871,100	\$612,100	\$1,750,000	\$3,233,200

SECTION 4. In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than fourteen (14) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 3 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 6. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund

source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 2 and 6 of this act shall be in full force and effect on and after passage and approval.

Approved May 6, 2009.

CHAPTER 289
(S.B. No. 1226)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR THE BOARD OF MIDWIFERY FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR THE BOARD OF OCCUPATIONAL THERAPISTS FOR FISCAL YEAR 2010; AND AUTHORIZING AN ADDITIONAL FULL-TIME EQUIVALENT POSITION TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR THE IDAHO COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2010.

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

SECTION 1. In addition to the appropriation made in Section 2, Senate Bill No. 1195, as enacted by the First Regular Session of the Sixtieth Idaho Legislature, there is hereby appropriated to the Department of Self-Governing Agencies for the Regulatory Boards for the Board of Midwifery the following amount to be expended according to the designated expense classes from the listed fund for the period July 1, 2009, through June 30, 2010:

BUREAU OF OCCUPATIONAL LICENSES:

FOR:

Personnel Costs	\$17,000
Operating Expenditures	<u>10,000</u>
TOTAL	\$27,000

FROM:

State Regulatory Fund	\$27,000
-----------------------	----------

SECTION 2. In addition to the appropriation made in Section 2, Senate Bill No. 1195, as enacted by the First Regular Session of the Sixtieth Idaho Legislature, there is hereby appropriated to the Department of Self-Governing Agencies for the Regulatory Boards for the Board of Occupational Therapists the following amount to be expended according to the designated expense classes from the listed fund for the period July 1, 2009, through June 30, 2010:

BUREAU OF OCCUPATIONAL LICENSES:

FOR:

Personnel Costs	\$21,000
-----------------	----------

Operating Expenditures	<u>15,000</u>
TOTAL	\$36,000
FROM:	
State Regulatory Fund	\$36,000

SECTION 3. In addition to the authorization provided in Section 2, House Bill No. 298, as enacted by the First Regular Session of the Sixtieth Idaho Legislature, the Idaho Commission on Hispanic Affairs is hereby authorized one (1) full-time equivalent position for the period July 1, 2009, through June 30, 2010.

Approved May 6, 2009.

CHAPTER 290
(S.B. No. 1229)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; DIRECTING COMMISSIONER SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Public Utilities Commission the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
Public Utilities Commission Fund	\$3,484,700	\$1,408,300	\$4,893,000
Federal Grant Fund	<u>49,700</u>	<u>19,500</u>	<u>69,200</u>
TOTAL	\$3,534,400	\$1,427,800	\$4,962,200

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Public Utilities Commission is authorized no more than forty-nine (49) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds

that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. COMMISSIONER SALARY REDUCTIONS. Notwithstanding the provisions of Section 61-215, Idaho Code, the salaries for the Public Utilities Commissioners shall be \$89,402 for the period July 1, 2009, through June 30, 2010.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Sections 4 and 5 of this act shall be in full force and effect on and after passage and approval.

Approved May 6, 2009.

CHAPTER 291
(S.B. No. 1230)

AN ACT

APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts to be expended from the listed funds for the period July 1, 2009, through June 30, 2010:

FROM:

General Fund	\$2,246,400
Indirect Cost Recovery Fund	43,200
Miscellaneous Revenue Fund	45,700
Federal Grant Fund	<u>1,693,700</u>
TOTAL	\$4,029,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of the State Board of Education is authorized no more than twenty-three and five-tenths (23.5) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010 for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 6, 2009.

CHAPTER 292
(S.B. No. 1231)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Office of Energy Resources the following amounts to be expended from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
Indirect Cost					
Recovery Fund Renewable	\$151,000	\$386,500			\$537,500
Energy					
Resources Fund American	323,000	74,300			397,300
Reinvestment Fund	803,800	469,400		\$14,207,400	15,480,600
Miscellaneous Revenue Fund	134,800	781,400			916,200
Petroleum Price Violation Fund	589,700	33,400			623,100
Federal Grant Fund	<u>173,800</u>	<u>719,800</u>	<u>\$2,500</u>	<u> </u>	<u>896,100</u>
TOTAL	\$2,176,100	\$2,464,800	\$2,500	\$14,207,400	\$18,850,800

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of Energy Resources is authorized no more than eighteen (18) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 6, 2009.

CHAPTER 293
(S.B. No. 1242)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2009; APPROPRIATING MONEYS FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING A CERTAIN UNEXPENDED AND UNENCUMBERED BALANCE; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; REAUTHORIZING LIMITED SERVICE POSITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 121, Laws of 2008, there is hereby appropriated to the State Board of Education for the Idaho State Historical Society the following amount to be expended according to the designated expense classes from the listed fund for the period July 1, 2008, through June 30, 2009:

FOR:	
Operating Expenditures	\$106,800
Capital Outlay	70,000
Trustee and Benefit Payments	<u>20,000</u>
TOTAL	\$196,800
FROM:	
Federal Grant Fund	\$196,800

SECTION 2. There is hereby appropriated to the Idaho State Historical Society the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund	\$1,632,400	\$792,400	\$31,600	\$2,456,400
Miscellaneous Revenue Fund	306,500	468,200		774,700
Permanent Building Fund	258,500	280,800		539,300
Federal Grant Fund	<u>756,300</u>	<u>223,400</u>	<u>100,000</u>	<u>1,079,700</u>
TOTAL	\$2,953,700	\$1,764,800	\$131,600	\$4,850,100

SECTION 3. In accordance with Section 67-3519, Idaho Code, the Idaho State Historical Society is authorized no more than forty-nine and two-hun-

dredths (49.02) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 2 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 4. There is hereby reappropriated to the Idaho State Historical Society, the unexpended and unencumbered balance of the Permanent Building Fund appropriated by Section 1, Chapter 121, Laws of 2008, to be used for the period July 1, 2009, through June 30, 2010.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 6. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 7. REAUTHORIZING LIMITED SERVICE POSITIONS. The limited service positions for the Idaho State Historical Society authorized in Section 8, Chapter 455, Laws of 2006, are hereby reauthorized for the period July 1, 2009, through June 30, 2010.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 6 of this act shall be in full force and effect on and after passage and approval.

Approved May 6, 2009.

CHAPTER 294
(S.B. No. 1166, As Amended)

AN ACT

RELATING TO THE STATE INSURANCE FUND; TO PROVIDE LEGISLATIVE INTENT; REPEALING SECTION 72-915, IDAHO CODE, RELATING TO DIVIDENDS; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. (1) Historically, the State Insurance Fund has exercised its discretion, pursuant to Section 72-915, Idaho Code, to determine the annual amount of dividend, if any, a policyholder would receive.

(2) On March 5, 2009, the Idaho Supreme Court filed its opinion in *Farber v. Idaho State Insurance Fund*, S. Ct. 35144, in which it interpreted Section 72-915, Idaho Code, and ruled that the State Insurance Fund cannot exercise its discretion in determining how much of a dividend to pay to each policyholder because the statute requires a pro rata distribution of dividends to all policyholders. The result of the decision is to require that the State Insurance Fund pay dividends on policies that are not financially profitable, thereby restricting the fund's ability to reduce premiums and pay dividends to profitable policyholders.

(3) In its decision, the Supreme Court stated that, if it has become prudent to alter the statutory language related to the requirements for distribution of dividends, the Legislature is the appropriate venue for such change.

(4) It was the intent of the Legislature in passing House Bill No. 774, As Amended of the Second Regular Session of the Fifty-fourth Idaho Legislature, effective on April 3, 1998, that the State Insurance Fund should operate like an efficient insurance company, subject to regulation under Title 41, Idaho Code, including the dividend provisions set forth in Chapter 28, Title 41, Idaho Code. The retroactive repeal of Section 72-915, Idaho Code, to January 1, 2003, will conform with that intent. Section 73-101, Idaho Code, permits such retroactive repeal as long as it is "expressly so declared" in legislation.

(5) The retroactive repeal of Section 72-915, Idaho Code, will reconcile conflicts in the existing laws governing the State Insurance Fund and will allow the fund, like other insurance companies, to issue dividends pursuant to Chapter 28, Title 41, Idaho Code.

(6) It is the intent of the Legislature that the provisions of this act shall not apply to any action filed in a state or federal court of law in the state of Idaho on or before December 31, 2008, and the provisions of this act shall not apply to the aforementioned case of *Farber v. Idaho State Insurance Fund* as currently pending with respect to those policy holders paying annual premiums of not more than two thousand five hundred dollars (\$2,500).

SECTION 2. That Section 72-915, Idaho Code, be, and the same is hereby repealed.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after passage and approval, and Section 2 of this act shall be in full force and effect retroactively to January 1, 2003.

Approved May 6, 2009.

CHAPTER 295

(S.B. No. 1112, As Amended, As Amended in the House)

AN ACT

RELATING TO BASIC DAYCARE LICENSE; AMENDING SECTION 39-1101, IDAHO CODE, TO REVISE POLICY AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1102, IDAHO CODE, TO REMOVE A DEFINITION, TO DEFINE TERMS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1103, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REVISE AN EXCEPTION; AMENDING SECTION 39-1104, IDAHO CODE, TO PROVIDE A MINIMUM DAYCARE OPERATOR AGE, TO PROVIDE FOR HEALTH AND SAFETY INSPECTIONS, TO REVISE WHO CONDUCTS THE INSPECTION, TO PROVIDE A CODE REFERENCE, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1105, IDAHO CODE, TO REVISE AN AGE FOR CRIMINAL HISTORY CHECKS FOR SPECIFIED INDIVIDUALS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1106, IDAHO CODE, TO REMOVE A PROVISION NOT REQUIRING CRIMINAL HISTORY CHECKS ON LICENSE RENEWAL, TO PROVIDE FOR CERTAIN LICENSE RENEWAL PROCEDURES, TO REQUIRE SPECIFIED CRIMINAL HISTORY CHECKS ON LICENSE RENEWAL, TO REQUIRE CERTAIN CRIMINAL HISTORY CHECKS ON PERSONS UNDER EIGHTEEN YEARS OF AGE, TO PROVIDE FOR A CERTAIN ENTITLEMENT FOLLOWING CERTAIN SUBMISSIONS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1107, IDAHO CODE, TO REVISE AUTHORITY FOR RULEMAKING, TO REMOVE A LICENSE FEE AND A RENEWAL FEE, TO PROVIDE FOR CERTAIN LICENSE FEES FOR DAYCARE CENTERS AND GROUP DAYCARE FACILITIES, TO PROVIDE FOR AN ADDITIONAL CRIMINAL HISTORY CHECK FEE, TO PROVIDE FOR CALCULATION AND ALLOCATION FOR A LICENSE FEE AND A RENEWAL FEE, TO REMOVE CERTAIN ADJUSTMENTS TO LICENSE FEES, TO REVISE ALLOCATIONS OF LICENSE FEES, TO PROVIDE FOR PROVIDER COVERAGE OF A LICENSE FEE WITH AN EXCEPTION, TO AUTHORIZE THE DEPARTMENT OF HEALTH AND WELFARE TO UTILIZE CERTAIN FUNDS FOR CERTAIN PURPOSES, TO STATE LEGISLATIVE INTENT AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1108, IDAHO CODE, TO REMOVE FIRE STANDARDS COMPLIANCE REQUIREMENTS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1109, IDAHO CODE, TO REMOVE COMPLIANCE WITH FIRE STANDARDS, TO REVISE SAFETY STANDARDS REQUIRED IN THE AREA OF THE DAYCARE FACILITY, TO REQUIRE AN ADULT BE PRESENT ON DAYCARE FACILITY PREMISES AT CERTAIN TIMES, TO PROVIDE FOR AND REVISE CERTAIN CHILD-STAFF RATIOS AND REQUIREMENTS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1110, IDAHO CODE, TO REVISE HEALTH STANDARDS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1111, IDAHO CODE, TO REVISE RULEMAKING AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 11, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1112A, IDAHO CODE, TO PROVIDE FOR ACCESS TO INFORMATION; AMENDING SECTION 39-1113, IDAHO CODE, TO REVISE CRIMES PRECLUDING ELIGIBILITY FOR A LICENSE, TO PROVIDE FOR LICENSE INELIGIBILITY FOR A PERSON WHO HAS PLEADED GUILTY TO, BEEN FOUND GUILTY OF OR RECEIVED A WITHHELD JUDGMENT FOR CERTAIN CRIMES WITHIN A SPECIFIED TIME PERIOD, TO PROVIDE GROUNDS FOR DISCRETIONARY DENIAL, SUSPENSION OR REVOCATION OF A DAYCARE FACILITY LICENSE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE GROUNDS FOR MANDATORY DENIAL OR REVOCATION OF DAYCARE FACILITY LICENSE OR PRIVILEGE TO OPERATE A FAMILY DAYCARE HOME AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1114, IDAHO CODE, TO REVISE A CRIMINAL HISTORY CHECK REQUIREMENT, TO REMOVE A FIRE INSPECTION CERTIFICATE REQUIREMENT, TO REVISE WHO IS TO PERFORM SAFETY INSPECTIONS, TO PERMIT INSPECTION OF FAMILY DAYCARE HOMES, TO REVISE AN ELECTION FOR COMPLIANCE WITH CHAPTER PROVISIONS, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1115, IDAHO CODE, TO PROVIDE A DAYCARE FACILITY A CERTAIN GRACE PERIOD TO OBTAIN A LICENSE, TO REVISE A CODE REFERENCE, TO REVISE

CRIMINAL SANCTIONS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1116, IDAHO CODE, TO REVISE THE DUTY OF THE COUNTY PROSECUTING ATTORNEY TO PROSECUTE VIOLATIONS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1117, IDAHO CODE, TO REVISE A PROVISION REGARDING AFFIRMANCE WITH CHAPTER PROVISIONS, TO MAKE A TECHNICAL CORRECTION AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-1118, IDAHO CODE, TO REVISE WHO SHALL SIGN A CERTAIN CERTIFICATE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 11, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-1120, IDAHO CODE, TO PROVIDE FOR NONDELEGABLE DUTIES AND RESPONSIBILITIES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 39-1101, Idaho Code, be, and the same is hereby amended to read as follows:

39-1101. POLICY. It is hereby declared to be the policy of this state to establish a minimum statewide system for the protection of children in ~~day care centers~~ daycare facilities. This system is intended to establish minimum standards, while still leaving primary responsibility for evaluation and selection of ~~day care~~ daycare services with parents. The minimum standards established by this chapter shall not be construed as preempting more stringent regulation by county or city ordinance.

SECTION 2. That Section 39-1102, Idaho Code, be, and the same is hereby amended to read as follows:

39-1102. DEFINITIONS. As used in this chapter:

- (1) "Board" means the Idaho board of health and welfare.
- (2) "Child" means a person less than ~~twelve~~ thirteen (12~~3~~) years of age.
- (3) "~~Day care~~ Daycare" means care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood, ~~or~~ marriage or legal guardianship to the person or persons providing the care, in a place other than the child's or children's own home or homes.
- (4) "~~Day care~~ Daycare center" means a place or facility providing ~~day care~~ daycare for compensation for thirteen (13) or more children.
- (5) "Daycare facility" means a place or facility providing daycare services for compensation to seven (7) or more children not related to the provider.
- (6) "Department" means the Idaho department of health and welfare.
- ~~(6) "District health board" means the district health boards of the respective public health districts as established in chapter 4, title 39, Idaho Code.~~
- ~~(7) "District health department" means the district health departments of the respective districts, created in section 39-409, Idaho Code.~~
- ~~(8) "Employee" means any person working for compensation in a facility that provides ~~day care~~ daycare.~~
- (98) "Family ~~day care~~ daycare home" means a home, place, or facility providing ~~day care~~ daycare for six (6) or fewer children.
- ~~(109) "Group ~~day care~~ daycare facility" means a home, place, or facility providing ~~day care~~ daycare for seven (7) to twelve (12) children.~~
- (10) "Group size" means the maximum number of children in one (1) group or classroom.
- (11) "Mixed age group" means a care group that includes children of multiple ages.
- (12) "Ratio" means the number of staff required to supervise a certain number of children.

(13) "Single age group" means a care group that includes children of similar age.

(14) "Training" means continuing education in child development areas relating to child care. Training can be acquired through a variety of methods including, but not limited to, the viewing of audio visual materials, correspondence courses, community workshops and in-house training.

SECTION 3. That Section 39-1103, Idaho Code, be, and the same is hereby amended to read as follows:

39-1103. LICENSING AUTHORITY. The department of ~~health and welfare~~ is hereby authorized and directed to issue "basic ~~day care~~ daycare licenses" as provided in this chapter. The department is authorized to establish procedures for issuing licenses to ~~day care centers~~ daycare facilities which shall be maintained and operated in conformity with the standards authorized in this chapter. Nothing in this chapter shall be construed to limit or restrict the teaching of religious doctrines, values, or tenets in a facility licensed under the provisions of this chapter. The provisions of this chapter shall not apply to:

(1) The occasional care of a neighbor's, relative's or friend's child or children by a person not ordinarily in the business of ~~child care~~ providing daycare;

(2) The operation of a private school or religious school for educational purposes for children over four (4) years of age or a religious kindergarten;

(3) The provision of occasional care exclusively for children of parents who are simultaneously in the same building;

(4) The operation of day camps, programs and religious schools for less than twelve (12) weeks during a calendar year or not more often than once a week; or

(5) The provision of care for children of ~~only one (1) immediate~~ a family in addition to the person's own children within the second degree of relationship.

SECTION 4. That Section 39-1104, Idaho Code, be, and the same is hereby amended to read as follows:

39-1104. APPLICATION FOR LICENSE -- FIRE SAFETY AND HEALTH INSPECTIONS. (1) Application. A person who wishes to operate a ~~day care center~~ daycare facility shall be a minimum of eighteen (18) years of age, shall submit an application, on the forms provided by the department, and shall obtain the required certificates of inspection as provided herein.

(2) Inspections. A person who wishes to operate a ~~day care center~~ daycare facility shall submit: (a) a certificate of a fire inspection of the proposed center, conducted by a fire department or fire district official, establishing compliance with the minimum standards specified in section 39-1109, Idaho Code; and (b) a health and safety inspection of the proposed ~~center~~ facility conducted by a qualified inspector as designated by the district health department, establishing compliance with the minimum standards specified in sections 39-1109 and 39-1110, Idaho Code.

(3) Continued compliance and reinspection. ~~Day care centers~~ Daycare facilities shall at all times maintain compliance with the ~~fire~~ safety and health requirements identified in this chapter. The department may cause any ~~day care center~~ daycare facility to be reinspected during the term of a license for ~~fire~~ safety and health compliance as determined necessary by the department. No charge for any reinspection after the initial inspection in any license period shall be made to the ~~day care center~~ daycare facility.

SECTION 5. That Section 39-1105, Idaho Code, be, and the same is hereby amended to read as follows:

39-1105. CRIMINAL HISTORY CHECKS. (1) The department shall obtain from the owner a criminal history check on the owners, operators and employees of a ~~day care center~~ daycare facility who have direct contact with children, and on all ~~volunteers and~~ other individuals ~~twelve~~ thirteen (123) years of age or older who have unsupervised direct contact with children ~~in or are regularly on the premises of a day care center~~ daycare facility. The criminal history check shall include the following for all persons subject to the provisions of this section who are eighteen (18) years of age or older:

- (a) Statewide criminal identification bureau;
- (b) Federal bureau of investigation (FBI) criminal history;
- (c) National crime information center; and
- (d) Statewide child abuse ~~register~~ registry.

(2) Criminal history checks on those persons under eighteen (18) years of age shall include a check of the juvenile justice records of adjudications of the magistrate division of the district court, county probation services and department ~~of health and welfare~~ records as authorized by the minor and his parent or guardian.

(3) Notwithstanding the provisions of section 39-1103, Idaho Code, which provide for exemption from the provisions of this chapter, any person who owns, operates or is employed by a private school for educational purposes for children four (4) through six (6) years of age or a private kindergarten shall comply with the provisions of this section.

SECTION 6. That Section 39-1106, Idaho Code, be, and the same is hereby amended to read as follows:

39-1106. ISSUANCE OF LICENSE -- RENEWAL. (1) Upon receipt of the application, inspection certificates and the criminal history, the department shall, upon a finding of compliance with the minimum standards set forth in this chapter, issue a basic ~~day care~~ daycare license to the applicant. The license shall be valid for two (2) years and shall be posted in a conspicuous place at the ~~day care center~~ daycare facility.

~~(2) After the criminal history check has been completed for any person, it shall not be necessary to repeat the check for renewal of a license. The department may, however, require the applicant for renewal of a license to declare on a form provided by the department that the applicant is in compliance with the original standards and conditions required for issuance of a license~~ The department shall send a renewal application to the owner of the daycare facility no later than ninety (90) days prior to the expiration of an existing license. The owner shall submit to the department the renewal application with the required renewal fee and a criminal history check prior to the expiration of the existing license. A complete criminal history check shall be provided for any new persons requiring a criminal history check in accordance with section 39-1105, Idaho Code. A limited criminal history check shall be provided for those persons eighteen (18) years of age or older who were previously checked. The limited criminal history check shall include:

- (a) Statewide criminal identification bureau;
- (b) National crime information center; and
- (c) Statewide child abuse registry.

(3) Criminal history checks on those persons under eighteen (18) years of age shall include a check of the juvenile justice records of adjudications of the magistrate division of the district court, county probation services and department records as authorized by the minor and his parent or guardian.

(4) The department shall maintain a list of all licensees for public use.

(5) Submission of a renewal application, fee and required criminal history check shall entitle the daycare facility owner to continue daycare services, subject to action by the department pursuant to section 39-1113, Idaho Code.

SECTION 7. That Section 39-1107, Idaho Code, be, and the same is hereby amended to read as follows:

39-1107. FEES. (1) ~~The board~~ department shall establish by rule the maximum total fee to be assessed for a basic ~~day care~~ daycare license which shall not exceed one hundred ~~seventy-five~~ dollars (~~\$100.00~~75) for daycare centers and one hundred dollars (\$100) for group daycare facilities. ~~The board shall allocate the fee for fire and health inspections and for the eCriminal history check. The board shall also establish a renewal fee which shall not exceed sixty dollars (\$60.00)~~ fees shall be in addition, but at actual cost. No other fees shall be charged for each license period. The department may allocate the fees to daycare licensing administration costs as it deems appropriate.

(2) ~~The applicable license fee in subsection (1) of this section shall be reduced by twenty five percent (25%) for any day care facility which provides evidence that at least fifty percent (50%) of its staff is certified in infant/child first aid and pediatric rescue breathing~~ department is authorized to utilize Idaho child care program funds as otherwise allowed by law to pay for the costs associated with certification and licensing of daycare facilities to the extent that fees collected from the facilities do not fully cover such costs. It is the intent of the legislature that licensing fees and Idaho child care program funds shall fully fund daycare facility licensing administration.

SECTION 8. That Section 39-1108, Idaho Code, be, and the same is hereby amended to read as follows:

39-1108. LOCAL OPTION. If a city or county, within its respective jurisdiction, has adopted an ordinance for regulation and/or licensing of ~~day care~~ daycare services, then the provisions of this chapter shall not apply with such city or county unless the ordinance is subsequently repealed. To qualify for exemption, regulation of centers must include a criminal history check at least as stringent as the check required in section 39-1105, Idaho Code, compliance with ~~fire~~ safety standards at least as stringent as required in section 39-1109, Idaho Code, compliance with health standards at least as stringent as required in section 39-1110, Idaho Code, compliance with immunization requirements at least as stringent as required in section 39-1118, Idaho Code, and compliance with training requirements at least as stringent as required in section 39-1119, Idaho Code. Cities and counties are hereby granted authority and may adopt ordinances for regulation and/or licensing of ~~day care~~ daycare services.

SECTION 9. That Section 39-1109, Idaho Code, be, and the same is hereby amended to read as follows:

39-1109. FIRE SAFETY STANDARDS. (1) ~~Day care centers~~ Daycare facilities shall comply with the following ~~fire~~ safety standards in the area of the ~~day care center~~ daycare facility in which ~~day care~~ daycare is provided:

- (a) ~~a~~Adequate fire and smoke alarms;
- (b) ~~a~~A functional telephone located on the daycare premises during the hours of operation;
- (c) ~~a~~Adequate fire extinguishers; ~~or other suitable arrangements for extinguishing fires; and~~
- (d) ~~a~~Adequate exits;

(e) Firearms or other weapons which are stored on the premises of a day-care facility must be kept in a locked container that is inaccessible to children while daycare attendees are present;

(f) Pools, hot tubs, ponds and other bodies of water that are on the day-care facility premises must provide the following safeguards:

(i) The area surrounding the body of water must be fenced and locked in a manner that prevents access by children and meets the following requirements:

1. The fence must be at least four (4) feet high with no vertical opening more than four (4) inches wide, be designed so that a young child cannot climb or squeeze under or through the fence, surround all sides of the pool and have a gate that is self-closing and that has a self-latching mechanism in proper working order out of the reach of young children;

2. If the house forms one (1) side of the barrier for the pool, all doors that provide unrestricted access to the pool must have alarms that produce an audible sound when the door is opened;

3. Furniture or other large objects must not be left near the fence in a manner that would enable a child to climb on the furniture or other large object and gain access to the pool;
and

(ii) If the area surrounding a pool, hot tub, pond or other body of water is not fenced and locked, there must be a secured protective covering that will not allow access by a child;

(iii) Wading pools must be empty when not in use;

(iv) Children must be under direct supervision of an adult while using a pool, hot tub, pond or other body of water; and

(v) A minimum of a four (4) foot high fence must be present that prevents access from the daycare facility premises if the daycare premises are adjacent to a body of water; and

(g) The owner or operator of a daycare facility shall ensure that at all times children are present, at least one (1) adult on the premises has current certification in pediatric rescue breathing and first-aid treatment from a certified instructor.

(2) No fire standards developed pursuant to this chapter shall be more stringent than the standards contained in the International Fire Code, ~~without supplementation by any other standard or code~~ as adopted by Idaho.

(3) An adult must be present at all times during business hours on the daycare facility premises.

(4) In addition to the fire safety standards identified in subsection (1) of this section, ~~fire~~ safety standards ~~may~~ shall be established by the department to govern the maximum allowable ratio of children to staff subject to the following restrictions:

(a) In no event shall the child-staff ratio require more than one (1) staff member to six (6) children for all children age ~~eighteen~~ twenty-four (~~18~~24) months or less; ~~more than one (1) staff member to twelve~~ eight (~~12~~8) children for all children above age ~~eighteen~~ twenty-four (~~18~~24) months but less than ~~five~~ three (~~5~~3) years; ~~and more than one (1) staff member to eighteen~~ ten (~~18~~10) children for all children age three (3) years but less than four (4) years; ~~more than one (1) staff member to twelve~~ (12) children for all children age four (4) years but less than five (5) years; ~~and more than one (1) staff member to eighteen~~ (18) children for all children whose age is five (5) years or more. The maximum group size for all groups shall not exceed twice the number of children allowed for a single staff member.

Number of Children Allowed and Maximum Group Size Table

<u>Number of required staff</u>	<u>Children: above twenty-four (24) months but less than three (3) years</u>		<u>Children: three (3) years but less than four (4) years</u>		<u>Children: four (4) years but less than five (5) years or more</u>	
	<u>Children: birth to twenty-four (24) months</u>	<u>Children: three (3) years</u>	<u>Children: three (3) years but less than four (4) years</u>	<u>Children: four (4) years but less than five (5) years or more</u>	<u>Children: four (4) years but less than five (5) years or more</u>	<u>Children: five (5) years or more</u>
<u>1</u>	<u>6</u>	<u>8</u>	<u>10</u>	<u>12</u>	<u>18</u>	<u>18</u>
<u>2</u>	<u>12</u>	<u>16</u>	<u>20</u>	<u>24</u>	<u>36</u>	<u>36</u>
<u>Maximum group size</u>	<u>12</u>	<u>16</u>	<u>20</u>	<u>24</u>	<u>36</u>	<u>36</u>

(b) ~~No factors other than fire safety may be considered in establishing child-staff ratios;~~ The maximum ratio of children to staff in mixed age groups shall be determined by the age of the youngest child in attendance.

(c) ~~All adults on the premises providing direct supervision to the children shall be counted as staff for purposes of computing a child-staff ratio; and. Employees sixteen (16) and seventeen (17) years of age under the supervision of an adult employee, when providing direct supervision to children, may be counted as staff for the purposes of computing the child-staff ratio.~~ All adults on the premises providing direct supervision to the children shall be counted as staff for purposes of computing a child-staff ratio; and. Employees sixteen (16) and seventeen (17) years of age under the supervision of an adult employee, when providing direct supervision to children, may be counted as staff for the purposes of computing the child-staff ratio.

(d) Each child shall count as one (1) child for purposes of computing a child-staff ratio.

(e) Daycare facilities shall have a maximum allowable child-staff ratio based on the age of the children in attendance. The maximum group size is twelve (12) children. If more than two (2) children are in attendance under the age of two (2) years, the maximum group size shall be ten (10) children. If three (3) or more children under the age of two (2) years are in attendance, the maximum group size shall be nine (9) children.

Daycare Facility Ratio and Maximum Group Size Table

	<u>No children under the age of two (2) years</u>	<u>No more than two (2) children under the age of two (2) years</u>	<u>Three (3) or more children under the age of two (2) years</u>
<u>Maximum group size</u>	<u>12</u>	<u>10</u>	<u>9</u>

(f) Family daycare homes shall not provide daycare services for more than six (6) children at a time.

SECTION 10. That Section 39-1110, Idaho Code, be, and the same is hereby amended to read as follows:

39-1110. HEALTH STANDARDS. ~~Day-care centers~~ Daycare facilities shall comply with the following health standards:

(1) Food for use in ~~day-care centers~~ daycare facilities shall be prepared and served in a sanitary manner with sanitized utensils and on surfaces that have been cleaned, rinsed and sanitized prior to use to prevent contamination;

(2) All food that is to be served in ~~day-care centers~~ daycare facilities shall be stored in such a manner that it is protected from potential contamination;

(3) Diaper changing shall be conducted in such a manner as to prevent the spread of communicable diseases;

(4) Sleeping and play areas, restrooms and fixtures shall be maintained in a safe, sanitary condition;

(5) Children and facility personnel shall be provided with individual or disposable towels for handwashing and the handwashing area shall be equipped with soap and hot and cold running water;

(6) The water supply, where the source is other than a public water system, must be approved in accordance with the rules adopted by the district board of health department;

(7) Medicines, cleaning supplies and other hazardous substances must be stored out of reach of children;

(8) ~~A telephone or some type of emergency communication system is required, and~~ Smoking or alcohol consumption is prohibited on the premises of a daycare facility during the daycare facility's hours of operation; and

(9) Representatives of ~~the district health department and safety inspectors~~ shall not be denied access to a ~~day care center~~ daycare facility during hours of operation for purposes of control of communicable disease or inspection.

SECTION 11. That Section 39-1111, Idaho Code, be, and the same is hereby amended to read as follows:

39-1111. RULES AUTHORIZED. In order to implement the provisions of this chapter, ~~the following rule making authority is authorized:~~

~~(1) The state fire marshal, in addition to other duties imposed by law, is hereby authorized and directed to establish rules necessary to implement the provisions of sections 39-1109 and 39-1114, Idaho Code;~~

~~(2) District health boards, in addition to other duties imposed by law, are hereby authorized and directed to establish necessary health standards to implement the provisions of section 39-1110, Idaho Code; and~~

~~(3) The board department, in addition to other duties imposed by law, is hereby authorized and directed through rulemaking to establish procedures necessary to implement the provisions of this chapter including procedure for submission of required certificates as provided in sections 39-1109 and 39-1110, Idaho Code, and to conduct of the criminal history check provided in section 39-1105, Idaho Code.~~

The ~~rule making~~ rulemaking authority granted in this section shall be limited to the specific standards and procedures required by this chapter.

SECTION 12. That Chapter 11, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-1112A, Idaho Code, and to read as follows:

39-1112A. ACCESS TO INFORMATION. The department shall make available to daycare consumers an informational pamphlet, created by the department, to educate daycare consumers with informational tools useful in identifying quality daycare. The department may deliver pamphlets during direct contact with daycare consumers, or by delivering pamphlets to daycare providers during the licensing or renewal process, during inspections or through other appropriate means. The pamphlet shall include:

(1) The importance of parents being vigilant for the safety, emotional health and training of their children that cannot be replaced by any other institution or individual;

(2) The basic characteristics of a quality daycare;

(3) A strong suggestion to parents to inquire about criminal history checks for any provider in a family daycare home;

(4) A link to a department approved website that contains more detailed information; and

(5) A department or other phone number for parents to report unsafe, dangerous or harmful activities within the daycare.

SECTION 13. That Section 39-1113, Idaho Code, be, and the same is hereby amended to read as follows:

39-1113. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. (1) A license may be denied, suspended or revoked by the department if the department finds that the applicant or licensee does not comply with the provisions of this chapter.

(2) No person who pleads guilty to, has been found guilty of or received a withheld judgment for any offense involving neglect or any physical injury to, or other abuse of a child including the following offenses or a similar provision in another jurisdiction, shall be eligible for a license under the provisions of this chapter:

- (a) Injuring Felony injury of a child, section 18-1501, Idaho Code.
 - (b) The sexual abuse of a child under sixteen ~~(16)~~ years of age, section 18-1506, Idaho Code.
 - (c) The ritualized abuse of a child under eighteen ~~(18)~~ years of age, section 18-1506A, Idaho Code.
 - (d) The sexual exploitation of a child, section 18-1507 or 18-1507A, Idaho Code.
 - (e) Sexual abuse of a child under the age of sixteen years, section 18-1506, Idaho Code.
 - (f) Lewd conduct with a child under the age of sixteen ~~(16)~~ years, section 18-1508, Idaho Code.
 - (~~g~~) The sale or barter of a child for adoption or other purposes, section 18-1511, Idaho Code.
 - (~~g~~) Murder in any degree, section 18-4001 or 18-4003, Idaho Code.
 - (i) Assault with intent to murder, section 18-4015, Idaho Code.
 - (~~h~~) Voluntary manslaughter, section 18-4006, Idaho Code.
 - (~~i~~) Rape, section 18-6101 or 18-6108, Idaho Code.
 - (~~j~~) Incest, section 18-6602, Idaho Code.
 - (~~k~~) Forcible sexual penetration by use of foreign object, section 18-6608, Idaho Code.
 - (n) Abuse, neglect or exploitation of a vulnerable adult, section 18-1505, Idaho Code.
 - (o) Aggravated, first degree, second degree and third degree arson, sections 18-801 through 18-805, Idaho Code.
 - (p) Crimes against nature, section 18-6605, Idaho Code.
 - (q) Kidnapping, sections 18-4501 through 18-4503, Idaho Code.
 - (r) Mayhem, section 18-5001, Idaho Code.
 - (s) Poisoning, section 18-4014 or 18-5501, Idaho Code.
 - (t) Possession of sexually exploitative material, section 18-1507A, Idaho Code.
 - (u) Robbery, section 18-6501, Idaho Code.
 - (v) Stalking in the first degree, section 18-7905, Idaho Code.
 - (w) Video voyeurism, section 18-6609, Idaho Code.
 - (x) Enticing of children, section 18-1509 or 18-1509A, Idaho Code.
 - (y) Inducing individuals under eighteen years of age into prostitution, section 18-5609, Idaho Code.
 - (z) Inducing person under eighteen years of age to patronize a prostitute, section 18-5611, Idaho Code.
 - (aa) Any felony punishable by death or life imprisonment.
 - (bb) Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.
- (3) No person who has pleaded guilty to, been found guilty of or received a withheld judgment for any offense involving neglect or any physical injury to, or other abuse of a child, including the following offenses or a similar provision in another jurisdiction shall be eligible for a license for a period of five (5) years under the provisions of this chapter.

- (a) Aggravated assault, section 18-905, Idaho Code.
- (b) Aggravated battery, section 18-907(1), Idaho Code.
- (c) Burglary, section 18-1401, Idaho Code.
- (d) Felony theft, sections 18-2403 and 18-2407(1), Idaho Code.
- (e) Forgery of a financial transaction card, section 18-3123, Idaho Code.
- (f) Fraudulent use of a financial transaction card or number, section 18-3124, Idaho Code.
- (g) Forgery or counterfeiting, chapter 36, title 18, Idaho Code.
- (h) Misappropriation of personal identifying information, section 18-3126, Idaho Code.
- (i) Insurance fraud, section 41-293, Idaho Code.
- (j) Damage to or destruction of insured property, section 41-294, Idaho Code.
- (k) Public assistance fraud, section 56-227, Idaho Code.
- (l) Provider fraud, section 56-227A, Idaho Code.
- (m) Attempted strangulation, section 18-923, Idaho Code.
- (n) Attempt, section 18-306, Idaho Code, conspiracy, section 18-1701, Idaho Code, or accessory after the fact, section 18-205, Idaho Code, to commit any of the crimes designated in this subsection.
- (o) Misdemeanor injury to a child, section 18-1501(2), Idaho Code.
- (4) A daycare facility license may be denied, suspended or revoked by the department if the department finds that the daycare facility is not in compliance with the standards provided for in this chapter or criminal activity that threatens the health or safety of a child.
- (5) A daycare facility license or privilege to operate a family daycare home shall be denied or revoked if a registered sex offender resides on the premises where daycare services are provided.
- (36) The denial, suspension or revocation of a license under this chapter may be appealed to the district court of the county in which the affected ~~day care center~~ daycare facility is located and the appeal shall be heard de novo in the district court.

SECTION 14. That Section 39-1114, Idaho Code, be, and the same is hereby amended to read as follows:

39-1114. LIMITED APPLICATIONS. (1) Any person providing ~~day care~~ daycare for four (4) or more children in a ~~group day care facility~~ family daycare home shall not be required to be licensed, but shall comply with the requirements of section 39-1105, Idaho Code, for a criminal history check and shall obtain a fire inspection certificate establishing compliance with the standards provided in section 39-1109, Idaho Code.

(2) The ~~fire inspections for group day care facilities~~ may be conducted by the ~~district~~ department designated health department and safety inspectors where necessary. The fire inspection certificate and the criminal history check, ~~if one is required~~, shall be available for inspection on the premises.

(3) A ~~group day care facility or family day care~~ daycare home providing care for fewer than seven (7) children may elect to comply with the provisions of this chapter and upon a finding of compliance by the department, shall receive a basic ~~day care~~ daycare license.

SECTION 15. That Section 39-1115, Idaho Code, be, and the same is hereby amended to read as follows:

39-1115. MISDEMEANOR. (1) It shall be a misdemeanor to operate a ~~day care center~~ daycare facility within this state without first obtaining a basic ~~day care~~ daycare license from the department or to operate a ~~day care center~~ daycare facility without posting a basic ~~day care~~ daycare license in a

conspicuous place. A copy of this chapter shall be available on the premises at all times for staff and parents to read on request.

(2) If a daycare facility is found to be operating without a license, the licensing agency may grant a grace period of no more than sixty (60) days to allow the daycare facility to come into compliance with the provisions of this chapter.

(3) It shall be a misdemeanor to operate a ~~group day care facility~~ family daycare home caring for four (4) or more children without obtaining the ~~certificates~~ criminal history check required in section 39-1114~~05~~, Idaho Code; provided, that in the event of an initial citation for violation of the provisions of this subsection, if a person makes the applications required within twenty (20) days, the complaint shall be dismissed. Operation of a ~~group day care facility~~ family daycare home caring for four (4) or more children after ~~denial of the certificates~~ failure to pass a required criminal history check shall be a misdemeanor.

(34) It is a misdemeanor for any person to provide ~~day care~~ daycare services if such person has been found guilty in this state's courts, in any other state's courts, or in any federal court, of any offense listed under the provisions of section 39-1113, Idaho Code.

SECTION 16. That Section 39-1116, Idaho Code, be, and the same is hereby amended to read as follows:

39-1116. PROSECUTION. It shall be the duty of the prosecuting attorney of the county in which the ~~day care center or group day care~~ daycare facility is located to prosecute violations of the provisions of this chapter.

SECTION 17. That Section 39-1117, Idaho Code, be, and the same is hereby amended to read as follows:

39-1117. NO LIABILITY TO STATE OR POLITICAL SUBDIVISIONS. The issuance of a license or certificate pursuant to this chapter shall not constitute a representation of affirmance to any person that the ~~day care center~~ daycare facility to which a license is issued ~~or a group day care facility to which a certificate is issued~~ is free from risk with regard to the standards in this chapter. The state, ~~and~~ its political subdivisions or any employees or agents of the state or its political subdivisions shall not be liable for nor shall a cause of action exist for any loss or damage based upon the failure of any person to meet the standards contained in this chapter.

SECTION 18. That Section 39-1118, Idaho Code, be, and the same is hereby amended to read as follows:

39-1118. IMMUNIZATION REQUIRED. (1) Within fourteen (14) days of a child's initial attendance at any licensed ~~day care~~ daycare facility, the parent or guardian shall provide a statement to the operator of the ~~day care~~ daycare facility regarding the child's immunity to certain childhood diseases. This statement shall provide a certificate signed by a physician or a representative of a ~~health~~ district health department, that the child has received, or is in the process of receiving immunizations as specified by the board ~~of health and welfare~~; or can effectively demonstrate, through verification in a form approved by the department ~~of health and welfare~~, immunity gained through prior contraction of the disease.

Immunizations required and the manner and frequency of their administration shall be as prescribed by the ~~state board of health and welfare~~ and shall conform to recognized standard medical practices in the state. The ~~state board of health and welfare~~ shall promulgate appropriate rules ~~and regulations~~ for the enforcement of the required immunization program

and specify reporting requirements of ~~day-care centers~~ daycare facilities, pursuant to the provisions of chapter 52, title 67, Idaho Code.

(2) Any minor child whose parent or guardian has submitted to officials of a licensed ~~day-care~~ daycare facility a certificate signed by a physician licensed by the state board of medicine stating that the physical condition of the child is such that all or any of the required immunizations would endanger the life or health of the child shall be exempt from the provisions of this section. Any minor child whose parent or guardian has submitted a signed statement to officials of the ~~day-care~~ daycare facility stating their objections on religious or other grounds shall be exempt from the provisions of this section.

SECTION 19. That Chapter 11, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-1120, Idaho Code, and to read as follows:

39-1120. NONDELEGABLE DUTIES AND RESPONSIBILITIES. The department's duties and responsibilities under this chapter are nondelegable.

SECTION 20. This act shall be in full force and effect on and after January 1, 2010.

Approved May 6, 2009.

CHAPTER 296
(H.B. No. 330)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF SPECIES CONSERVATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Office of Species Conservation the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund	\$436,600	\$96,300		\$532,900
Miscellaneous Revenue Fund		15,000		15,000
Federal Grant				
Fund	<u>158,800</u>	<u>300,000</u>	<u>\$22,000,000</u>	<u>22,458,800</u>
TOTAL	\$595,400	\$411,300	\$22,000,000	\$23,006,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of Species Conservation is authorized no more than eight (8) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 297
(H.B. No. 331)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; SETTING ASIDE THE TEN PERCENT TRANSFER BETWEEN PROGRAMS LIMITATION UNDER A SPECIFIC CIRCUMSTANCE; REAPPROPRIATING CERTAIN FUNDS FOR CAPITAL OUTLAY; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Parks and Recreation the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES:					
FROM:					
General Fund	\$1,622,400	\$362,200			\$1,984,600
Indirect Cost Recovery Fund	221,800	109,900			331,700
Parks and Recreation Fund	727,000	924,300		\$105,000	1,756,300
Recreational Fuels Fund	464,600	171,400	\$4,000	2,118,700	2,758,700
Parks and Recreation Registration Fund	153,800	154,900		7,905,200	8,213,900
Miscellaneous Revenue Fund		17,600			17,600
Public Recreation Enterprise Fund		25,000			25,000
Parks and Recreation Expendable Trust Fund		35,000			35,000
Federal Grant Fund	<u>4,800</u>	<u>7,600</u>	<u> </u>	<u>1,553,900</u>	<u>1,566,300</u>
TOTAL	\$3,194,400	\$1,807,900	\$4,000	\$11,682,800	\$16,689,100
II. PARK OPERATIONS:					
FROM:					
General Fund	\$4,275,400	\$502,000			\$4,777,400
Indirect Cost Recovery Fund	39,600	2,400			42,000
Parks and Recreation Fund	1,943,500	1,867,400			3,810,900
Recreational Fuels Fund	288,000	211,400	\$1,182,500		1,681,900
Parks and Recreation Registration Fund	579,200	701,100	448,400	\$529,000	2,257,700
Miscellaneous Revenue Fund	7,000	102,500			109,500
Public Recreation Enterprise Fund	282,000	942,500	68,900		1,293,400
Parks and Recreation Expendable Trust Fund	466,400	420,100			886,500
Federal Grant Fund	<u>972,700</u>	<u>568,700</u>	<u>16,400</u>	<u>875,000</u>	<u>2,432,800</u>
TOTAL	\$8,853,800	\$5,318,100	\$1,716,200	\$1,404,000	\$17,292,100
III. CAPITAL DEVELOPMENT:					
FROM:					
Recreational Fuels Fund			\$845,000		\$845,000
Miscellaneous Revenue Fund			540,000		540,000
Parks and Recreation Expendable Trust Fund			1,000,000		1,000,000
Federal Grant Fund			<u>80,000</u>		<u>80,000</u>
TOTAL			\$2,465,000		\$2,465,000
GRAND TOTAL	\$12,048,200	\$7,126,000	\$4,185,200	\$13,086,800	\$36,446,200

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Parks and Recreation is authorized no more than one hundred sixty-four and five-tenths (164.5) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. Notwithstanding Section 67-3511(2), Idaho Code, the trustee and benefit payments in the Management Services Program may be transferred to the Capital Development Program to reflect project grants awarded to the Department of Parks and Recreation.

SECTION 4. Unexpended and unencumbered capital outlay balances in the Capital Development Program for fiscal year 2009, are hereby reappropriated for capital outlay in that program for the period July 1, 2009, through June 30, 2010.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 6. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 298
(H.B. No. 332)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; CLARIFYING THE APPROPRIATION FOR THE PORTFOLIO INVESTMENT PROGRAM; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Public Employee Retirement System the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. RETIREMENT ADMINISTRATION:				
FROM:				
PERSI Administrative Fund	\$3,321,800	\$2,938,100	\$102,100	\$6,362,000
II. PORTFOLIO INVESTMENT:				
FROM:				
PERSI Special Fund	\$575,500	\$256,000	\$20,000	\$851,500
GRAND TOTAL	\$3,897,300	\$3,194,100	\$122,100	\$7,213,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Public Employee Retirement System is authorized no more than sixty-five (65) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. Notwithstanding Section 59-1311(4)(d), Idaho Code, moneys appropriated in Section 1 of this act for the Portfolio Investment Program are for administrative costs of the Portfolio Investment Program as provided in Section 59-1311(3), Idaho Code. Amounts necessary to pay all other investment expenses related to the Portfolio Investment Program are perpetually appropriated to the Public Employee Retirement System Board as provided in Section 59-1311(4)(a), (b) and (c), Idaho Code.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 5. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all

salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 299
(H.B. No. 333)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING A CASH TRANSFER; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2010; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Fish and Game the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
Fish and Game (Licenses) Fund	\$3,412,600	\$1,655,400	\$1,058,600	\$50,000	\$6,176,600
Fish and Game (Other) Fund	16,400	12,900			29,300
Fish and Game Set-aside (Licenses) Fund	200	39,000			39,200
Fish and Game Set-Aside (Other) Fund	16,600	20,100			36,700
Expendable Big Game Depredation Fund		2,900			2,900
Fish and Game Expendable Trust Fund		9,200			9,200
Fish and Game Nonexpendable Trust Fund		3,600			3,600
Fish and Game (Federal) Fund	<u>4,015,500</u>	<u>2,949,700</u>	<u>11,300</u>		<u>6,976,500</u>
TOTAL	\$7,461,300	\$4,692,800	\$1,069,900	\$50,000	\$13,274,000
II. ENFORCEMENT:					
FROM:					
Fish and Game (Licenses) Fund	\$7,127,000	\$2,049,700	\$163,100		\$9,339,800
Fish and Game (Other) Fund	130,700	24,000			154,700
Fish and Game Set-Aside (Other) Fund		20,600			20,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Fish and Game Expendable Trust Fund		<u>26,400</u>			<u>26,400</u>
TOTAL	\$7,257,700	\$2,120,700	\$163,100		\$9,541,500
III. FISHERIES:					
FROM:					
Fish and Game (Licenses) Fund	\$3,324,300	\$2,027,100	\$223,200		\$5,574,600
Fish and Game (Other) Fund	1,453,600	893,900			2,347,500
Fish and Game Set-aside (Licenses) Fund	186,200	246,300			432,500
Fish and Game Set-Aside (Other) Fund	80,700	30,700			111,400
Fish and Game Expendable Trust Fund	89,500	61,100			150,600
Fish and Game Nonexpendable Trust Fund		33,400			33,400
Fish and Game (Federal) Fund	<u>10,726,500</u>	<u>5,572,100</u>	<u>1,095,000</u>		<u>17,393,600</u>
TOTAL	\$15,860,800	\$8,864,600	\$1,318,200		\$26,043,600
IV. WILDLIFE:					
FROM:					
Fish and Game (Licenses) Fund	\$3,652,800	\$3,486,600	\$118,500		\$7,257,900
Fish and Game (Other) Fund	317,000	594,800			911,800
Fish and Game Set-Aside (Other) Fund	599,500	332,100			931,600
Fish and Game Expendable Trust Fund	382,800	300,200	6,400		689,400
Fish and Game Nonexpendable Trust Fund	10,600	2,300			12,900
Fish and Game (Federal) Fund	<u>3,730,100</u>	<u>2,183,500</u>	<u>45,700</u>		<u>5,959,300</u>
TOTAL	\$8,692,800	\$6,899,500	\$170,600		\$15,762,900
V. COMMUNICATIONS:					
FROM:					
Fish and Game (Licenses) Fund	\$1,491,300	\$420,100	\$36,100		\$1,947,500
Fish and Game (Other) Fund	84,500	131,300	95,000		310,800
Fish and Game Set-Aside (Other) Fund	114,900	37,200			152,100
Fish and Game Expendable Trust Fund	14,200	6,100			20,300
Fish and Game (Federal) Fund	<u>703,100</u>	<u>223,400</u>			<u>926,500</u>
TOTAL	\$2,408,000	\$818,100	\$131,100		\$3,357,200
VI. ENGINEERING:					
FROM:					
Fish and Game (Licenses) Fund	\$844,300	\$72,800	\$6,800		\$923,900
VII. WINTER FEEDING AND HABITAT IMPROVEMENT:					
FROM:					
Fish and Game (Licenses) Fund	\$603,700	\$585,200	\$11,400	\$174,800	\$1,375,100
Fish and Game (Other) Fund	133,800	16,300			150,100
Fish and Game Set-aside (Licenses) Fund	57,200	1,329,800	5,000		1,392,000
Fish and Game Set-Aside (Other) Fund	68,700	5,400			74,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Expendable Big Game Depredation Fund				600,000	600,000
Fish and Game (Federal) Fund	<u>664,100</u>	<u>209,500</u>			<u>873,600</u>
TOTAL	\$1,527,500	\$2,146,200	\$16,400	\$774,800	\$4,464,900
GRAND TOTAL	\$44,052,400	\$25,614,700	\$2,876,100	\$824,800	\$73,368,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Fish and Game is authorized no more than five hundred twenty-eight (528) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. CASH TRANSFER. Section 36-111(c), Idaho Code, states that moneys in the feeding account shall not be used for any purpose other than winter feeding until the total funds in the account, including any interest earnings thereon, equal or exceed four hundred thousand dollars (\$400,000). In accordance with the provisions of Section 36-111(c), Idaho Code, the Department of Fish and Game shall transfer \$200,000 from the Big Game Winter Feeding Set-aside Fund to the Winter Depredation Control Set-aside Fund as soon as practicable. Such moneys may be used for the control of depredation of private property by antelope, elk and deer and control of predators affecting antelope, elk and deer.

SECTION 4. In addition to the appropriation made in Section 1, there is hereby appropriated to the Department of Fish and Game the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. FISHERIES:			
FROM:			
Fish and Game (Licenses) Fund	\$525,000	\$175,000	\$700,000
Fish and Game (Federal) Fund	<u>525,000</u>	<u>525,000</u>	<u>1,050,000</u>
TOTAL	\$1,050,000	\$700,000	\$1,750,000
II. WILDLIFE:			
FROM:			
Fish and Game (Licenses) Fund	\$350,000		\$350,000
III. COMMUNICATIONS:			
FROM:			
Fish and Game (Licenses) Fund	\$12,000		\$12,000
GRAND TOTAL	\$1,412,000	\$700,000	\$2,112,000

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citi-

zens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 6. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 6 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 300
(H.B. No. 335)

AN ACT

RELATING TO UNEMPLOYMENT BENEFITS; AMENDING SECTION 72-1367A, IDAHO CODE, TO PROVIDE FOR A STATE "ON" INDICATOR RELATING TO THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, TO PROVIDE CRITERIA, TO REVISE PROVISIONS RELATING TO A STATE "OFF" INDICATOR, TO PROVIDE AN ADDITIONAL CRITERION FOR A STATE "OFF" INDICATOR, TO REVISE A DEFINITION, TO PROVIDE FOR TOTAL EXTENDED BENEFIT AMOUNTS IN HIGH UNEMPLOYMENT PERIODS, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-1367A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1367A. EXTENDED BENEFITS. The extended benefits program shall be administered pursuant to the provisions of this section.

(1) Definitions. As used in this section, unless the context clearly requires otherwise:

(a) "Extended benefit period" means a period which:

(i) Begins with the third week after a week for which there is a state "on" indicator; and

(ii) Ends with either of the following weeks, whichever occurs later:

1. The third week after the first week for which there is a state "off" indicator; or
2. The thirteenth consecutive week of such period; provided, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

(b) (i) There is a state "on" indicator for any week if the director determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment (not seasonally adjusted):

- ~~(i)~~1. Equaled or exceeded one hundred twenty percent (120%) of the average of such rates for the corresponding thirteen (13) week period ending in each of the preceding two (2) calendar years and equaled or exceeded five percent (5%); or
- ~~(ii)~~2. Equaled or exceeded six percent (6%).

(ii) With respect to weeks of unemployment beginning on or after February 1, 2009, and ending four (4) weeks prior to the last week for which federal sharing is authorized by section 2005(a) ("full federal funding of extended unemployment compensation for a limited period") of division B, title II, the assistance for unemployed workers and struggling families act, of the American recovery and reinvestment act of 2009, public law 111-5, as amended, there is a state "on" indicator for any week if the director determines, in accordance with the regulations of the United States secretary of labor that:

1. The average rate of seasonally adjusted total unemployment, as determined by the United States secretary of labor, for the period consisting of the most recent three (3) months for which data for all states are published before the close of such week equals or exceeds six and five-tenths percent (6.5%); and
2. The average rate of seasonally adjusted total unemployment in the state, as determined by the United States secretary of labor, for the three (3) month period referred to in subsection (1)(b)(ii)1. equals or exceeds one hundred ten percent (110%) of such average for either or both of the corresponding three (3) month periods ending in the two (2) preceding calendar years.

(c) There is a state "off" indicator for any week if the director determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve (12) weeks, ~~the rate of insured unemployment (not seasonally adjusted):~~

- (i) Was The rate of insured unemployment (not seasonally adjusted) was less than six percent (6%) and was less than one hundred twenty percent (120%) of the average of such rates for the corresponding thirteen (13) week period ending in each of the preceding two (2) calendar years; or
- (ii) Was The rate of insured unemployment (not seasonally adjusted) was less than five percent (5%); or
- (iii) The option specified in subsection (1)(b)(ii) does not result in an "on" indicator.

(d) "Rate of insured unemployment," for purposes of paragraphs (b) and (c) of this subsection, means the percentage derived by dividing:

- (i) The average weekly number of individuals filing claims for regular compensation in this state for weeks of unemployment for the most recent thirteen (13) consecutive week period, as determined by the director on the basis of his reports to the United States secretary of labor; by
- (ii) The average monthly employment covered under this chapter for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such thirteen (13) week period.
- (e) "Regular benefits" means benefits payable to an individual under this chapter or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits.
- (f) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) payable to an individual under the provisions of this section for weeks of unemployment in his eligibility period.
- (g) "Eligibility period" of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period. Eligibility period of an individual also means the period consisting of weeks which begin in his extended benefit period, without regard to his benefit year end date, if the individual qualifies for one hundred percent (100%) federally financed federal-state extended benefits and the one hundred percent (100%) federally financed federal-state extended benefit payment period began on or before the individual exhausted his rights to benefits under the federal emergency unemployment compensation program of 2008.
- (h) "Exhaustee" means an individual who, with respect to any week of unemployment in his eligibility period:
- (i) Has received, prior to such week, all of the regular benefits that were available to him under this chapter or any regular or extended benefits available to him under any other state law (including benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his current benefit year that includes such week; provided that for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or
- (ii) His benefit year having expired prior to such week, has no or insufficient wages on the basis of which he could establish a new benefit year that would include such week; and
- (iii) Has no right to unemployment benefits or allowances under the railroad unemployment insurance act and such other federal laws as are specified in regulations issued by the United States secretary of labor; and has not received and is not seeking unemployment benefits under the unemployment insurance law of Canada; but if he is seeking such benefits and the appropriate agency determines that he is not entitled to benefits under such law he is considered an exhaustee.
- (i) "State law" means the unemployment insurance law of any state approved by the United States secretary of labor under section 3304 of the Internal Revenue Code of 1954.
- (j) For purposes of this section only, the term "suitable work" means, with respect to any individual, any work which is within such individ-

ual's capabilities; except that, if the individual furnishes evidence satisfactory to the department that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work with respect to such individual shall be made in accordance with applicable state law.

(2) Effect of state law provisions relating to regular benefits on claims for, and the payment of, extended benefits. Except when the result would be inconsistent with the other provisions of this section, the provisions of this chapter which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(3) Eligibility requirements for extended benefits. An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the director finds that with respect to such week:

(a) The claimant is an "exhaustee" as defined in subsection (1) (h) of this section;

(b) The claimant has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipt of benefits;

(c) The claimant has had twenty (20) weeks of full-time employment for covered employers during his base period, or earned wages for services performed for covered employers during his base period equal to at least one and one-half (1 1/2) times his high quarter wages, or has earned wages for services performed for covered employers during his base period equal to at least forty (40) times his most recent weekly benefit amount.

(d) (i) Notwithstanding the provisions of this section, payment of extended benefits under this chapter shall not be made to any individual for any week of unemployment in his eligibility period:

1. During which he fails to accept any offer of suitable work, as defined in subsection (1) (j) of this section, or fails to apply for any suitable work to which he was referred; or

2. During which he fails to actively engage in seeking work.

(ii) If any individual is ineligible for extended benefits for any week by reason of a failure described in subsection (3) (d) (i) 1. or (3) (d) (i) 2. of this section, the individual shall be ineligible to receive extended benefits for any week which begins during a period which:

1. Begins with the week following the week in which such failure occurs; and

2. Does not end until such individual has been employed during at least four (4) weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than the product of four (4) multiplied by the individual's average weekly benefit amount.

(iii) Extended benefits shall not be denied under subsection (3) (d) (i) 1. of this section to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work:

1. If the gross average weekly remuneration payable to such individual for the position does not exceed the sum of:

(A) The individual's average weekly benefit amount, as determined for purposes of subsection (b) (1) (C) of section 202 of the federal-state extended unemployment compensation act of 1970, for his benefit year; plus

- (B) The amount, if any, of supplemental unemployment compensation benefits, as defined in section 501 (c) (17) (D) of the Internal Revenue Code of 1954, payable to such individual for such week.
2. If the position was not offered to such individual in writing or was not listed with the department;
3. If such failure would not result in a denial of benefits under the provisions of this chapter to the extent that such provisions are not inconsistent with the provisions of subsections (1) (j) and (3) (d) (iv) of this section; or
4. If the position pays wages less than the higher of:
- (A) The minimum wage provided by section 6 (a) (1) of the fair labor standards act of 1938, without regard to any exemption; or
- (B) Any applicable state or local minimum wage.
- (iv) For purposes of this paragraph, an individual shall be treated as actively engaged in seeking work during any week if:
1. The individual has engaged in a systematic and sustained effort to obtain work during such week; and
2. The individual provides tangible evidence to the department that he has engaged in such an effort during such week.
- (v) For purposes of this section only, the department shall refer applicants for extended benefits to any suitable work to which paragraphs 1., 2., 3. and 4. of subsection (3) (d) (iii) of this section would not apply.
- (4) (a) Except as provided in paragraph (b) of this subsection, payment of extended benefits shall not be made to any individual for any week if:
- (i) Extended benefits would, but for this subsection have been payable for such week pursuant to an interstate claim filed in any state under the interstate benefit payment plan; and
- (ii) An extended benefit period is not in effect for such week in such state.
- (b) Paragraph (a) of this subsection shall not apply with respect to the first two (2) weeks for which extended benefits are payable, determined without regard to this subsection, pursuant to an interstate claim filed under the interstate benefit payment plan to the individual from the extended benefits account established for the benefit year.
- (c) Section 3304 (a) (9) (A) of the Internal Revenue Code of 1954 shall not apply to any denial of benefits required under this subsection.
- (5) Weekly extended benefit amount. The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.
- (6) (a) Total extended benefit amount. The total extended benefit amount payable to an eligible individual with respect to his applicable benefit year shall be the least of the following amounts:
- (~~a~~i) Fifty percent (50%) of the total amount of regular benefits which were payable to him under this chapter in his applicable benefit year;
- (~~b~~ii) Thirteen (13) times his weekly benefit amount which was payable to him under this chapter for a week of total unemployment in the applicable benefit year;
- (~~e~~iii) Provided that the amount so determined shall be reduced by the total amount of extended benefits paid, or being paid, to the individual for weeks of extended unemployment in the individual's benefit year which began prior to the effective date of the federal-state extended benefit period which is current in the week for which the individual first claims such benefits.

~~(d)~~ Notwithstanding any other provisions of this chapter, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such individual would, but for the provisions of this section, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced, but not below zero, by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.

(b) (i) Effective with respect to weeks beginning in a high unemployment period, subsection (6) (a) of this section shall be applied by substituting:

1. "Eighty percent (80%)" for "fifty percent (50%)" in subsection (6) (a) (i) of this section; and

2. "Twenty (20)" for "thirteen (13)" in subsection (6) (a) (ii) of this section.

(ii) For purposes of subsection (6) (b) (i) of this section, the term "high unemployment period" means any period during which an extended benefit period would be in effect if subsection (1) (b) (ii) were applied by substituting "eight percent (8%)" in subsection (1) (b) (ii) 1. for "six and five-tenths percent (6.5%)."

(7) (a) Beginning and termination of extended benefit period. Whenever an extended benefit period is to become effective in this state as a result of a state "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator, the director shall make a public announcement.

(b) Computations required by the provisions of subsection (1) (d) of this section shall be made by the director, in accordance with regulations prescribed by the United States secretary of labor.

(8) Notwithstanding any other provisions of this chapter, none of the benefits paid pursuant to the provisions of this section shall be charged to an employer's account for purposes of experience rating.

(9) Whenever a program of unemployment benefits becomes available that is financed entirely by the federal government, and such program will not allow payments to individuals who are entitled to extended benefits pursuant to this section, the governor may, by executive order, trigger off an extended benefit period as defined in subsection (1) (a) of this section in order to provide payment of such federal benefits to individuals who have exhausted their right to regular benefits. When the federal benefits are exhausted, or if the director determines that payment of extended benefits would be more economically advantageous to the state of Idaho, the governor shall, by executive order, trigger extended benefits on if the criteria of subsection (1) (b) of this section are otherwise met.

(10) Until conformity with the federal-state extended unemployment compensation act of 1970 requires otherwise, the eligibility requirements in subsections (1) (j) and (3) (d) of this section are suspended. Except where inconsistent with the provisions of this section, the eligibility requirements of section 72-1366, Idaho Code, applicable to claims for regular benefits shall apply in lieu of the suspended provisions.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved May 7, 2009.

CHAPTER 301
(H.B. No. 341)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Water Resources the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:				
FROM:				
General Fund	\$885,500	\$781,100		\$1,666,600
Indirect Cost Recovery Fund	300,400	140,400		440,800
Water Administration Fund	<u>44,100</u>	<u>21,900</u>		<u>66,000</u>
TOTAL	\$1,230,000	\$943,400		\$2,173,400
II. PLANNING AND TECHNICAL SERVICES:				
FROM:				
General Fund	\$2,305,600	\$671,700	\$602,700	\$3,580,000
Indirect Cost Recovery Fund	67,500	18,300		85,800
Aquifer Planning and Management Fund	345,100	2,404,500		2,749,600
Miscellaneous Revenue Fund		381,600		381,600
Federal Grant Fund	<u>379,400</u>	<u>2,088,400</u>		<u>2,467,800</u>
TOTAL	\$3,097,600	\$5,564,500	\$602,700	\$9,264,800
III. WATER MANAGEMENT:				
FROM:				
General Fund	\$4,552,100	\$2,149,200		\$6,701,300
Indirect Cost Recovery Fund	51,500	7,700		59,200
Water Administration Fund	1,111,800	991,800		2,103,600
Miscellaneous Revenue Fund	661,300	246,800		908,100
Federal Grant Fund	<u>261,600</u>	<u>195,100</u>		<u>456,700</u>
TOTAL	\$6,638,300	\$3,590,600		\$10,228,900
IV. NORTHERN IDAHO ADJUDICATION:				
FROM:				
General Fund	\$219,600	\$205,700		\$425,300
GRAND TOTAL	\$11,185,500	\$10,304,200	\$602,700	\$22,092,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred sixty-five (165) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 302
(H.B. No. 342)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Insurance the following amounts to be expended for the designated programs according

to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. INSURANCE REGULATION:					
FROM:					
Self-Governing Operating Fund	\$3,719,800	\$2,187,700	\$81,400		\$5,988,900
Federal Grant Fund	<u>152,300</u>	<u>80,900</u>	<u> </u>	<u>\$8,000</u>	<u>241,200</u>
TOTAL	\$3,872,100	\$2,268,600	\$81,400	\$8,000	\$6,230,100
II. STATE FIRE MARSHAL:					
FROM:					
Self-Governing State Fire Marshal Fund	\$678,700	\$350,800	\$11,000		\$1,040,500
GRAND TOTAL	\$4,550,800	\$2,619,400	\$92,400	\$8,000	\$7,270,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Insurance is authorized no more than seventy-five (75) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that

all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 303
(H.B. No. 343)

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; DIRECTING COMMISSIONER SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Industrial Commission the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMPENSATION:					
FROM:					
Industrial Administration Fund	\$2,785,600	\$1,315,900	\$54,200	\$1,103,100	\$5,258,800
Peace Officer and Detention Officer Temporary Disability Fund	22,700	3,800		160,000	186,500
Miscellaneous Revenue Fund		35,500			35,500
Federal Grant Fund	<u>2,700</u>	<u>2,400</u>			<u>5,100</u>
TOTAL	\$2,811,000	\$1,357,600	\$54,200	\$1,263,100	\$5,485,900
II. REHABILITATION:					
FROM:					
Industrial Administration Fund	\$2,835,000	\$741,300	\$64,500		\$3,640,800
III. CRIME VICTIMS COMPENSATION:					
FROM:					
Crime Victims Compensation Fund	\$676,100	\$290,200	\$12,100	\$3,717,900	\$4,696,300
Federal Grant Fund				<u>1,198,800</u>	<u>1,198,800</u>
TOTAL	\$676,100	\$290,200	\$12,100	\$4,916,700	\$5,895,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. ADJUDICATION:					
FROM:					
Industrial Administration Fund	\$1,580,300	\$568,300	\$33,400		\$2,182,000
GRAND TOTAL	\$7,902,400	\$2,957,400	\$164,200	\$6,179,800	\$17,203,800

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Industrial Commission is authorized no more than one hundred forty-one and one-half (141.5) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. COMMISSIONER SALARY REDUCTIONS. Notwithstanding the provisions of Section 61-215, Idaho Code, the salaries for the Industrial Commissioners shall be \$87,020 for the period July 1, 2009, through June 30, 2010.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Sections 4 and 5 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 304
(H.B. No. 347)

AN ACT

APPROPRIATING MONEYS TO THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Commission on the Arts the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund	\$336,900	\$137,700	\$313,000	\$787,600
American Reinvestment Fund		40,000	253,000	293,000
Miscellaneous Revenue Fund		85,900	16,300	102,200
Federal Grant Fund	<u>278,600</u>	<u>108,800</u>	<u>400,200</u>	<u>787,600</u>
TOTAL	\$615,500	\$372,400	\$982,500	\$1,970,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Commission on the Arts is authorized no more than eleven (11) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer

of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act, and moneys appropriated from the American Recovery and Reinvestment Act Fund shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 305
(H.B. No. 348)

AN ACT

APPROPRIATING MONEYS FOR THE MILITARY DIVISION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; GRANTING A CONTINUOUS APPROPRIATION FOR THE BUREAU OF HOMELAND SECURITY'S MISCELLANEOUS REVENUE FUND FOR FISCAL YEAR 2010; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Military Division the following amounts to be expended for the following programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MILITARY MANAGEMENT:					
FROM:					
General Fund	\$1,675,600	\$372,900		\$122,200	\$2,170,700
Indirect Cost Recovery Fund	115,500	220,700			336,200
Miscellaneous Revenue Fund		115,900			115,900
Federal Grant Fund		<u>167,200</u>			<u>167,200</u>
TOTAL	\$1,791,100	\$876,700		\$122,200	\$2,790,000
II. FEDERAL/STATE AGREEMENTS:					
FROM:					
General Fund	\$711,000	\$837,600			\$1,548,600
Federal Grant Fund	<u>10,805,600</u>	<u>14,387,700</u>			<u>25,193,300</u>
TOTAL	\$11,516,600	\$15,225,300			\$26,741,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. BUREAU OF HOMELAND SECURITY:					
FROM:					
General Fund Administration and Accounting Services Fund	\$1,413,100	\$204,200			\$1,617,300
Federal Grant Fund	1,577,100	1,118,300	\$28,800		2,724,200
	<u>1,836,300</u>	<u>6,208,800</u>	<u> </u>	<u>\$14,937,900</u>	<u>22,983,000</u>
TOTAL	\$4,826,500	\$7,531,300	\$28,800	\$14,937,900	\$27,324,500
GRAND TOTAL	\$18,134,200	\$23,633,300	\$28,800	\$15,060,100	\$56,856,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Military Division is authorized no more than two hundred thirty-seven and eight-tenths (237.8) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. The Military Division is hereby granted continuous appropriation authority for the Bureau of Homeland Security's Miscellaneous Revenue Fund for the period July 1, 2009, through June 30, 2010, for the purpose of covering incurred costs arising out of hazardous substance incidents.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 5. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that

all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 306
(H.B. No. 349)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON THE BUSINESS AND JOBS DEVELOPMENT FUND; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Commerce the following amounts from the listed funds to be expended according to the designated expense classes for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	\$2,296,800	\$1,252,000		\$1,050,000	\$4,598,800
Business & Jobs Development Fund				320,000	320,000
Tourism and Promotion Fund	652,800	3,911,900	\$2,800	3,764,900	8,332,400
Miscellaneous Revenue Fund	123,100	157,500			280,600
Seminars and Publications Fund		378,400			378,400
Federal Grant Fund	<u>484,600</u>	<u>252,300</u>	<u>2,800</u>	<u>15,620,800</u>	<u>16,360,500</u>
TOTAL	\$3,557,300	\$5,952,100	\$5,600	\$20,755,700	\$30,270,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Commerce is authorized no more than fifty-six (56) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature that the Director of the Department of Commerce has the flexibility to utilize funding from the Business and Jobs Development Fund for the purpose of implementing Project 60 or the current use of the Business and Jobs Development Fund. Furthermore, job creation should be the first priority of this funding.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 5. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 307
(H.B. No. 350)

AN ACT

APPROPRIATING MONEYS TO THE SOIL CONSERVATION COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Soil Conservation Commission in the Department of Agriculture the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund	\$1,498,400	\$662,700	\$1,785,200	\$3,946,300
Resource Conservation and Rangeland Development Fund		101,600		101,600
Clean Water Revolving Loan (SCC) Fund		30,000		30,000
Federal Grant Fund	<u>190,200</u>	<u>245,000</u>	<u>76,400</u>	<u>511,600</u>
TOTAL	\$1,688,600	\$1,039,300	\$1,861,600	\$4,589,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Soil Conservation Commission is authorized no more than twenty-four (24) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 308
(H.B. No. 351)

AN ACT

APPROPRIATING MONEYS AND DIRECTING A TRANSFER OF FUNDS TO THE STATE INDEPENDENT LIVING COUNCIL FUND FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE IDAHO STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2010; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$113,800 from the General Fund to the State Independent Living Council Fund for the period July 1, 2009, through June 30, 2010.

SECTION 2. There is hereby appropriated to the State Independent Living Council, the following amounts to be expended from the listed funds for the period July 1, 2009, through June 30, 2010:

FROM:

State Independent Living Council (Gen) Fund	\$113,800
State Independent Living Council (Ded) Fund	214,100
American Reinvestment Fund	94,900
State Independent Living Council (Fed) Fund	<u>947,800</u>
TOTAL	\$1,370,600

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 309
(H.B. No. 352)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Idaho Commission on Hispanic Affairs the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund	\$95,600	\$11,200		\$106,800
Miscellaneous Revenue Fund	48,400	38,800		87,200
Federal Grant Fund	<u>47,000</u>	<u>43,700</u>	<u>\$19,200</u>	<u>109,900</u>
TOTAL	\$191,000	\$93,700	\$19,200	\$303,900

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho Commission on Hispanic Affairs is authorized no more than three (3) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the

Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 310
(H.B. No. 353)

AN ACT

APPROPRIATING MONEYS AND DIRECTING A TRANSFER OF FUNDS TO THE PUBLIC HEALTH TRUST FUND FOR FISCAL YEAR 2010; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer \$9,305,100 from the General Fund to the Public Health Trust Fund for the period July 1, 2009, through June 30, 2010.

SECTION 2. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 3. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all

salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Section 3 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 311
(H.B. No. 371)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR FISCAL YEAR 2010; AND EXPRESSING LEGISLATIVE INTENT REGARDING A REVIEW OF THE PUPIL TRANSPORTATION PROGRAM.

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

SECTION 1. Notwithstanding the provisions of Sections 33-907, 33-1018, 33-1018A and 33-1018B, Idaho Code, and in addition to the appropriation made in Section 1, of House Bill No. 312, as enacted by the First Regular Session of the Sixtieth Idaho Legislature, there is hereby appropriated to the Superintendent of Public Instruction for operating expenditures the sum of \$20,000 from the Public Education Stabilization Fund for the period July 1, 2009, through June 30, 2010.

SECTION 2. As appropriated in Section 1 of this act, it is the intent of the Legislature that the Superintendent of Public Instruction coordinate a review of the pupil transportation programs in Idaho. The review shall include, but not be limited to, an analysis of expenditures, statutes, and rules and include participation by school district representatives. Outcomes should focus on opportunities and incentives to operate cost-effective and safe public school busing operations, and any required changes to Idaho Code. Results of the review shall be presented to the germane committees and the Joint Finance-Appropriations Committee during the 2010 legislative session.

Approved May 7, 2009.

CHAPTER 312
(S.B. No. 1152)

AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-802, IDAHO CODE, TO PROVIDE THAT WORKER'S COMPENSATION BENEFITS PAYABLE TO A RESIDENT OF THIS STATE UNDER THE WORKER'S COMPENSATION LAWS OF ANY OTHER STATE SHALL NOT BE ASSIGNABLE AND SHALL BE EXEMPT FROM EXECUTION WITH EXCEPTIONS.

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

SECTION 1. That Section 72-802, Idaho Code, be, and the same is hereby amended to read as follows:

72-802. COMPENSATION NOT ASSIGNABLE -- EXEMPT FROM EXECUTION. No claims for compensation under this law, including compensation payable to a resident of this state under the worker's compensation laws of any other state, shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors, except the restrictions under this section shall not apply to enforcement of an order of any court for the support of any person by execution, garnishment or wage withholding under chapter 12, title 7, Idaho Code.

Approved May 7, 2009.

CHAPTER 313
(S.B. No. 1216)

AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Secretary of State the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. SECRETARY OF STATE:			
FROM:			
General Fund	\$1,692,000	\$319,600	\$2,011,600
II. COMMISSION ON UNIFORM LAWS:			
FROM:			
General Fund		36,600	36,600
GRAND TOTAL	\$1,692,000	\$356,200	\$2,048,200

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of the Secretary of State is authorized no more than thirty (30) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and

agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 314

(S.B. No. 1232, As Amended)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-106, IDAHO CODE, TO CLARIFY APPLICATION OF CERTAIN PROVISIONS, TO STRIKE ARCHAIC VERBIAGE, TO REVISE CERTAIN RESTRICTIONS, TO PROVIDE THAT THE DEPARTMENT OF FISH AND GAME SHALL TAKE SPECIFIED ACTION RELATING TO THE RELOCATION OF BIGHORN SHEEP, TO STATE A POLICY OF THE STATE OF IDAHO, TO PROVIDE FOR CERTAIN WRITTEN AGREEMENTS PRIOR TO SPECIFIED TRANSPLANT OR RELOCATION OF BIGHORN SHEEP, TO PROVIDE FOR THE DEVELOPMENT OF A STATE MANAGEMENT PLAN BY THE DEPARTMENT, TO PROVIDE FOR THE DEVELOPMENT OF BEST MANAGEMENT PRACTICES WITH CERTAIN PERMITTEES, TO PROVIDE FOR CERTAIN CERTIFICATION BY THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME AND TO DELETE REFERENCE TO PROVISIONS RELATING TO THE EMPLOYMENT OF CERTAIN VETERINARIANS BY THE DEPARTMENT OF AGRICULTURE; AMENDING SECTION 36-408, IDAHO CODE, TO DELETE REFERENCE TO A CERTAIN VETERINARIAN PROGRAM AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 36-106, Idaho Code, be, and the same is hereby amended to read as follows:

36-106. DIRECTOR OF DEPARTMENT OF FISH AND GAME. (a) Office of Director Created. The commission shall appoint a director of the department of fish and game, hereinafter referred to as the director, who shall be a person

with knowledge of, and experience in, the requirements for the protection, conservation, restoration, and management of the wildlife resources of the state. The director shall not hold any other public office, nor any office in any political party organization, and shall devote his entire time to the service of the state in the discharge of his official duties, under the direction of the commission.

(b) Secretary to Commission. The director or his designee shall serve as secretary to the commission.

(c) Compensation and Expenses. The director shall receive such compensation as the commission, with the concurrence and approval of the governor, may determine and shall be reimbursed at the rate provided by law for state employees for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties.

(d) Oath and Bond. Before entering upon the duties of his office, the director shall take and subscribe to the official oath of office, as provided by section 59-401, Idaho Code, and shall, in addition thereto, swear and affirm that he holds no other public office, nor any position under any political committee or party. Such oath, or affirmation, shall be signed in the office of the secretary of state.

The director shall be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code.

(e) Duties and Powers of Director.

1. The director shall have general supervision and control of all activities, functions, and employees of the department of fish and game, under the supervision and direction of the commission, and shall enforce all the provisions of the laws of the state, and rules and proclamations of the commission relating to wild animals, birds, and fish and, further, shall perform all the duties prescribed by section 67-2405, Idaho Code, and other laws of the state not inconsistent with this act, and shall exercise all necessary powers incident thereto not specifically conferred on the commission.

2. The director is hereby authorized to appoint as many classified employees as the commission may deem necessary to perform administrative duties, to enforce the laws and to properly implement management, propagation, and protection programs established for carrying out the purposes of the Idaho fish and game code.

3. The appointment of such employees shall be made by the director in accordance with chapter 53, title 67, Idaho Code, and rules promulgated pursuant thereto, and they shall be compensated as provided therein. Said employees shall be bonded to the state of Idaho in the time, form, and manner prescribed by chapter 8, title 59, Idaho Code.

4. The director is hereby authorized to establish and maintain fish hatcheries for the purpose of hatching, propagating, and distributing all kinds of fish.

5. (A) The director, or any person appointed by him in writing to do so, may take wildlife of any kind, dead or alive, or import the same, subject to such conditions, restrictions and rules as he may provide, for the purpose of inspection, cultivation, propagation, distribution, scientific or other purposes deemed by him to be of interest to the fish and game resources of the state.

(B) The director shall have supervision over all of the matters pertaining to the inspection, cultivation, propagation and distribution of the wildlife propagated under the provisions of title 36, Idaho Code. He shall also have the power and authority to obtain, by purchase or otherwise, wildlife of any kind or variety which he may deem most suitable for distribution in the state and may have the same properly cared for and distributed throughout the state of Idaho as he may deem necessary.

(C) The director is hereby authorized to issue a license/tag/permit to a nonresident landowner who resides in a contiguous state for the purpose of taking one (1) animal during an emergency depredation hunt which includes the landowner's Idaho property subject to such conditions, restrictions or rules as the director may provide. The fee for this license/tag/permit shall be equal to the costs of a resident hunting license, a resident tag fee and a resident depredation permit.

(D) Unless relocation is required pursuant to subparagraph (E) herein, notwithstanding the provisions of section 36-408, Idaho Code, to the contrary, ~~on and after the effective date of this act,~~ the director shall not expend any funds, or take any action, or authorize any employee or agent of the department or other person to take any action, to undertake actual transplants of bighorn sheep into areas they do not now inhabit ~~or to augment the number of bighorn sheep in existing herds~~ for the purpose of augmenting existing populations until:

(i) The boards of county commissioners of the counties in which the release is proposed to take place have been given reasonable notice of the proposed release.

(ii) The affected federal and state land grazing permittees and owners or leaseholders of private land in or contiguous to the proposed release site have been given reasonable notice of the proposed release.

(iii) The president pro tempore of the senate and the speaker of the house of representatives have received from the director a plan for the forthcoming year that details, to the best of the department's ability, the proposed transplants which shall include the estimated numbers of bighorn sheep to be transplanted and a description of the areas the proposed transplant or transplants are planned for.

Upon request, the department shall grant one (1) hearing per transplant or relocation if any affected individual or entity expresses written concern within ten (10) days of notification regarding any transplants or relocations of bighorn sheep and shall take into consideration these concerns in approving, modifying or canceling any proposed bighorn sheep transplant or relocation. Any such hearing shall be held within thirty (30) days of the request. ~~Upon~~ It is the policy of the state of Idaho that existing sheep or livestock operations in the area of any bighorn sheep transplant or relocation are recognized and that the potential risk, if any, of disease transmission and loss of bighorn sheep when the same invade domestic livestock or sheep operations is accepted. Prior to any transplant or relocation of bighorn sheep into areas they do not now inhabit or a transplant or relocation ~~to augment~~ for the purpose of augmenting existing populations, the department shall provide for any affected federal or state land grazing permittees or owners or leaseholders of private land a written letter agreement signed by all federal, state and private entities responsible for the transplant or relocation stating that the existing sheep or livestock operations in the area of any such bighorn sheep transplant or relocation are recognized and that the potential risk, if any, of disease transmission and loss of bighorn sheep when the same invade domestic livestock or sheep operations is accepted.

(E) The Idaho department of fish and game: (1) shall develop a state management plan to maintain a viable, self-sustaining population of bighorn sheep in Idaho which shall consider as part of the plan the current federal or state domestic sheep grazing

allotment(s) that currently have any bighorn sheep upon or in proximity to the allotment(s); (2) within ninety (90) days of the effective date of this act will cooperatively develop best management practices with the permittee(s) on the allotment(s). Upon commencement of the implementation of best management practices, the director shall certify that the risk of disease transmission, if any, between bighorn and domestic sheep is acceptable for the viability of the bighorn sheep. The director's certification shall continue for as long as the best management practices are implemented. The director may also certify that the risk of disease transmission, if any, between bighorn and domestic sheep is acceptable for the viability of the bighorn sheep based upon a finding that other factors exist, including but not limited to previous exposure to pathogens that make separation between bighorn and domestic sheep unnecessary.

6. (A) The director shall have the power, at any time when it is desired to introduce any new species, or if at any time any species of wildlife of the state of Idaho shall be threatened with excessive shooting, trapping, or angling or otherwise, to close any open season or to reduce the bag limit or possession limit for such species for such time as he may designate; in the event an emergency is declared to exist such closure shall become effective forthwith upon written order of the director; in all other cases upon publication and posting as provided in section 36-105, Idaho Code.

(B) In order to protect property from damage by wildlife, the fish and game commission may delegate to the director or his designee the authority to declare an open season upon that particular species of wildlife to reduce its population. The director or his designee shall make an order embodying his findings in respect to when, under what circumstances, in which localities, by what means, and in what amounts, numbers and sex the wildlife subject to the hunt may be taken. In the event an emergency is declared to exist such open season shall become effective forthwith upon written order of the director or his designee; in all other cases upon publication and posting as provided in section 36-105, Idaho Code.

(C) Any season closure order issued under authority hereof shall be published in at least one (1) newspaper of general circulation in the area affected by the order for at least once a week for two (2) consecutive weeks, and such order shall be posted in public places in each county as the director may direct.

(D) During the closure of any open season or the opening of any special depredation season by the director all provisions of laws relating to the closed season or the special depredation season on such wildlife shall be in force and whoever violates any of the provisions shall be subject to the penalties prescribed therefor.

(E) Prior to the opening of any special depredation hunt, the director or his designee shall be authorized to provide up to a maximum of fifty percent (50%) of the available permits for such big game to the landholder(s) of privately owned land within the hunt area or his designees. If the landholder(s) chooses to designate hunters, he must provide a written list of the names of designated individuals to the department. If the landholder(s) fails to designate licensed hunters, then the department will issue the total available permits in the manner set by rule. All hunters must have a current hunting license and shall have equal access to both public and private lands within the hunt boundaries. It shall be unlawful for any landholder(s) to receive any form of compensation

from a person who obtains or uses a depredation controlled hunt permit.

7. The director shall make an annual report to the governor, the legislature, and the secretary of state, of the doings and conditions of his office, which report shall be made in accordance with section 67-2509, Idaho Code.

8. The director may sell or cause to be sold publications and materials in accordance with section 59-1012, Idaho Code.

9. Any deer, elk, antelope, moose, bighorn sheep or bison imported or transported by the department of fish and game shall be tested for the presence of certain communicable diseases that can be transmitted to domestic livestock. Those communicable diseases to be tested for shall be arrived at by mutual agreement between the department of fish and game and the department of agriculture. Any moneys expended by the department of fish and game on wildlife disease research shall be mutually agreed upon by the department of fish and game and the department of agriculture.

In addition, a comprehensive animal health program for all deer, elk, antelope, moose, bighorn sheep, or bison imported into, transported, or resident within the state of Idaho shall be implemented after said program is mutually agreed upon by the department of fish and game and the department of agriculture.

~~In order to enhance and protect the health of wildlife within the state, as well as safeguard the health of livestock resources, the director of the department of agriculture shall employ at least one (1) veterinarian licensed in Idaho whose duties shall include, but not be limited to, addressing wildlife disease issues and coordinating disease prevention work between the department of fish and game and the department of agriculture. The employing of said veterinarian shall be by mutual agreement of the director of the department of fish and game and of the director of the department of agriculture. The veterinarian shall be on the staff of the division of animal industries, department of agriculture. The salary or compensation to be paid said veterinarian or veterinarians shall be divided equally between the department of fish and game and the department of agriculture, and the department of fish and game's portion shall be deposited directly into the livestock disease control account. The veterinarian shall be employed on and after July 1, 1989.~~

10. In order to monitor and evaluate the disease status of wildlife and to protect Idaho's livestock resources, any suspicion by fish and game personnel of a potential communicable disease process in wildlife shall be reported within twenty-four (24) hours to the department of agriculture. All samples collected for disease monitoring or disease evaluation of wildlife shall be submitted to the division of animal industries, department of agriculture.

11. (A) The director is authorized to enter into an agreement with an independent contractor for the purpose of providing a telephone order and credit card payment service for controlled hunt permits, licenses, tags, and permits.

(B) The contractor may collect a fee for its service in an amount to be set by contract.

(C) All moneys collected for the telephone orders of such licenses, tags, and permits shall be and remain the property of the state, and such moneys shall be directly deposited by the contractor into the state treasurer's account in accordance with the provisions of section 59-1014, Idaho Code. The contractor shall furnish a good and sufficient surety bond to the state of Idaho in an amount sufficient to cover the amount of the telephone orders and potential refunds.

(D) The refund of moneys for unsuccessful controlled hunt permit applications and licenses, tags, and permits approved by the department may be made by the contractor crediting the applicant's or licensee's credit card account.

12. The director may define activities or facilities that primarily provide a benefit: to the department; to a person; for personal use; to a commercial enterprise; or for a commercial purpose.

SECTION 2. That Section 36-408, Idaho Code, be, and the same is hereby amended to read as follows:

36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS LIMITED -- OUTFITTERS SET-ASIDE. (1) Tags and Permits -- Method of Use. The commission is hereby authorized to prescribe the number and kind of wildlife that may be taken under authority of the several types of tags and permits provided for in this title, and the manner in which said tags and permits shall be used and validated.

(2) Limit -- Licenses, Tags or Permits -- Controlled Hunts. The commission is hereby authorized to establish a limit annually as to the number of each kind and class of licenses, tags, or permits to be sold or issued and is further authorized to limit the number or prohibit entirely, the participation by nonresidents in controlled hunts.

(3) Outfitters Set-aside. When the commission establishes a limit as to the number of nonresident deer tags and nonresident elk tags, it shall set aside annually a maximum of twenty-five percent (25%) of the nonresident deer tag and nonresident elk tag limit. The set-aside tags shall be sold pursuant to commission rule, only to persons that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

In order for a person to purchase any set-aside nonresident deer tag or nonresident elk tag, that person's outfitter must submit an application with the proper fees as required by the director. If any nonresident deer tags or nonresident elk tags set aside pursuant to this subsection are unsold by July 1 of the year in which they were set aside, they may be sold by the department to the general public who are nonresidents. The commission may promulgate all necessary rules to implement the provisions of this subsection.

(4) Deer and Elk Tag Allocation. If the commission limits the number of deer or elk tags available for use in any game management area, unit or zone, the commission may allocate by rule a number of deer or elk tags for use by hunters that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

(5) Special Game Tags. The commission is hereby authorized to issue two (2) special bighorn sheep tags per year.

(a) Auction bighorn sheep tag. One (1) special bighorn sheep tag shall be auctioned off by an incorporated nonprofit organization dedicated to wildlife conservation, selected by the commission. The tag shall be issued by the department of fish and game to the highest eligible bidder. No more than five percent (5%) of all proceeds for the tag may be retained by the organization. The tag to be issued pursuant to this subsection shall be taken from the nonresident bighorn sheep tag quota. The net proceeds shall be forwarded to the director for deposit in the fish and game expendable trust account and shall be used for bighorn sheep research and management purposes. Moneys raised pursuant to this subsection may not be used to transplant additional bighorn sheep into that portion of southwest Idaho south of the Snake River and west of U.S. highway no. 93, nor for litigation or environmental impact statements involving bighorn sheep. No transplants of bighorn sheep accomplished

with moneys raised pursuant to this subsection shall occur in any area until hearings are conducted in the area.

(b) Lottery bighorn sheep tag. The commission is also authorized to issue one (1) special bighorn sheep tag which will be disposed of by lottery. The lottery permit can be marketed by the department of fish and game or a nonprofit organization dedicated to wildlife conservation selected by the commission. The tag will be issued by the department of fish and game to an eligible person drawn from the lottery provided in this subsection. No more than twenty-five percent (25%) of gross revenue can be retained for administrative costs by the organization. All net proceeds for the tag disposed of by lottery pursuant to this subsection shall be remitted to the department and deposited in the fish and game expendable trust account. Moneys in the account from the lottery bighorn sheep tag shall be utilized by the department in solving problems between bighorn sheep and domestic sheep, solving problems between wildlife and domestic animals or improving relationships between sportsmen and private landowners ~~by being utilized in the veterinarian program established in subsection (e) 9. of section 36-106, Idaho Code.~~

(6) Issuance of free permit or tag to minor children with life-threatening medical conditions. Notwithstanding any other provision of law, the commission may issue free big game permits or tags to minor children who have life-threatening medical conditions that have been certified eligible by a qualified organization. The commission may prescribe by rule the manner and conditions of issuing and using the permits or tags authorized under this subsection (6). For purposes of this subsection (6) a "qualified organization" means a nonprofit organization that is qualified under section 501(c)(3) of the Internal Revenue Code and that affords opportunities and experiences to minor children with life-threatening medical conditions.

(7) Special Wolf Tags. The commission is hereby authorized to issue up to ten (10) special auction or lottery tags for hunting wolves. Special wolf tags will be auctioned off or made available through lottery by incorporated nonprofit organizations dedicated to wildlife conservation and selected by the director. No more than five percent (5%) of all proceeds for each tag may be retained by the nonprofit organization for administrative costs involved. Each wolf tag shall be issued by the department of fish and game and awarded to the highest eligible bidder or winner of a lottery. Each tag will be good for the harvest of one (1) wolf pursuant to commission rule. The proceeds from each tag will be sent to the director to be placed in the department general license fund.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved May 7, 2009.

CHAPTER 315
(S.B. No. 1237)

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT FOR PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Board of Education for the Idaho Educational Public Broadcasting System the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General Fund	\$956,100	\$703,700	\$1,659,800
Miscellaneous Revenue Fund	<u>942,800</u>	<u>10,000</u>	<u>952,800</u>
TOTAL	\$1,898,900	\$713,700	\$2,612,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho Educational Public Broadcasting System is authorized no more than thirty-three (33) equivalent positions to be funded by the appropriation in Section 1 of this act, at any point during the period July 1, 2009, through June 30, 2010, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist in Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 316
(S.B. No. 1238)

AN ACT

APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Self-Governing Agencies for the medical boards the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. BOARD OF DENTISTRY:				
FROM:				
State Regulatory Fund	\$210,300	\$153,500	\$2,000	\$365,800
II. BOARD OF MEDICINE:				
FROM:				
State Regulatory Fund	\$764,900	\$763,600	\$26,700	\$1,555,200
III. BOARD OF NURSING:				
FROM:				
State Regulatory Fund	\$503,600	\$495,000	\$10,000	\$1,008,600
IV. BOARD OF PHARMACY:				
FROM:				
State Regulatory Fund	\$765,600	\$557,900	\$11,400	\$1,334,900
V. BOARD OF VETERINARY MEDICINE:				
FROM:				
State Regulatory Fund	\$114,200	\$101,800	\$1,400	\$217,400
GRAND TOTAL	\$2,358,600	\$2,071,800	\$51,500	\$4,481,900

SECTION 2. There is hereby appropriated to the Department of Self-Governing Agencies for the regulatory boards the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOARD OF ACCOUNTANCY:					
FROM:					
State Regulatory Fund	\$239,100	\$267,500			\$506,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. BOARD OF PROF. ENGINEERS & LAND SURVEYORS:					
FROM:					
State Regulatory Fund	\$312,200	\$186,600	\$1,200		\$500,000
III. BUREAU OF OCCUPATIONAL LICENSES:					
FROM:					
State Regulatory Fund	\$1,634,000	\$1,369,700		\$52,500	\$3,056,200
IV. OUTFITTERS AND GUIDES LICENSING BOARD:					
FROM:					
State Regulatory Fund	\$342,600	\$194,900			\$537,500
V. REAL ESTATE COMMISSION:					
FROM:					
State Regulatory Fund	\$864,100	\$562,600	\$14,700		\$1,441,400
 GRAND TOTAL	 \$3,392,000	 \$2,581,300	 \$15,900	 \$52,500	 \$6,041,700

SECTION 3. In accordance with Section 67-3519, Idaho Code, each of the programs in the Department of Self-Governing Agencies listed below is authorized no more than the number of full-time equivalent positions shown at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Sections 1 and 2 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

Board of Dentistry	Three (3)
Board of Medicine	Thirteen and eight-tenths (13.8)
Board of Nursing	Eight and one-half (8.5)
Board of Pharmacy	Thirteen (13)
Board of Veterinary Medicine	Two (2)
Board of Accountancy	Four (4)
Board of Professional Engineers and Land Surveyors	Four (4)
Bureau of Occupational Licenses	Thirty-two (32)
Outfitters and Guides Licensing Board	Six (6)
Real Estate Commission	Sixteen (16)

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 5. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 317
(S.B. No. 1240)

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Commission for the Blind and Visually Impaired the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	\$611,900	\$60,700		\$732,800	\$1,405,400
Randolph					
Sheppard Fund		7,300		120,100	127,400
Rehabilitation					
Revenue and					
Refunds Fund		34,300		13,000	47,300
American					
Reinvestment Fund		403,500	\$191,300		594,800
Miscellaneous					
Revenue Fund		17,400		16,300	33,700
Adaptive Aids					
and Appliances Fund	14,800	47,600			62,400
Federal Grant Fund	<u>1,670,500</u>	<u>484,100</u>	<u> </u>	<u>241,500</u>	<u>2,396,100</u>
TOTAL	\$2,297,200	\$1,054,900	\$191,300	\$1,123,700	\$4,667,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Commission for the Blind and Visually Impaired is authorized no more than forty-two (42) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 318
(S.B. No. 1243)

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Idaho Commission for Libraries the following amounts to be expended according to the designated ex-

pense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	\$1,859,600	\$1,566,400			\$3,426,000
Miscellaneous Revenue Fund		24,300	\$25,000	\$26,000	75,300
Federal Grant Fund	<u>491,500</u>	<u>693,400</u>	<u>25,000</u>	<u>284,400</u>	<u>1,494,300</u>
TOTAL	\$2,351,100	\$2,284,100	\$50,000	\$310,400	\$4,995,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho Commission for Libraries is authorized no more than forty-five and five-tenths (45.5) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 319
(S.B. No. 1244)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; REAUTHORIZING LIMITED SERVICE POSITIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Idaho State Capitol Commission the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
Permanent Building Fund	\$120,000	\$56,100	\$176,100
Capitol Endowment Income Fund		<u>727,200</u>	<u>727,200</u>
TOTAL	\$120,000	\$783,300	\$903,300

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho State Capitol Commission is authorized no more than two (2) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby reappropriated to the Department of Administration for the Idaho State Capitol Commission the unexpended and unencumbered balance of any funds appropriated by Section 1, Chapter 273, Laws of 2008, to be used for the period July 1, 2009, through June 30, 2010.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 5. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer

of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 6. REAUTHORIZING LIMITED SERVICE POSITIONS. The limited service positions for the Idaho State Capitol Commission authorized in Section 8, Chapter 455, Laws of 2006, are hereby reauthorized for the period July 1, 2009, through June 30, 2010.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 320
(H.B. No. 344)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT TO CLARIFY THE SCOPE OF THE APPROPRIATION; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Idaho State Lottery in the Department of Self-Governing Agencies the following amounts to be expended for administrative costs according to the designated expense classes from the listed fund for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERAT- ING EXPEN- DITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
State Lottery Fund	\$2,685,300	\$8,265,800	\$100,900	\$11,052,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho State Lottery is authorized no more than forty-seven (47) full-time equivalent positions at any point during the period July 1, 2009 through June 30, 2010, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. It is legislative intent that amounts necessary to pay prizes, retailer commissions, advertising and promotional costs shall be continuously appropriated to the Idaho State Lottery under the provisions of Section 67-7428, Idaho Code.

SECTION 4. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support

the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 5. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 321
(H.B. No. 345)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Division of Building Safety in the Department of Self-Governing Agencies the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
State Regulatory Fund	\$8,700,500	\$2,565,600	\$172,000	\$11,438,100
Miscellaneous Revenue/ Industrial Safety Fund	325,700	199,100	14,000	538,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Miscellaneous Revenue/ Logging Fund	317,700	99,000	24,500	441,200
Building Bureau NCSBCS Fund		6,100		6,100
Miscellaneous Revenue/ Energy Program Fund	17,500	15,900		33,400
Federal Grant Fund	<u>36,500</u>	<u>21,800</u>	<u> </u>	<u>58,300</u>
TOTAL	\$9,397,900	\$2,907,500	\$210,500	\$12,515,900

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Division of Building Safety in the Department of Self-Governing Agencies is authorized no more than one hundred fifty-two (152) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 322
(S.B. No. 1234)

AN ACT

APPROPRIATING MONEYS TO THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Human Rights Commission the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	\$530,900	\$65,500		\$596,400
Miscellaneous Revenue				
Fund		10,100		10,100
Federal Grant Fund	<u>120,600</u>	<u>142,200</u>	<u>\$10,700</u>	<u>273,500</u>
TOTAL	\$651,500	\$217,800	\$10,700	\$880,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Human Rights Commission is authorized no more than eleven (11) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund

source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 323
(S.B. No. 1241)

AN ACT

APPROPRIATING MONEYS TO THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED FUND BALANCES; AMENDING SECTION 3, CHAPTER 392, LAWS OF 2006, TO REVISE A CERTAIN DATE; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Liquor Dispensary the following amounts to be expended according to the designated expense classes from the listed fund for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Liquor Control Fund	\$9,870,700	\$5,254,700	\$319,800	\$15,445,200

SECTION 2. In accordance with Section 67-3519, Idaho Code, the State Liquor Dispensary is authorized no more than two hundred one (201) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby reappropriated to the State Liquor Dispensary, the unexpended and unencumbered balance of the appropriation made to the State Liquor Dispensary from the Liquor Warehouse Remodel Fund for fiscal year 2009, to be used for nonrecurring expenditures, for the period July 1, 2009, through June 30, 2010.

SECTION 4. That Section 3, Chapter 392, Laws of 2006, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby created in the state treasury the Liquor Warehouse Remodel Fund, for the purpose of warehouse remodeling and warehouse system improvements. This fund shall consist of moneys transferred to the fund pursuant to legislative action, and any interest earned on moneys in the fund shall be credited to the Liquor Control Fund. The Liquor Warehouse Remodel Fund shall cease to exist on and after July 1, ~~2009~~ 2010.

SECTION 5. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 6. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 4 and 6 of this act shall be in full force and effect on and after passage and approval.

Approved May 7, 2009.

CHAPTER 324
(H.B. No. 346)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE DIVISION OF HUMAN RESOURCES FUND TO THE GENERAL FUND; DIRECTING THE COLLECTION OF CERTAIN FEES BY THE DIVISION OF HUMAN RESOURCES FOR AGENCIES NOT OPERATING UNDER A DELEGATED AUTHORITY MEMORANDUM OF UNDERSTANDING; DIRECTING THE COLLECTION OF CERTAIN FEES BY THE DIVISION OF HUMAN RESOURCES FOR AGENCIES OPERATING UNDER A DELEGATED AUTHORITY MEMORANDUM OF UNDERSTANDING; DIRECTING THE PAYMENT FOR STATEWIDE MANAGEMENT AND HUMAN RESOURCES TRAINING TO THE DIVISION OF PROFESSIONAL-TECHNICAL

EDUCATION; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; DIRECTING THE DIVISION OF HUMAN RESOURCES TO ADJUST THE PAY SCHEDULE; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Division of Human Resources the following amount to be expended according to the designated expense classes from the listed fund for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM: Division of Human Resources Fund	\$1,037,400	\$1,026,100	\$2,400	\$2,065,900

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Division of Human Resources is authorized no more than fifteen (15) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. On July 1, 2009, or as soon thereafter as possible, the State Controller shall transfer the sum of \$1,680,000 from the Division of Human Resources Fund to the General Fund.

SECTION 4. For all state agencies that are not operating under a delegated authority memorandum of understanding, the Division of Human Resources shall collect a fee of 0.5535 percent of the total amount of payroll for classified employees in accordance with the methodology provided in Section 67-5314 (2), Idaho Code, for the period July 1, 2009, through June 30, 2010.

SECTION 5. Notwithstanding Section 67-5314(2), Idaho Code, for agencies that operate under a delegated authority memorandum of understanding, the Division of Human Resources shall collect a reduced fee of 0.306 percent of the total amount of payroll for classified employees by agency for the period July 1, 2009, through June 30, 2010.

SECTION 6. Of the amount appropriated in Section 1 of this act, the Division of Human Resources shall pay from operating expenditures, through the state interagency billing process, to the Division of Professional-Technical Education up to \$208,900 for the cost of providing statewide management and human resources training.

SECTION 7. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the

use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 8. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions.

SECTION 9. ADJUST PAY SCHEDULES. For fiscal year 2010, the Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, Sections 8 and 9 of this act shall be in full force and effect on and after passage and approval.

Approved May 11, 2009.

CHAPTER 325
(S.B. No. 1225)

AN ACT

RELATING TO INVASIVE SPECIES APPROPRIATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION TO ADMINISTER AN INVASIVE SPECIES VESSEL REGISTRATION PROGRAM FOR FISCAL YEAR 2009; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF RECREATION TO PASS THESE FUNDS THROUGH TO THE INVASIVE SPECIES FUND FOR FISCAL YEAR 2009; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR EXPENDITURE PURSUANT TO SECTION 22-1911, IDAHO CODE, FOR FISCAL YEAR 2009; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION TO ADMINISTER AN INVASIVE SPECIES VESSEL REGISTRATION PROGRAM FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION TO PASS THESE FUNDS THROUGH TO THE INVASIVE SPECIES FUND FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR EXPENDITURE PURSUANT TO SECTION 22-1911, IDAHO CODE, FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 277, Laws of 2008, there is hereby appropriated to the Department of Parks and Recreation for the Management Services Division, the sum of \$65,000 from the Parks and Recreation Fund to be expended for the period July 1, 2008, through June 30, 2009. Such moneys shall be used to administer an invasive species vessel registration program in accordance with Section 1, House Bill No. 213, as enacted by the First Regular Session of the Sixtieth Idaho Legislature.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 277, Laws of 2008, there is hereby appropriated to the Department of Parks and Recreation for the Management Services Division, the sum of \$1,515,000 from the Parks and Recreation Fund for trustee and benefit payments for the period July 1, 2008, through June 30, 2009. Such moneys shall be used as pass-through moneys to the Department of Agriculture for deposit into the Invasive Species Fund in accordance with Section 1, House Bill No. 213, as enacted by the First Regular Session of the Sixtieth Idaho Legislature.

SECTION 3. In addition to the appropriation made in Section 1, Chapter 265, Laws of 2008, there is hereby appropriated to the Department of Agriculture, for the Plant Industries Program, the sum of \$1,515,000 from the Invasive Species Fund for the period July 1, 2008, through June 30, 2009. Such moneys shall be used to support activities related to the prevention, detection, control and management of invasive species pursuant to Section 22-1911, Idaho Code.

SECTION 4. In addition to the appropriation made in Section 1, Senate Bill No. 1178, as enacted by the First Regular Session of the Sixtieth Idaho Legislature, there is hereby appropriated to the Department of Parks and Recreation for the Management Services Division, the sum of \$65,000 from the Parks and Recreation Fund to be expended for the period July 1, 2009, through June 30, 2010. Such moneys shall be used to administer an invasive species vessel registration program in accordance with Section 1, House Bill No. 213, as enacted by the First Regular Session of the Sixtieth Idaho Legislature.

SECTION 5. In addition to the appropriation made in Section 1, Senate Bill No. 1178, as enacted by the First Regular Session of the Sixtieth Idaho Legislature, there is hereby appropriated to the Department of Parks and Recreation for the Management Services Division, the sum of \$1,515,000 from the Parks and Recreation Fund to be expended for trustee and benefit payments for the period July 1, 2009, through June 30, 2010. Such moneys shall be used as pass-through moneys to the Department of Agriculture for deposit into the Invasive Species Fund in accordance with Section 1, House Bill No. 213, as enacted by the First Regular Session of the Sixtieth Idaho Legislature.

SECTION 6. In addition to the appropriation made in Section 1, House Bill No. 302, as enacted by the First Regular Session of the Sixtieth Idaho Legislature, there is hereby appropriated to the Department of Agriculture for the Plant Industries Program the sum of \$1,515,000 from the Invasive Species Fund for the period July 1, 2009, through June 30, 2010. Such moneys shall be used to support activities related to the prevention, detection, control and management of invasive species pursuant to Section 22-1911, Idaho Code.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2 and 3 of this act shall be in full force and effect on and after passage and approval.

Approved May 11, 2009.

CHAPTER 326
(S.B. No. 1233)

AN ACT

CLARIFYING THAT ANY REFERENCE TO THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND SHALL MEAN THE BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND; AND APPROPRIATING MONEYS TO THE BUREAU OF EDUCATIONAL SERVICES FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2010.

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

SECTION 1. In any act of appropriation where reference is made to the Idaho School for the Deaf and the Blind, such reference shall mean the Bureau of Educational Services for the Deaf and the Blind and any and all moneys appropriated to the School for the Deaf and the Blind as created in Section 4, Senate Bill No. 1074, as amended, as amended, as enacted by the First Regular Session of the Sixtieth Idaho Legislature for the period July 1, 2009, through June 30, 2010 are hereby appropriated to the Bureau of Educational Services for the Deaf and the Blind in the Educational Support Program/Division of Children's Programs, in addition to any other appropriation made to the Educational Support Program/Division of Children's Programs.

Approved May 11, 2009.

CHAPTER 327
(S.B. No. 1235)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Office of the State Appellate Public Defender the following amounts to be expended according to the designated expense classes from the listed fund for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General Fund	\$1,503,100	\$642,600	\$2,145,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of the State Appellate Public Defender is authorized no more than twenty-one (21) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support

the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 11, 2009.

CHAPTER 328
(S.B. No. 1239)

AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the State Board of Education for the Division of Vocational Rehabilitation the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR	FOR	FOR	FOR	
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	TOTAL
				PAYMENTS	

I. COMMUNITY SUPPORTED EMPLOYMENT:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	\$65,500	\$23,700		\$3,803,400	\$3,892,600
II. RENAL DISEASE SERVICES:					
FROM:					
General Fund	\$69,400	\$54,600		\$507,100	\$631,100
III. VOCATIONAL REHABILITATION:					
FROM:					
General Fund	\$1,507,800	\$261,900		\$1,431,600	\$3,201,300
Rehabilitation Revenue and Refunds Fund				651,900	651,900
American Reinvestment Fund	194,000	336,600	\$766,700	1,740,000	3,037,300
Miscellaneous Revenue Fund				944,200	944,200
Federal Grant Fund	<u>6,690,100</u>	<u>1,228,200</u>	<u>130,500</u>	<u>6,979,500</u>	<u>15,028,300</u>
TOTAL	\$8,391,900	\$1,826,700	\$897,200	\$11,747,200	\$22,863,000
GRAND TOTAL	\$8,526,800	\$1,905,000	\$897,200	\$16,057,700	\$27,386,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Division of Vocational Rehabilitation is authorized no more than one hundred fifty-one (151) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all

salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 11, 2009.

CHAPTER 329
(H.B. No. 211)

AN ACT

RELATING TO RESIDENCY REQUIREMENTS FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO REVISE THE DEFINITION OF "RESIDENT STUDENT"; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-3717B, Idaho Code, be, and the same is hereby amended to read as follows:

33-3717B. RESIDENCY REQUIREMENTS. (1) For any public institution of higher education in Idaho, a "resident student" is:

(a) Any student who has one (1) or more parent or parents or court-appointed guardians who are domiciled in the state of Idaho, and the parent, parents or guardians provide at least fifty percent (50%) of the student's support. Domicile, as used in this section, means that individual's true, fixed and permanent home and place of habitation. It is the place where that individual intends to remain, and to which that individual expects to return when that individual leaves without intending to establish a new domicile elsewhere. To qualify under this section, the parent, parents or guardians must have maintained a bona fide domicile in the state of Idaho for at least twelve (12) months prior to the opening day of the term for which the student matriculates.

(b) Any student, who receives less than fifty percent (50%) of the student's support from a parent, parents or legal guardians and who has continuously resided and maintained a bona fide domicile in the state of Idaho primarily for purposes other than educational for twelve (12) months next preceding the opening day of the term during which the student proposes to attend the college or university.

(c) Subject to subsection (2) of this section, any student who is a graduate of an accredited secondary school in the state of Idaho, and who matriculates at a college or university in the state of Idaho during the term immediately following such graduation regardless of the residence of the student's parent or guardian.

(d) The spouse of a person who is classified, or is eligible for classification, as a resident of the state of Idaho for the purposes of attending a college or university.

(e) A member of the armed forces of the United States, stationed in the state of Idaho on military orders.

(f) An officer or an enlisted member of the Idaho national guard.

(g) A student whose parent or guardian is a member of the armed forces and stationed in the state of Idaho on military orders and who receives fifty percent (50%) or more of support from parents or legal guardians. The student, while in continuous attendance, shall not lose that residence when the student's parent or guardian is transferred on military orders.

(h) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state of Idaho within one (1) year of the date of separation.

(i) Any individual who has been domiciled in the state of Idaho, has qualified and would otherwise be qualified under the provisions of this statute and who is away from the state for a period of less than thirty (30) months and has not established legal residence elsewhere provided a twelve (12) month period of continuous residence has been established immediately prior to departure; provided however, time spent away from the state while enrolled in a postsecondary education program shall not be included in the thirty (30) months. Such time spent away from the state while enrolled shall include normal academic year breaks, such as summer breaks or breaks between semesters or quarters, that occur prior to the receipt of the postsecondary degree.

(j) A student who is a member of any of the following Idaho Native American Indian tribes, regardless of current domicile, shall be considered an Idaho state resident for purposes of fees or tuition at institutions of higher education: members of the following Idaho Native American Indian tribes, whose traditional and customary tribal boundaries included portions of the state of Idaho, or whose Indian tribe was granted reserved lands within the state of Idaho: (i) Coeur d'Alene tribe; (ii) Shoshone-Paiute tribes; (iii) Nez Perce tribe; (iv) Shoshone-Bannock tribes; (v) Kootenai tribe.

(2) A "nonresident student" shall mean any student who does not qualify as a "resident student" under the provisions of subsection (1) of this section, and shall include:

(a) A student attending an institution in this state with the aid of financial assistance provided by another state or governmental unit or agency thereof, such nonresidency continuing for one (1) year after the completion of the semester for which such assistance is last provided.

(b) A person who is not a citizen of the United States of America, who does not have permanent or temporary resident status or does not hold "refugee-parolee" or "conditional entrant" status with the United States immigration and naturalization service or is not otherwise permanently residing in the United States under color of the law and who does not also meet and comply with all applicable requirements of this section.

(3) The establishment of a new domicile in Idaho by a person formerly domiciled in another state has occurred if such person is physically present in Idaho primarily for purposes other than educational and can show satisfactory proof that such person is without a present intention to return to such other state or to acquire a domicile at some other place outside of Idaho. A student who is enrolled for more than eight (8) hours in any semester or quarter during a twelve (12) month period shall be presumed to be in Idaho for primarily educational purposes. Such period of enrollment shall not be counted toward the establishment of a bona fide domicile in this state unless the student proves, in fact, establishment of a bona fide domicile in this state primarily for purposes other than educational. Institutions determining whether a student is domiciled in the state of Idaho

primarily for purposes other than educational shall consider, but shall not be limited to, the following factors:

(a) Any of the following, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, proves the establishment and maintenance of domicile in Idaho for purposes other than educational and supports classification of a student as an Idaho resident:

(i) Filing of Idaho state income tax returns covering a period of at least twelve (12) months before the term in which the student proposes to enroll as a resident student;

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

(iii) Ownership by the student of the student's living quarters.

(b) The following, if done for at least twelve (12) months before the term in which the student proposes to enroll as a resident student, lend support to domiciliary intent and the absence of which indicates a lack of domiciliary intent. By themselves, the following do not constitute sufficient evidence of the establishment and maintenance of a domicile in Idaho for purposes other than educational:

(i) Registration and payment of Idaho taxes or fees on a motor vehicle, mobile home, travel trailer or other item of personal property for which state registration and the payment of a state tax or fee is required;

(ii) Registration to vote for state elected officials in Idaho at a general election;

(iii) Holding an Idaho driver's license;

(iv) Evidence of abandonment of a previous domicile;

(v) Presence of household goods in Idaho;

(vi) Establishment of accounts with Idaho financial institutions; and

(vii) Other similar factors indicating intent to be domiciled in Idaho and the maintenance of such domicile.

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

(5) 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.

(6) Nothing contained herein shall prevent the state board of education and the 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.

(7) For students who apply for special graduate and professional programs including, but not limited to, the WWAMI (Washington, Wyoming, 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. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved May 12, 2009.

CHAPTER 330
(H.B. No. 226)

AN ACT

RELATING TO OPERATING FEES FOR MOTOR VEHICLES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-415G, IDAHO CODE, TO PROVIDE FOR A SPECIAL PERMANENT OR BUSINESS LOGO LICENSE PLATE FOR TRAILERS AND SEMITRAILERS, TO PROVIDE PROCEDURES AND TO PROVIDE FOR REMITTANCE OF FEES; AND AMENDING SECTION 49-434, IDAHO CODE, TO REVISE REGISTRATION PROVISIONS FOR A TRAILER OR SEMITRAILER AND TO PROVIDE REGISTRATION PROVISIONS FOR A TRAILER OR SEMITRAILER BASED IN ANOTHER JURISDICTION.

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

SECTION 1. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-415G, Idaho Code, and to read as follows:

49-415G. IDAHO NORTH AMERICA PLATE -- SPECIAL PERMANENT OR BUSINESS LOGO. (1) Any person or business who is the owner of a trailer or semitrailer registered under the provisions of subsection (4) (a) of section 49-434, Idaho Code, may apply for and, upon department approval, may receive a special permanent or business logo license plate of the owner's company.

(2) In addition to the registration fee required in section 49-434(4) (a), Idaho Code, an applicant for a business logo plate shall pay the estimated initial programming costs, which fees shall be deposited in the state highway account. The business logo plate shall be of a color and design in accordance with the provisions of section 49-402C, Idaho Code, and acceptable to the owner or business and shall be approved by the department and utilize a numbering system as determined by the department.

(3) Whenever title or interest in a trailer or semitrailer registered under the provisions of this section is transferred or reassigned, the plates issued pursuant to subsection (4) (a) of section 49-434, Idaho Code, are nontransferable and the registration fee is nonrefundable.

(4) The north America permanent trailer plate program shall be subject to the provisions of section 49-402C, Idaho Code.

(5) Any specific business logo plate program created under this section shall be discontinued if no plates are issued under the program for two (2) consecutive years after the year of implementation.

(6) Sample special permanent or business logo license plates may be purchased for a fee of thirty dollars (\$30.00), which shall be placed in the state highway account.

SECTION 2. That Section 49-434, Idaho Code, be, and the same is hereby amended to read as follows:

49-434. OPERATING FEES. (1) There shall be paid on all commercial vehicles, noncommercial vehicles, and on all farm vehicles having a maximum

gross weight not in excess of sixty thousand (60,000) pounds, an annual registration fee in accordance with the following schedule.

Unladen Weight for Wreckers Maximum Gross Weight For Other Vehicles (Pounds)	Annual Registration Fee	
	Noncommercial and Farm Vehicles	Commercial Vehicles and Wreckers
8,001-16,000 inc.	\$ 48.00	\$ 48.00
16,001-26,000 inc.	61.08	143.40
26,001-30,000 inc.	91.68	223.80
30,001-40,000 inc.	130.08	291.60
40,001-50,000 inc.	188.28	360.00
50,001-60,000 inc.	311.88	515.40

(2) There shall be paid on all commercial vehicles, irrespective of body type, and on all farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, an annual registration fee in the amount prescribed by subsection (8) of this section, as applicable.

(3) In addition, the annual registration fee for trailers shall be:

- (a) Trailer or semitrailer in a combination of vehicles \$15.00
- (b) Rental utility trailer with a gross weight of two thousand (2,000) pounds or less \$8.00
- (c) Rental utility trailer with a gross weight over two thousand (2,000) pounds \$15.00

(4) As an option to the trailer and semitrailer and rental utility trailer annual registrations issued pursuant to subsection (3) of this section, the department may provide a nonexpiring plate and registration for trailers and semitrailers, and an optional, extended registration for rental utility trailers.

(a) For trailers and semitrailers, the nonexpiring registration fee shall be one hundred five dollars (\$105). The license plate ~~originally issued~~ shall remain on the trailer or semitrailer until the registration is canceled or revoked. ~~If the registrant does not transfer the plate and registration to another trailer or semitrailer titled to the registrant, the plate and registration shall be canceled and n~~No part of the fee is subject to refund. ~~Provided h~~However, the registrant may transfer the nonexpiring plate and registration to another trailer or semitrailer titled to the registrant if the original registration date is prior to July 1, 2009. The registration document shall be the official record of the status of the nonexpiring registration and no registration fee shall be required after the initial registration is paid. ~~No pressure-sensitive~~ validation sticker shall be required or issued for such nonexpiring license plate.

(i) Registration of a trailer or semitrailer based in another jurisdiction may be issued when the registrant provides a valid jurisdiction title or ownership document and certification statement, and no title transfer will be required.

(ii) Periodic verification will be made to confirm ownership status. Failure of the owner to comply with the verification request to confirm ownership within thirty (30) days, shall result in cancellation of the permanent plate registration.

(b) For rental utility trailers, the registrant may prepay the annual registration for an additional one (1), two (2), three (3) or four (4) years, but in no event shall the optional registration period extend beyond five (5) years. The fee shall be as specified in subsection (3) (b) or (c) of this section. A pressure-sensitive sticker shall be used to validate the license plate. The license plate shall become void if the owner's interest in the rental utility trailer changes during the five

(5) year period. If the owner fails to enter the rental utility trailer on the annual renewal application during the five (5) year period, the registration record shall be purged. Any unexpired plate shall be returned to the department if it is not entered on the renewal application.

(5) A fleet registration option is available to owners who have twenty-five (25) or more commercial or farm vehicles or any combination thereof. Such owners may register all of their company vehicles with the department in lieu of registering with a county assessor. To qualify the fleet must be owned and operated under the unified control of one (1) person and the vehicles must be physically garaged and maintained in two (2) or more counties. Fleet registration shall not include fleets of rental vehicles. The department shall provide a registration application to the owner and the owner shall provide all information that the department determines is necessary. The department shall devise a special license plate numbering system for fleet-registered vehicles as an alternative to county license plates. The fleet registration application and all subsequent registration renewals shall include the physical address where a vehicle is principally used, garaged and maintained. The fleet owner shall report the physical address to the department upon initial registration, on each renewal, and at any time a vehicle registered under this option is permanently transferred to another location.

(6) If the ownership of a vehicle changes during the registration period, the original owner may transfer the plate to another vehicle. The remaining fee shall be credited against the cost of the new registration. Refunds may be given for any unexpired portion of the vehicle registration fee if the plate is not transferred by the owner to another vehicle. Any request for refund shall include surrender of the license plate, validation sticker and registration document. Owners of vehicles registered under the international registration plan may request a refund of the unexpired portion of the Idaho vehicle registration fee by presenting evidence from the base jurisdiction that the license plate, validation sticker and registration document have been surrendered. A license plate shall not be transferred to another owner when the ownership of a vehicle changes. The owner shall obtain a replacement plate, validation sticker if required, and a registration document when a plate is lost, destroyed or becomes illegible.

(7) An administrative fee of four dollars (\$4.00) shall be paid and deposited to the state highway account on all registrations completed by the department under subsection (1) or (8) (a) of this section. Vehicles registered under subsection (8) (b) of this section shall pay the fee provided in section 49-435(2), Idaho Code.

(8) There shall be paid on all commercial and farm vehicles having a maximum gross weight in excess of sixty thousand (60,000) pounds, a registration fee based upon the maximum gross weight of a vehicle as declared by the owner and the total number of miles driven on roads and highways in the state, county, city and highway district systems in Idaho, and if registered under the international registration plan (IRP), in all other jurisdictions. The appropriate registration fee shall be determined as follows:

(a) If the owner registers vehicles under the international registration plan (IRP), the appropriate mileage column shall be determined by the total miles an owner operated a fleet of vehicles on roads and highways in the state, county, city and highway district systems in Idaho and in all other jurisdictions in the preceding year, as defined in section 49-117, Idaho Code, and by the maximum gross weight of each vehicle within a fleet.

(b) If the owner registers vehicles under the international registration plan and determines that the average international registration plan fleet miles, calculated by dividing the total IRP fleet miles in all jurisdictions by the number of registered vehicles, is less than

fifty thousand one (50,001) miles, the owner may apply to the department for refund of a portion of the registration fees paid, consistent with the fee schedules set forth in this section. The department shall provide an application for the refund. An owner making application for refund under this section shall be subject to auditing as provided in section 49-439, Idaho Code.

(c) If the owner is not registering vehicles under the international registration plan, the appropriate mileage column shall be determined by the total miles the owner operated each of the vehicles to be registered on roads and highways in the state, county, city and highway district systems in Idaho in the preceding year and by the maximum gross weight of each vehicle.

Maximum Gross Weight of Vehicle (Pounds)	Total Miles Driven				
	1 to 7,500	7,501 to 20,000	20,001 to 35,000	35,001 to 50,000	Over 50,000
60,001-62,000	\$223	\$ 511	\$ 789	\$1,068	\$1,560
62,001-64,000	\$251	\$ 576	\$ 890	\$1,205	\$1,760
64,001-66,000	\$280	\$ 642	\$ 992	\$1,342	\$1,960
66,001-68,000	\$309	\$ 707	\$1,093	\$1,479	\$2,160
68,001-70,000	\$337	\$ 773	\$1,194	\$1,615	\$2,360
70,001-72,000	\$366	\$ 838	\$1,295	\$1,752	\$2,560
72,001-74,000	\$394	\$ 904	\$1,396	\$1,889	\$2,760
74,001-76,000	\$423	\$ 969	\$1,498	\$2,026	\$2,960
76,001-78,000	\$451	\$1,035	\$1,599	\$2,163	\$3,160
78,001-80,000	\$480	\$1,100	\$1,700	\$2,300	\$3,360
80,001-82,000	\$494	\$1,133	\$1,751	\$2,368	\$3,460
82,001-84,000	\$509	\$1,165	\$1,801	\$2,437	\$3,560
84,001-86,000	\$523	\$1,198	\$1,852	\$2,505	\$3,660
86,001-88,000	\$537	\$1,231	\$1,902	\$2,574	\$3,760
88,001-90,000	\$551	\$1,264	\$1,953	\$2,642	\$3,860
90,001-92,000	\$566	\$1,296	\$2,004	\$2,711	\$3,960
92,001-94,000	\$580	\$1,329	\$2,054	\$2,779	\$4,060
94,001-96,000	\$594	\$1,362	\$2,105	\$2,848	\$4,160
96,001-98,000	\$609	\$1,395	\$2,155	\$2,916	\$4,260
98,001-100,000	\$623	\$1,427	\$2,206	\$2,985	\$4,360
100,001-102,000	\$637	\$1,460	\$2,257	\$3,053	\$4,460
102,001-104,000	\$651	\$1,493	\$2,307	\$3,121	\$4,560
104,001-106,000	\$666	\$1,526	\$2,358	\$3,190	\$4,660
106,001-108,000	\$680	\$1,558	\$2,408	\$3,258	\$4,760
108,001-110,000	\$694	\$1,591	\$2,459	\$3,327	\$4,860
110,001-112,000	\$709	\$1,624	\$2,510	\$3,395	\$4,960
112,001-114,000	\$723	\$1,657	\$2,560	\$3,464	\$5,060
114,001-116,000	\$737	\$1,689	\$2,611	\$3,532	\$5,160
116,001-118,000	\$751	\$1,722	\$2,661	\$3,601	\$5,260
118,001-120,000	\$766	\$1,755	\$2,712	\$3,669	\$5,360
120,001-122,000	\$780	\$1,788	\$2,763	\$3,738	\$5,460
122,001-124,000	\$794	\$1,820	\$2,813	\$3,806	\$5,560

Maximum Gross Weight of Vehicle (Pounds)	Total Miles Driven				
124,001-126,000	\$809	\$1,853	\$2,864	\$3,874	\$5,660
126,001-128,000	\$823	\$1,886	\$2,914	\$3,943	\$5,760
128,001-129,000	\$837	\$1,918	\$2,965	\$4,011	\$5,860

(d) In addition to the fees set forth in paragraphs (a) and (c) of this subsection (8), an owner or operator may purchase a temporary permit as provided in section 49-432(2), Idaho Code, for operation of a vehicle at a weight in excess of the current, valid, registered maximum gross vehicle weight. The permit so issued shall be specific to the motor vehicle to which it is issued. No permit or fee shall be transferable or apportionable to any other vehicle, nor shall any such fee be refundable.

(e) Any commercial or farm vehicle registered for more than sixty thousand (60,000) pounds up to one hundred six thousand (106,000) pounds traveling fewer than two thousand five hundred (2,500) miles annually on roads and highways in the state, county, city and highway district systems in Idaho shall pay an annual registration fee of two hundred fifty-five dollars (\$255). The provisions of section 49-437(2), Idaho Code, shall not apply to vehicles registered under this subsection (8) (e).

(9) (a) During the first registration year that the fee schedule in subsection (8) (c) of this section is in use, an owner shall use the mileage data from the records used to report the mileage use fee in the immediately preceding year as the basis for determining the appropriate registration fee schedule.

(b) Any owner who registers a motor vehicle for the first time and who has no mileage history for the vehicle shall estimate the miles to determine the appropriate fee schedule in subsection (8) (c) of this section. When estimating the miles, the owner shall provide a statement on the application of the method used to arrive at the estimated miles.

(c) Any owner using any fee schedule other than the highest fee schedule under subsection (8) (c) of this section, shall certify at the time of registration that the miles operated in the preceding year do not exceed the schedule applied for. Any owner using a fee schedule under subsection (8) (c) of this section that is less than the highest schedule shall maintain records to substantiate the use of the schedule as required by section 49-439, Idaho Code.

(10) An owner registering under subsection (8) (a) or (8) (c) of this section may elect to pay the full annual registration fee at the time of registration or renewal of registration, or an owner may pay at least one-quarter (1/4) of the annual registration fee due. The remainder of the annual Idaho registration fee shall be paid in three (3) equal installments on dates as billed by the department.

(11) An owner registering or renewing a registration under subsection (8) (a) of this section electing to use installment payments as provided in subsection (10) of this section, shall pay all of the fees due to other IRP jurisdictions in addition to one-quarter (1/4) of the Idaho fee due at the time of registration or reregistration. The remainder of the annual Idaho registration fee shall be paid in three (3) equal installments on dates as billed by the department.

(12) If any vehicle or combinations of vehicles haul nonreducible loads, as authorized under the provisions of section 49-1004, Idaho Code, and weigh less than the starting weights per axle configuration listed in column 1 of subsection (2), section 49-1004, Idaho Code, then and in that event there shall be paid for that vehicle, in addition to the other fees required in this section, an additional use fee of 2.1 mills per mile for each

two thousand (2,000) pounds or fraction thereof of the maximum gross weight in excess of those set forth in section 49-1001, Idaho Code.

Approved May 12, 2009.

CHAPTER 331
(H.B. No. 334)

AN ACT

RELATING TO AN INCREASE IN MOTOR VEHICLE PERMIT AND SERVICE FEES; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 49-202, IDAHO CODE, TO INCREASE FEES FOR SERVICES RELATING TO ISSUING TITLES AND REGISTRATIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-306, IDAHO CODE, TO INCREASE DRIVER'S LICENSE AND PERMIT FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-328, IDAHO CODE, TO INCREASE FEES FOR REINSTATEMENT OF LICENSES, TO DELETE ARCHAIC LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-523, IDAHO CODE, TO INCREASE FEES FOR ISSUING TEMPORARY PERMITS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-1224, IDAHO CODE, TO INCREASE FEES FOR CERTIFICATION OF SELF-INSURANCE; AMENDING SECTION 49-1607, IDAHO CODE, TO INCREASE FEES FOR ISSUING CERTAIN LICENSES; AMENDING SECTION 49-2444, IDAHO CODE, TO INCREASE FEES FOR IDENTIFICATION CARDS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that the moneys raised through the increase in fees authorized by the provisions of this act be expended in the following order on and for the following:

(a) First, moneys raised from the increase in fees should be expended to address any revenue deficit or shortfall that the Division of Motor Vehicles is operating under as of June 30, 2009.

(b) Second, any moneys remaining after the expenditures relating to subsection (a) of this section, should be expended on improvements to the Division of Motor Vehicle's technology operations and improvements.

(c) Third, any moneys remaining after the expenditures relating to subsections (a) and (b) of this section, should be spent on department technology operations and improvements including, but not limited to: pavement, maintenance, scheduling and financial electronic management systems.

(d) The department should review approximately every five (5) years the fees provided for in this act and recommend appropriate changes to such fees to the Legislature.

SECTION 2. That Section 49-202, Idaho Code, be, and the same is hereby amended to read as follows:

49-202. DUTIES OF DEPARTMENT. (1) All registration and driver's license records in the office of the department shall be public records and open to inspection by the public during normal business hours, except for those records declared by law to be for the confidential use of the department, or those records containing personal information subject to restrictions or conditions regarding disclosure. If the department has contracted for a service to be provided by another entity, an additional fee shall be charged by that contractor whether the service is rendered during normal business hours, other than normal business hours or on weekends.

(2) In addition to other fees required by law to be collected by the department, the department shall collect the following:

- (a) For certifying a copy of any record pertaining to any vehicle license, any certificate of title, or any driver's license ~~\$814.00~~
- (b) For issuing every Idaho certificate of title ~~\$814.00~~
- (c) For furnishing a duplicate copy of any Idaho certificate of title ~~\$814.00~~
- (d) For issuance or transfer of every certificate of title on a new or used vehicle or other titled vehicle in an expedited manner (rush titles), in addition to any other fee required by this section .. ~~\$1526.00~~
- (e) For recording a transitional ownership document, in addition to any other fee required by this section ~~\$1526.00~~
- (f) For furnishing a replacement of any receipt of registration ~~\$35.00~~
- (g) For furnishing copies of registration or ownership of motor vehicles or driver's license records, per vehicle registration, accident report records, title or per driver's license record ~~\$47.00~~
Additional contractor fee, not to exceed ~~\$4.00~~
- (h) For services in searching files of vehicle or other registrations, vehicle titles, or driver's licenses per hour ~~\$1018.00~~
- (i) Placing "stop" cards in vehicle registration or title files, each ~~\$1221.00~~
- (j) For issuance of an assigned or replacement vehicle identification number (VIN) ~~\$1018.00~~
- (k) For a vehicle identification number (VIN) inspection whether conducted by a city or county peace officer or any other peace officer or designated agent of the state of Idaho, per inspection ~~\$35.00~~
- (l) For all replacement registration stickers, each ~~\$12.00~~
- (m) For issuing letters of temporary vehicle clearance to Idaho-based motor carriers ~~\$1018.00~~
- (n) For all sample license plates, each ~~\$1221.00~~
- (o) For filing release of liability statements ~~\$2-003.50~~
- (p) For safety and insurance programs for each vehicle operated by a motor carrier ~~\$2-003.00~~

A lesser amount may be set by rule of the board.

(3) The fees required in this section shall not apply when the service is furnished to any federal, state, county or city peace officer when such service is required in the performance of their duties as peace officers.

(4) The department may enter into agreements with private companies or public entities to provide the services for which a fee is collected in subsection (2) (g) of this section. Such private contractor shall collect the fee prescribed and remit the fee to the department. The contractor shall also collect and retain the additional fee charged for his services.

(5) (a) The department shall pay three dollars (\$3.00) of the fee collected by a county assessor or other agent of the department as provided in subsection (2) (a) through (f) of this section, and four dollars (\$4.00) as provided in subsection (2) (g) of this section, to the county assessor or sheriff of the county or agent collecting such fee, which shall be deposited with the county treasurer and credited to the county current expense fund. The remainder of the fees collected as provided in that subsection shall be paid by the department to the state treasurer and placed in the state highway ~~fund~~ account.

(b) The fee collected under subsection (2) (k) of this section for a VIN inspection shall be placed in the city general fund if conducted by a city peace officer, in the county current expense fund if conducted by a county peace officer, shall be retained by the special agent authorized to perform the inspection, or paid to the state treasurer and placed to the credit of the Idaho state police if conducted by the Idaho state police or in the state highway ~~fund~~ account if conducted by the department.

(c) The fee collected under subsection (2) (o) of this section for filing release of liability statements shall be retained by the county assessor of the county collecting such fee, and shall be deposited with the county treasurer and credited to the county current expense fund.

(d) The fee in subsection (2) (m) of this section shall not apply when the Idaho-based motor carrier or its representative obtains and prints the document using internet access.

(e) The fee collected under subsection (2) (p) of this section for motor carriers shall be paid by the department to the state treasurer and placed in the state highway ~~fund~~ account. The director and the director of the Idaho state police shall jointly determine the amount to be transferred from the state highway ~~fund~~ account to the law enforcement fund for motor carrier safety programs conducted by the Idaho state police pursuant to the provisions of section 67-2901A, Idaho Code.

(6) The department as often as practicable may provide to law enforcement agencies the record of suspensions and revocations of driver licenses via the Idaho law enforcement telecommunications system (ILETS).

(7) The department shall provide the forms prescribed in chapter 5 of this title, shall receive and file in its office in Ada county, all instruments required in chapter 5 of this title to be filed with the department, shall prescribe a uniform method of numbering certificates of title, and shall maintain in the department indices for such certificates of title. All indices shall be by motor or identification number and alphabetical by name of the owner.

(8) The department shall file each registration received under a distinctive registration number assigned to the vehicle and to the owner thereof.

(9) The department shall not renew a driver's license or identification card when fees required by law have not been paid or where fees for past periods are due, owing and unpaid including insufficient fund checks, until those fees have been paid.

(10) The department shall not grant the registration of a vehicle when:

(a) The applicant is not entitled to registration under the provisions of this title; or

(b) The applicant has neglected or refused to furnish the department with the information required in the appropriate form or reasonable additional information required by the department; or

(c) The fees required by law have not been paid, or where fees for past registration periods are due, owing and unpaid including insufficient fund checks.

(11) The department or its authorized agents have the authority to request any person to submit to medical, vision, highway, or written examinations, to protect the safety of the public upon the highways. The department or its authorized agents may exercise such authority based upon evidence which may include, but is not limited to, observations made.

(12) The department shall revoke the registration of any vehicle:

(a) Which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law;

(b) Whenever the person to whom the registration card or registration plate has been issued shall make or permit to be made any unlawful use of the same or permit their use by a person not entitled thereto;

(c) For any violation of vehicle registration requirements by the owner or operator in the current or past registration periods;

(d) Whenever a motor carrier requests revocation, or whenever an interstate carrier's federal operating authority has been revoked;

(e) For failure of the owner or operator to file the reports required or nonpayment of audit assessments or fees assessed against the owner by the department or the state tax commission pursuant to audit under the provisions of section 49-439, Idaho Code;

(f) Identified by any city or county administering a program established by ordinance for the inspection and readjustment of motor vehicles (which program is part of an approved state implementation plan adopted by both the state and federal governments under 42 U.S.C. section 7410) as having failed to comply with an ordinance requiring motor vehicle emission inspection and readjustment; provided that no vehicle shall be identified to the department under this subsection (f) unless:

(i) The city or county certifies to the department that the owner of the motor vehicle has been given notice and had the opportunity for a hearing concerning compliance with the ordinance and has exhausted all remedies and appeals from any determination made at such hearing; and

(ii) The city or county reimburses the department for all direct costs associated with the registration revocation procedure.

(13) The department shall not reregister or permit a vehicle to operate on a special trip permit until all fees, penalties and interest have been paid.

(14) The department shall institute educational programs, demonstrations, exhibits and displays.

(15) The department shall cancel a driver's license or identification card when fees required by law have not been paid or where fees are due, owing and unpaid including insufficient fund checks, until those fees have been paid.

(16) The department shall examine persons and vehicles by written, oral, vision and skills tests without compulsion except as provided by law.

(17) The department shall employ expert and special help as needed in the department.

(18) The department shall compile accident statistics and disseminate information relating to those statistics.

(19) The department shall cooperate with the United States in the elimination of road hazards, whether of a physical, visual or mental character.

(20) The department shall place and maintain traffic-control devices, conforming to the board's manual and specifications, upon all state highways as it shall deem necessary to indicate and to carry out the provisions of this title or to regulate, warn, or guide traffic. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the department except by the latter's permission, except where the duly elected officials of an incorporated city have established speed limits lower than those set by the department on the portion of state highways, excluding controlled-access and interstate highways, that pass through residential, urban or business districts within the jurisdiction of the incorporated city. The placement and maintenance of such a traffic-control device by a local authority shall be made according to the board's manual and specifications for a uniform system of traffic-control devices.

(21) The department may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and, if it shall find that the structure cannot with safety to itself withstand vehicles traveling at a speed otherwise permissible under this title, shall determine and declare the maximum speed of vehicles which the structure can safely withstand, and shall cause or permit suitable signs stating the maximum speed to be erected and maintained before each end of the structure.

(22) Whenever the department shall determine on the basis of an engineering and traffic investigation that slow speeds on any highway or part of a highway impede the normal and reasonable movement of traffic, the department may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law, and that limit shall be effective when posted upon appropriate fixed or variable signs, except in cases where the duly elected officials of

an incorporated city have established speed limits lower than those set by the department on portions of state highways, excluding controlled-access and interstate highways, that pass through residential, urban or business districts within the jurisdiction of the incorporated city.

(23) The department shall regulate or prohibit the use of any controlled-access highway by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic.

(24) The department shall erect and maintain traffic-control devices on controlled-access highways on which any prohibitions are applicable.

(25) Wherever a highway crosses one (1) or more railroads at grade, the department or local authorities within their respective jurisdictions shall place and maintain stop signs, directing vehicular traffic approaching the crossing to come to a full stop prior to entering the crossing at all railroad crossings where electric or mechanical warning signals do not exist. Placement of these stop signs shall be mandatory except when in the determination of public highway agencies the existence of stop signs at a given crossing would constitute a greater hazard than their absence based on a recognized engineering study.

Nothing in this subsection shall be construed as granting immunity to any railroad company as to liability, if any, for an accident which might occur at a crossing where stop signs are erected and in place, but liability, if any, shall be determined as provided by law. Liability on the part of governmental authorities on account of absence of any stop sign at a crossing shall be determined as provided by law.

(26) The department and local authorities are authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving on the left side of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of those zones and when signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey those directions.

(27) The department and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this title or title 40, Idaho Code.

(28) The department and local highway authorities within their respective jurisdictions may place official traffic-control devices prohibiting, limiting or restricting the stopping, standing or parking of vehicles on any highway where such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles unduly interferes with the free movement of traffic thereon.

(29) On any informational material printed after July 1, 1995, by or at the order of the department and distributed to counties, school districts or individuals for the purpose of assisting a person to successfully pass a driver's license test, the department shall include material about the state's open range law and responsibilities, liabilities and obligations of drivers driving in the open range.

SECTION 3. That Section 49-306, Idaho Code, be, and the same is hereby amended to read as follows:

49-306. APPLICATION FOR DRIVER'S LICENSE, INSTRUCTION PERMIT, OR RESTRICTED SCHOOL ATTENDANCE DRIVING PERMIT. (1) Every application for any instruction permit, restricted school attendance driving permit, or for a driver's license shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer

oaths. Officers and employees of the department and sheriffs and their deputies are authorized to administer the oaths without charge. Every application for a permit, extension or driver's license shall be accompanied by the following fee, none of which is refundable:

(a) Class A, B, C (4-year) license with endorsements - age 21 years and older	\$28.50 <u>40.00</u>
(b) Class A, B, C (3-year) license with endorsements - age 18 to 21 years	\$20.50 <u>30.00</u>
(c) Class A, B, C (1-year) license with endorsements - age 20 years	\$12.25 <u>15.00</u>
(d) Class D (3-year) license - under age 18 years	\$20.50 <u>25.00</u>
(e) Class D (3-year) license - age 18 to 21 years	\$20.50 <u>25.00</u>
(f) Class D (1-year) license - age 17 years or age 20 years	\$12.25 <u>15.00</u>
(g) Four-year Class D license - age 21 years and older	\$24.50 <u>30.00</u>
(h) Eight-year Class D license - age 21 to 63 years	\$45 <u>55.00</u>
(i) Class A, B, C instruction permit	\$19.50 <u>29.00</u>
(j) Class D instruction permit or supervised instruction permit	\$11.50 <u>15.00</u>
(k) Duplicate driver's license or permit issued under section 49-318, Idaho Code	\$11.50 <u>15.00</u>
(l) Driver's license extension issued under section 49-319, Idaho Code	\$ 6.50 <u>10.00</u>
(m) License classification change (upgrade)	\$15.50 <u>25.00</u>
(n) Endorsement addition	\$11.50 <u>15.00</u>
(o) Class A, B, C skills tests	not more than \$55.00 <u>70.00</u>
(p) Class D skills test	\$15.00 <u>24.00</u>
(q) Motorcycle endorsement skills test	\$ 5.00 <u>10.00</u>
(r) Knowledge test	\$ 3.00
(s) Seasonal driver's license	\$27.50 <u>39.00</u>
(t) One time motorcycle "M" endorsement	\$11.50 <u>15.00</u>
(u) Motorcycle endorsement instruction permit	\$11.50 <u>15.00</u>
(v) Restricted driving permit or restricted school attendance driving permit	\$35.00 <u>60.00</u>

(2) Every application shall state the true and full name, date of birth, sex, declaration of Idaho residency, Idaho residence address and mailing address, if different, of the applicant, height, weight, hair color, and eye color, and the applicant's social security number as verified by the social security administration.

(a) The requirement that an applicant provide a social security number as verified by the social security administration shall apply only to applicants who have been assigned a social security number.

(b) An applicant who has not been assigned a social security number shall:

(i) Present written verification from the social security administration that the applicant has not been assigned a social security number; and

(ii) Submit a birth certificate, passport or other documentary evidence issued by an entity other than a state or the United States; and

(iii) Submit such proof as the department may require that the applicant is lawfully present in the United States.

A driver's license or any instruction permit issued on and after January 1, 1993, shall not contain an applicant's social security number. Applications on file shall be exempt from disclosure except as provided in sections 49-202, 49-203, 49-203A and 49-204, Idaho Code.

Every application for a class A, B or C license shall state where the applicant has been licensed for the preceding ten (10) years and all applications shall also state whether the applicant has previously

been licensed as a driver, and if so, when and by what state or country, and whether a driver's license or privileges have ever been suspended, revoked, denied, disqualified, canceled or whether an application has ever been refused, and if so, the date of and reason for the suspension, revocation, denial, disqualification, cancellation or refusal and the applicant's oath that all information is correct as signified by the applicant's signature.

The applicant may be required to submit proof of identity acceptable to the examiner or the department and date of birth as set forth in a certified copy of his birth certificate when obtainable, or another document which provides satisfactory evidence of a person's date of birth acceptable to the examiner or the department.

(c) Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for a driver's license or instruction permit. Any registration information so supplied shall be transmitted by the department to the selective service system.

(3) Whenever an application is received from a person previously licensed in another jurisdiction, the department shall request a copy of the driver's record from the other jurisdiction and shall contact the national driver register. When received, the driver's record from the previous jurisdiction shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(4) Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

(5) The department shall contact and notify the commercial driver license information system of the proposed application for a class A, B or C driver's license to ensure identification of the person and to obtain clearance to issue the license.

(6) When the fees required under this section are collected by a county officer, they shall be paid over to the county treasurer not less often than monthly, who shall immediately:

(a) Deposit an amount equal to five dollars (\$5.00) from each driver's license except an eight-year class D license, or any class D instruction permit application fees, application for a duplicate driver's license or permit, classification change, seasonal driver's license and additional endorsement, and ten dollars (\$10.00) from each eight-year class D driver's license, in the current expense fund; and

(b) Deposit two dollars and fifty cents (\$2.50) from each motorcycle endorsement and motorcycle endorsement instruction permit fee in the current expense fund; and

(c) Deposit an amount equal to three dollars (\$3.00) from each fee for a knowledge test in the current expense fund; and

(d) Deposit an amount equal to ~~five ten~~ ten dollars (~~\$5~~10.00) from each fee for a motorcycle endorsement skills test in the current expense fund; provided however, if a contractor administers the skills test he shall be entitled to the ~~five ten~~ ten dollar (~~\$5~~10.00) fee; and

(e) Remit the remainder to the state treasurer; and

(f) Deposit ~~eleven seventeen~~ seventeen dollars and fifty cents (~~\$11~~17.50) from each fee for a class D skills test into the county current expense fund, unless the test is administered by a department-approved contractor, in which case the contractor shall be entitled to ~~eleven seventeen~~ seventeen dollars and fifty cents (~~\$11~~17.50) of each fee.

(7) When the fees required under this section are collected by a state officer or agency, they shall be paid over to the state treasurer.

(8) The state treasurer shall distribute the moneys received from fees imposed by the provisions of this section, whether collected by a county officer or by a state officer or agency as follows:

(a) Two dollars (\$2.00) of each fee for a four-year driver's license or seasonal driver's license, and four dollars (\$4.00) of each fee for an eight-year class D driver's license, and one dollar and fifty cents (\$1.50) of each fee charged for driver's licenses pursuant to subsections (1) (b), (d) and (e) of this section, and fifty cents (50¢) of each fee charged for driver's licenses pursuant to subsections (1) (c) and (f) of this section, shall be deposited in the emergency medical services fund II created in section 56-1018A, Idaho Code, and four dollars (\$4.00) of each fee charged pursuant to subsections (1) (a), (g) and (s) of this section and eight dollars (\$8.00) of each fee charged pursuant to subsection (1) (h) of this section and three dollars (\$3.00) of each fee for driver's licenses pursuant to subsections (1) (b), (d) and (e) of this section, and one dollar (\$1.00) of each fee charged for driver's licenses pursuant to subsections (1) (c) and (f) of this section shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code; and

(b) ~~Sixteen~~ Twenty-eight dollars and ~~fifty cents~~ (~~\$16.50~~28.00) of each fee for a seasonal or class A, B or C driver's license, and ~~ten~~ nineteen dollars and ~~fifty cents~~ (~~\$10.00~~19.50) of each fee charged for a license pursuant to subsection (1) (b) of this section, and ~~five dollars and forty one cents~~ (~~\$5.41~~) eight dollars and sixteen cents (\$8.16) of each fee charged for a license pursuant to subsection (1) (c) of this section shall be deposited in the state highway ~~fund~~ account; and

(c) ~~Ten~~ Twenty dollars and ~~fifty cents~~ (~~\$10.50~~20.00) of each fee for a class A, B or C instruction permit or driver's license classification change shall be deposited in the state highway ~~fund~~ account; and

(d) Four dollars (\$4.00) of each fee for a class A, B or C instruction permit shall be deposited in the emergency medical services fund III created in section 56-1018B, Idaho Code; and

(e) ~~Six~~ Ten dollars and ~~fifty cents~~ (~~\$6.50~~10.00) of each fee for a duplicate seasonal or class A, B or C driver's license, class A, B or C driver's license extension, or additional endorsement shall be deposited in the state highway ~~fund~~ account; and

(f) ~~Four~~ Seven dollars and ~~fifty cents~~ (~~\$4.00~~7.50) of each fee for a motorcycle endorsement and motorcycle endorsement instruction permit shall be deposited in the state highway ~~fund~~ account; and

(g) Five dollars and thirty cents (\$5.30) of each fee for a four-year class D driver's license, and ten dollars and sixty cents (\$10.60) of each fee for an eight-year class D driver's license, and four dollars (\$4.00) of each fee charged for a license pursuant to subsections (1) (d) and (e) of this section, and one dollar and thirty-three cents (\$1.33) of each fee charged for a license pursuant to subsection (1) (f) of this section shall be deposited in the driver training fund; and

(h) ~~Seven~~ Twelve dollars and ~~twenty~~ seventy cents (~~\$7.20~~12.70) of each fee for a four-year class D driver's license, and ~~ten~~ twenty dollars and ~~forty cents~~ (~~\$10.40~~20.40) of each fee for an eight-year class D driver's license, and ~~six~~ ten dollars and ~~fifty cents~~ (~~\$6.00~~10.50) of each fee charged for a license pursuant to subsections (1) (d) and (e) of this section, and ~~four~~ six dollars and ~~eighty-three cents~~ (~~\$4.08~~6.83) of each fee charged for a license pursuant to subsection (1) (f) of this section shall be deposited in the highway distribution fund; and

(i) Two dollars and sixty cents (\$2.60) of each fee for a class D instruction permit, duplicate class D license or permit, and class D license extension shall be deposited in the driver training fund; and

(j) ~~Three~~ Seven dollars and ~~ninety~~ forty cents (~~\$3.90~~7.40) of each fee for a class D instruction permit, duplicate class D license or permit,

and class D license extension shall be deposited in the highway distribution fund; and

(k) ~~Five Ten~~ dollars (\$5-0010.00) of each fee for a class A, B or C skills test shall be deposited in the state highway ~~fund~~ account; and

(l) One dollar (\$1.00) of each fee for a class A, B, C or four-year D driver's license, and two dollars (\$2.00) of each fee for an eight-year class D driver's license, and one dollar (\$1.00) of each fee charged for a license pursuant to subsections (1) (b), (d) and (e) of this section, and thirty-four cents (34¢) of each fee charged for a license pursuant to subsections (1) (c) and (f) of this section shall be deposited in the motorcycle safety program fund established in section 33-4904, Idaho Code; and

(m) ~~Three Six~~ dollars and fifty cents (\$36.50) of each fee for a class D skills test shall be deposited into the state highway ~~fund~~ account.

(9) The contractor administering a class A, B or C skills test shall be entitled to not more than ~~fifty sixty~~ dollars (\$560.00) of the skills test fee. A contractor administering a class A, B or C skills test may collect an additional fee for the use of the contractor's vehicle for the skills test.

(10) ~~Thirty-five Sixty~~ dollars (\$3560.00) of each restricted driving permit and each restricted school attendance driving permit shall be deposited in the state highway ~~fund~~ account.

(11) The department may issue seasonal class B or C driver's licenses to drivers who are employees of agri-chemical businesses, custom harvesters, farm retail outlets and suppliers, and livestock feeders that:

(a) Will only be valid for driving commercial vehicles that normally require class B or C commercial driver's licenses;

(b) Will be valid for seasonal periods that begin on the date of issuance and that are not to exceed one hundred eighty (180) days in a twelve (12) month period;

(c) May only be obtained twice in a driver's lifetime;

(d) Are valid only within a one hundred fifty (150) mile radius of the place of business or farm being serviced; and

(e) Will be valid only in conjunction with valid Idaho class D driver's licenses.

(12) The department may issue seasonal class B or C driver's licenses to drivers who:

(a) Have not violated the single license provisions of applicable federal regulations;

(b) Have not had any license suspensions, revocations or cancellations;

(c) Have not had any convictions in any vehicle for any offense listed in section 49-335(1) or (2), Idaho Code, or any one (1) serious traffic offense;

(d) Have at least one (1) year of driving experience with a class D or equivalent license in any type motor vehicle; and

(e) Are at least sixteen (16) years old.

SECTION 4. That Section 49-328, Idaho Code, be, and the same is hereby amended to read as follows:

49-328. REINSTATEMENT OF REVOKED, DISQUALIFIED OR SUSPENDED DRIVER'S LICENSE -- FEE -- WHEN REINSTATEMENT PROHIBITED. (1) When the period of revocation, disqualification or suspension of a driver's license has expired, or the reason for the revocation, disqualification or suspension no longer exists, the department shall reinstate the driver's license or driving privileges on application of the driver.

(2) The application shall be in the form prescribed by the department and accompanied by a reinstatement fee of ~~fifteen~~ twenty-five dollars (~~\$125.00~~) which shall be deposited in the state highway account.

(3) A driver's license which has been suspended under section 49-1505, Idaho Code, for failure to pay an infraction penalty shall not be reinstated until the licensee provides proof that the infraction penalty has been paid to the court.

(4) In addition to any other fees required in this section to be collected, the department shall collect ~~fifty~~ sixty dollars (\$~~50~~60.00) for reinstating a driver's license after conviction for driving under the influence, without privileges, and after conviction or other violation of any other traffic related misdemeanor or infraction, of which fees forty dollars (\$40.00) shall be paid over to the county treasurer of the county in which the conviction occurred for support of that county's justice fund, or the current expense fund if no county justice fund has been established, and the ~~ten~~ twenty dollars (\$~~10~~20.00) shall be deposited in the state highway account.

(5) In addition to any other fees required in this section to be collected, the department shall collect ~~one hundred fifteen~~ two hundred dollars (\$~~115~~200) for reinstating a driver's license after a suspension imposed under the provisions of section 18-8002 or section 18-8002A, Idaho Code, or after a revocation, disqualification or suspension arising out of any alcohol or drug related offense, other than a suspension imposed upon a person under eighteen (18) years of age pursuant to section 18-1502(d), Idaho Code. Funds collected pursuant to this subsection shall be deposited in the state highway account. ~~The department shall reevaluate the amount of the reinstatement fee herein imposed not later than February, 2000, to determine the sufficiency of the fee to meet the costs associated with the implementation of section 18-8002A, Idaho Code.~~

(6) When there is more than one (1) reason why a driver's license was revoked or suspended or why a driver was disqualified, the department shall not collect multiple fees for reinstatement, but shall only collect one (1) reinstatement fee, which shall be the greater reinstatement fee, provided however, the department shall collect a reinstatement fee for each revocation, disqualification or suspension under chapter 80, title 18, Idaho Code.

SECTION 5. That Section 49-523, Idaho Code, be, and the same is hereby amended to read as follows:

49-523. PROCEDURE WHEN DEPARTMENT UNSATISFIED AS TO OWNERSHIP OR SECURITY INTERESTS -- TEMPORARY REGISTRATION PROCEDURE. (1) If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle, but shall either:

(a) Withhold issuance of a certificate of ownership until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(b) As a condition of issuing a certificate of ownership, require the applicant to file with the department all documents held as to the applicant's ownership of the vehicle, together with a bond in the form prescribed by the department and executed by the applicant, or a deposit of cash in a like amount. The bond shall be in an amount equal to one and one-half (1 1/2) times the value of the vehicle, as determined by the department, and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle, or on account of any defect in or disclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to

recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, or any cash deposit, shall be returned at the end of three (3) years, or prior to that time if the vehicle is no longer registered in this state and the current valid certificate of ownership is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

(c) As to a vehicle ten (10) years old or more since manufacture, an applicant who is a resident of the state of Idaho may file with the department, before its authorized representative, a verified statement of facts setting out in detail the manner in which the applicant came into possession of the vehicle, the establishment of ownership, and a summary of the applicant's attempts to contact any prior owners of the vehicle. Upon receipt by the department of the verified statement and all documentation relating to the applicant's possession of the vehicle, and completion of an inspection of the vehicle identification number by an authorized representative of the department, the applicant shall execute a document in the form provided by the department releasing it of any and all damages that may be suffered by the applicant, along with warranties that the applicant will pay any and all damages suffered by any person or entity as to the issuance of a title for that vehicle by the department. The department shall then issue a certificate of title to the applicant in form set out by this section. The certificate of title shall include the statement, "ISSUED ON STATEMENT OF APPLICANT", in permanent letters upon its face. The title issued pursuant to this subsection shall be presumed to indicate legal ownership of the vehicle at the end of the three (3) year period from the date of issue of that title, provided the vehicle is still registered in the state of Idaho, and there are no actions or claims pending against the applicant which places legal ownership in question. The department and the state of Idaho shall be immune as to any damages suffered by any person or entity as a result of the issuance of a certificate of title as provided by this subsection.

(2) Every dealer desiring the privilege of issuing temporary registration permits for the operation of vehicles shall make application to the department. If the privilege is granted, the dealer will receive a series of permits, consecutively numbered by the department, secured by the dealer at a fee of ~~five~~ nine dollars (\$59.00) for each permit. A permit subsequently issued by a dealer to a purchaser shall be valid for a period not to exceed thirty (30) days.

The dealer shall issue temporary registration permits in numerical sequence, one (1) only for each vehicle sold to a bona fide purchaser. Each permit, and the attached stub, shall be completed in duplicate, in ink or by typewriter at the time of issuance. The expiration date on the original permit shall be filled in by rubber stamp or broad-tipped marking pen, and the print shall be at least three-fourths (3/4) inch high and one-eighth (1/8) inch wide. The original permit shall be displayed in the rear window of the vehicle for which it is issued, except when issued for a convertible, station wagon, motorcycle, or other vehicle for which this would not be practical. In these exceptional cases, the permit should be conspicuously displayed in a place where the number of the permit and the expiration date may be easily read and where protected from exposure to weather conditions which would render it illegible.

(3) The dealer shall keep a written record of every temporary registration permit issued. This record shall include the name and address of the person or firm to whom the permit is issued, a description of the vehicle for which it is issued, including year, make, model, identification number, and the date of issue. This record shall list all permits in numerical sequence

and shall be open to inspection by any peace officer or designated employee of the department.

(4) The fees collected from dealers by the department under the provisions of this section shall be transmitted by the department to the state treasurer for deposit in the highway distribution account.

(5) Upon application for title and for registration of a vehicle for which temporary registration has been issued under this section, the county assessor shall collect and fees shall be deemed due from the date of issuance of the temporary registration permit rather than from date of application for title or registration.

(6) The department or a county assessor may issue temporary vehicle registration permits in an emergency situation. The fee for a temporary registration shall be ~~five~~ nine dollars (\$~~59~~.00), and shall be valid for a period of thirty (30) days. The temporary fees collected by the department shall be transmitted to the state treasurer for deposit in the highway distribution account. Temporary fees collected by an assessor shall be distributed as follows: ~~three~~ five dollars (\$~~35~~.00) shall be deposited in the county current expense fund and ~~two~~ four dollars (\$~~24~~.00) shall be transmitted to the department for deposit through the state treasurer in the highway distribution account.

SECTION 6. That Section 49-1224, Idaho Code, be, and the same is hereby amended to read as follows:

49-1224. SELF-INSURERS. (1) Any person in whose name more than twenty-five (25) motor vehicles are registered and titled in Idaho, or engaged in the operation of a railroad, street railway system or public utility subject to the regulation of the public utilities commission irrespective of the number of vehicles registered, may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department.

(2) The department may, in its discretion, issue a certificate of self-insurance and certificate of liability insurance in a form as the department prescribes when the department is satisfied that the person is possessed and will continue to be possessed of ability to pay judgments obtained against that person upon application, and providing a statement by a certified public accountant attesting the applicant's net worth is five hundred thousand dollars (\$500,000), a list of vehicles and an application fee of ~~forty~~ seventy dollars (\$~~470~~.00) which shall be deposited in the state highway account.

(3) The self-insurer will be required to submit an annual financial statement showing net worth of five hundred thousand dollars (\$500,000), a list of vehicles and a ~~forty~~ seventy dollar (\$~~470~~.00) issue fee to be deposited in the state highway account.

(4) Upon not less than five (5) days' notice and a hearing pursuant to the notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty (30) days after a judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

SECTION 7. That Section 49-1607, Idaho Code, be, and the same is hereby amended to read as follows:

49-1607. FEES -- FUNDS -- EXPENSES -- EXPIRATION OF LICENSES. (1) The department shall collect with each application for licensure, the following fees:

(a) Dealer's, wholesale dealer's and vehicle manufacturer's license, initial application, ~~one~~ two hundred ~~twenty-five~~ dollars (\$~~125~~200), ten dollars (\$10.00) of which shall be deposited in the county current

expense fund. Renewal application, one hundred seventy-five dollars (~~\$100~~75).

(b) Vehicle salesman's license, ~~twenty-five~~ thirty-six dollars (~~\$25~~36.00), ten dollars (\$10.00) of which shall be deposited in the county current expense fund.

(c) Distributor-factory branch-distributor branch license, one hundred seventy-five dollars (~~\$100~~75).

(d) Representative's license, ~~twenty-five~~ forty-four dollars (~~\$25~~44.00).

(e) To reissue a license, salesman and dealer identification cards or other licensing documents at a dealer's request, not resulting from an error by the department, a fee of ~~ten~~ eighteen dollars (~~\$10~~8.00) per document.

(f) Supplemental lot license or relocated principal place of business, and temporary supplemental lot, ~~twenty-five~~ forty-four dollars (~~\$25~~44.00) for license issued to a single dealer. A fee of ~~fifty~~ eighty-eight dollars (~~\$50~~88.00) for a license issued to a group of dealers for a temporary supplemental lot.

(2) All fees shall be paid over to the state treasurer for credit to the state highway account out of which shall be paid the expenses of the department and the expenses incurred in enforcing the provisions of this chapter.

(3) Dealer licenses, if not suspended or revoked, may be renewed from year to year upon the payment of the fees specified in this section to accompany applications, and renewals shall be made in accordance with the provisions of section 49-1634, Idaho Code.

(a) There shall be twelve (12) licensing periods, starting with January and ending in December. A dealer's license shall be in effect from the month of initial licensing through the last day of the next year's calendar month that precedes the month of the initial licensing.

(b) Any renewal license application received or postmarked after thirty (30) days from the end of the previous year's license period shall be processed as an initial application and initial fees shall be paid.

(4) Salesman licenses, if not suspended or revoked, shall be valid for three (3) years from the date of issue provided that:

(a) Employment remains with the sponsoring dealership; and

(b) The sponsoring dealership has a valid license issued by the department.

Renewals shall be issued in accordance with the provisions of section 49-1635, Idaho Code.

SECTION 8. That Section 49-2444, Idaho Code, be, and the same is hereby amended to read as follows:

49-2444. IDENTIFICATION CARD ISSUED -- FOUR-YEAR OR EIGHT-YEAR. (1) The department shall issue a distinguishing identification card which shall set forth the information contained in the application, in a form as prescribed by the department. All identification cards issued on or after January 1, 1993, shall not contain the applicant's social security number. An applicant's social security number shall be exempt from disclosure except for inquiries from agencies or institutions authorized to obtain such information by federal law or regulation, from peace officers or from jury commissioners. Each card shall have printed on it the applicant's full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair color, and shall be issued a distinguishing number assigned to the applicant. Each card shall also have printed on it the name of this state, the date of issuance, and the date of expiration. An identification card shall not be valid until it has been signed on the signature line by the applicant. Each card shall bear upon it a color photograph of the applicant which shall

be taken by the examiner at the time of application. The photograph shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant. A waiver may be granted by the department allowing the applicant to wear headgear or other head covering for medical, religious or safety purposes so long as the face is not disguised or otherwise concealed. At the request of the applicant, an identification card may contain a statement or indication of the medical condition of the applicant.

No person shall receive an identification card unless and until he surrenders to the department all identification cards in his possession issued to him by Idaho or any other jurisdiction, or any driver's license issued by any other jurisdiction within the United States, or until he executes an affidavit that he does not possess an identification card or any driver's license.

Identification cards issued to persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and identification cards issued to persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." The nonrefundable fee for a four-year identification card issued to persons twenty-one (21) years of age or older shall be ~~seven ten dollars and fifty cents~~ (~~\$7.50~~10.00) of which five dollars (\$5.00) shall be retained by the county and credited to the current expense fund, and ~~two five dollars and fifty cents~~ (~~\$2.50~~5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for identification cards issued to persons under twenty-one (21) years of age shall be ~~six ten dollars and fifty cents~~ (~~\$6.50~~10.00), of which five dollars (\$5.00) shall be retained by the county and credited to the current expense fund, and ~~one five dollars and fifty cents~~ (~~\$1.50~~5.00) shall be deposited in the state treasury to the credit of the highway distribution account. The nonrefundable fee for an eight-year identification card shall be ~~fifteen twenty dollars~~ (~~\$15~~20.00) of which ten dollars (\$10.00) shall be retained by the county and credited to the current expense fund, and ~~five ten dollars~~ (~~\$5~~10.00) shall be deposited in the state treasury to the credit of the highway distribution account. At the option of the applicant, the identification card issued to a person twenty-one (21) years of age or older shall expire either on the cardholder's birthday in the fourth year or the eighth year following issuance of the card, except as otherwise provided in subsection (3) of this section. Every identification card issued to a person under eighteen (18) years of age shall expire five (5) days after the person's eighteenth birthday, except as otherwise provided in subsection (3) of this section. Every identification card issued to a person eighteen (18) years of age but under twenty-one (21) years of age shall expire five (5) days after the person's twenty-first birthday, except as otherwise provided in subsection (3) of this section.

Individuals required to register in compliance with section 3 of the federal military selective service act, 50 U.S.C. App. 451 et seq., as amended, shall be provided an opportunity to fulfill such registration requirements in conjunction with an application for an identification card. Any registration information so supplied shall be transmitted by the department to the selective service system.

(2) Every identification card, except those issued to persons under twenty-one (21) years of age, shall be renewable on or before its expiration, but not more than twelve (12) months before, and upon application and payment of the required fee.

(3) Every identification card issued to a person who is not a citizen or permanent legal resident of the United States shall have an expiration date that is the same date as the end of lawful stay in the United States as indicated on documents issued and verified by the department of homeland security, provided however, that the expiration date shall not extend beyond the

expiration date for the same category of identification card issued to citizens. Persons whose department of homeland security documents do not state an expiration date shall be issued an identification card with an expiration date of one (1) year from the date of issuance.

(4) When an identification card has been expired for less than twelve (12) months, the renewal of the identification card shall start from the original date of expiration regardless of the year in which the application for renewal is made. If the identification card is expired for more than twelve (12) months, the application shall expire, at the option of the applicant, on the applicant's birthday in the fourth year or the eighth year following reissuance of the identification card, except as otherwise provided in subsection (3) of this section.

(5) A person possessing an identification card who desires to donate any or all organs or tissue in the event of death, and who has completed a document of gift pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code, may, at the option of the donor, indicate this desire on the identification card by the imprinting of the word "donor" on the identification card. The provisions of this subsection shall apply to persons possessing an identification card who are sixteen (16) years of age or older but less than eighteen (18) years of age if the requirements provided in chapter 34, title 39, Idaho Code, have been complied with.

(6) A person possessing an identification card or an applicant for an identification card who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the identification card, provided the person presents written certification from a licensed physician verifying that the person's stated impairment qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

(7) In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(8) Whenever any person, after applying for or receiving an identification card, shall move from the address shown on the application or on the identification card issued, that person shall, within thirty (30) days, notify the transportation department in writing of the old and new addresses.

(9) The department shall cancel any identification card upon determining that the person was not entitled to the issuance of the identification card, or that the person failed to give the required and correct information in his application or committed fraud in making the application. Upon cancellation, the person shall surrender the canceled identification card to the department.

(10) If any person shall fail to return to the department the identification card as required, the department may direct any peace officer to secure its possession and return the identification card to the department.

(11) The department may issue a no-fee identification card to an individual whose driver's license has been canceled and voluntarily surrendered as provided in section 49-322(4), Idaho Code. The identification card may be renewed at no cost to the applicant as long as the driver's license remains canceled.

(12) It is an infraction for any person to fail to notify the department of a change of address as required by the provisions of subsection (8) of this section.

SECTION 9. This act shall be in full force and effect on and after January 1, 2010.

CHAPTER 332

(H.B. No. 338, As Amended in the Senate)

AN ACT

RELATING TO FUELS; AMENDING SECTION 63-2407, IDAHO CODE, TO DELETE CERTAIN DEDUCTIONS; AMENDING SECTION 63-2412, IDAHO CODE, TO REVISE DISTRIBUTION OF TAX REVENUES FROM TAX ON GASOLINE AND AIRCRAFT ENGINE FUEL AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 63-2418, IDAHO CODE, TO REVISE DISTRIBUTION OF TAX REVENUES FROM TAX ON SPECIAL FUELS; AMENDING SECTION 40-701, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 41-4910, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; TO PROVIDE LEGISLATIVE INTENT; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 63-2407, Idaho Code, be, and the same is hereby amended to read as follows:

63-2407. DEDUCTIONS AUTHORIZED. Each licensed distributor shall deduct from his monthly report:

(1) Motor fuel exported from this state other than in the supply tanks of motor vehicles, motor boats or aircraft when supported by a shipping document, an invoice signed by the purchaser, or other proper documents approved by the commission but only if:

(a) The purchaser is not a licensed distributor and the seller can establish that any tax due in the jurisdiction to which the motor fuel is destined is paid; or

(b) The purchaser is a licensed distributor in the jurisdiction to which the motor fuel is destined.

(2) Motor fuel returned to a licensed distributor's refinery or pipeline terminal storage when supported by proper documents approved by the commission.

(3) Motor fuel lost or destroyed by fire, lightning, flood, tornado, windstorm, explosion, or other accidental casualty, after presenting to the commission satisfactory proof of loss.

(4) The number of gallons which would be equal to two percent (2%) of the total number of gallons received during the reporting period, less the total number of gallons deducted under subsections (1) through (3) of this section, which credit is granted to the licensed distributor to reimburse him for loss from evaporation, handling, spillage and shrinkage, except losses caused by casualty as provided in subsection (3) of this section.

(5) Motor fuel sold to the Idaho national guard for use in aircraft and in vehicles used off public highways provided, however, such deduction is supported by an exemption certificate signed by an authorized officer of the Idaho national guard.

~~(6) In the case of motor fuel that is:~~

~~(a) Gasohol, deduct the number of gallons of denatured anhydrous ethanol contained in gasohol imported or blended during the reporting period and that would be taxable in the report but for the deduction allowed by this subsection.~~

~~(b) Biodiesel, deduct the number of gallons that are sold during the month to which the report relates to any person other than a licensed distributor.~~

~~(c) A biodiesel blend, deduct the number of gallons of biodiesel contained in the biodiesel blend imported, blended or received from a licensed distributor who is a biodiesel producer during the month to which the report relates. In the case of a licensed distributor~~

~~who is a biodiesel producer, the deduction is only available when the producer sells its biodiesel blends to a person who is not a motor fuel distributor licensed in this state.~~

~~(d) The deduction provided in this subsection shall not exceed ten percent (10%) of (i) the volume of gasohol reported on the report or (ii) the special fuel which is or contains biodiesel.~~

~~(e) The deduction allowed by paragraphs (b) and (c) of this subsection is only available for motor fuel otherwise subject to tax under this chapter.~~

SECTION 2. That Section 63-2412, Idaho Code, be, and the same is hereby amended to read as follows:

63-2412. DISTRIBUTION OF TAX REVENUES FROM TAX ON GASOLINE AND AIR-CRAFT ENGINE FUEL. (1) The revenues received from the taxes imposed by sections 63-2402 and 63-2421, Idaho Code, upon the receipt or use of gasoline, and any penalties, interest, or deficiency additions, shall be distributed periodically as follows:

(a) An amount of money equal to the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission, as determined by it shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission at the end of each fiscal year shall be distributed as listed in paragraph (e~~f~~) of this subsection.

(b) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account and those moneys are hereby continuously appropriated for that purpose.

(c) As soon as possible after the beginning of each fiscal year, the sum of two hundred fifty thousand dollars (\$250,000) shall be distributed to the railroad grade crossing protection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 62-304C, Idaho Code.

(d) As soon as possible after the beginning of each fiscal year, the sum of one hundred thousand dollars (\$100,000) shall be distributed to the local bridge inspection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 40-703, Idaho Code.

(e) An amount of money equal to seven percent (7%) shall be distributed to the state highway account established in section 40-702, Idaho Code.

(f) From the balance remaining with the commission after distributing the amounts in paragraphs (a) through (d) of subsection (1) of this section:

1. One and twenty-eight hundredths percent (1.28%) shall be distributed as follows: sixty-six percent (66%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the waterways improvement account, as created in chapter 15, title 57, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the waterways improvement account under the provisions of this paragraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the waterways improvement account. Thirty-three percent (33%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement

account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code;

2. One and twenty-eight hundredths percent (1.28%) shall be distributed as follows: sixty-six percent (66%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the off-road motor vehicle account, as created in section 57-1901, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the off-road motor vehicle account by this subparagraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the off-road motor vehicle account. Thirty-three percent (33%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code; and

3. Forty-four hundredths percent (.44%) shall be distributed to the park and recreation capital improvement account as created in section 57-1801, Idaho Code, to be used solely to develop, construct, maintain and repair roads, bridges and parking areas within and leading to parks and recreation areas of the state.

4. The balance remaining shall be distributed to the highway distribution account created in section 40-701, Idaho Code.

(2) The revenues received from the taxes imposed by section 63-2408, Idaho Code, and any penalties, interest, and deficiency amounts, shall be distributed as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account, and those moneys are hereby continuously appropriated.

(b) The balance remaining of all the taxes collected shall be distributed to the state aeronautics account, as provided in section 21-211, Idaho Code.

SECTION 3. That Section 63-2418, Idaho Code, be, and the same is hereby amended to read as follows:

63-2418. DISTRIBUTION OF TAX REVENUES FROM TAX ON SPECIAL FUELS. The revenues received from the tax imposed by this chapter upon the receipt of special fuel and any penalties, interest, or deficiency additions, or from the fees imposed by the commission under the provisions of section 63-2424 or 63-2438, Idaho Code, shall be distributed as follows:

(1) An amount of money equal to the actual cost of collecting, administering and enforcing the special fuels tax provisions by the commission, as determined by it shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost of collecting, administering and enforcing the special fuels tax requirements by the commission at the end of each fiscal year shall be distributed to the highway distribution account.

(2) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid under this chapter shall be paid from the state refund account, those moneys being hereby continuously appropriated.

(3) An amount of money equal to seven percent (7%) shall be distributed to the state highway account as established in section 40-702, Idaho Code.

(4) The balance remaining with the commission after distributing the amounts specified in subsections (1) and (2) of this section shall be distributed to the highway distribution account, established in section 40-701, Idaho Code.

SECTION 4. That Section 40-701, Idaho Code, be, and the same is hereby amended to read as follows:

40-701. HIGHWAY DISTRIBUTION ACCOUNT -- APPORTIONMENT. (1) There is established in the state treasury an account known as the "Highway Distribution Account," to which shall be credited:

(a) Moneys as provided by sections 63-2412(1) (~~ef~~) 4. and 63-2418 (~~34~~), Idaho Code;

(b) All moneys collected by the department, their agents and vendors, and county assessors and sheriffs, under the provisions of title 49, Idaho Code, except as otherwise specifically provided for; and

(c) All other moneys as may be provided by law.

(2) The highway distribution account shall be apportioned as follows:

(a) Thirty-eight percent (38%) to local units of government as provided in section 40-709, Idaho Code;

(b) Fifty-seven percent (57%) to the state highway account established in section 40-702, Idaho Code; and

(c) Five percent (5%) to the law enforcement account, established in section 67-2914, Idaho Code. The state controller shall cause the remittance of the moneys apportioned to local units of government not later than January 25, April 25, July 25 and October 25 of each year, and to the state highway account and the law enforcement account as the moneys become available to the highway distribution account.

(3) Interest earned on the investment of idle moneys in the highway distribution account shall be paid to the highway distribution account.

(4) All idle moneys in the dedicated highway trust or asset accounts or subaccounts established from highway user revenues, reimbursements, fees or permits shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the various highway trust or asset accounts and subaccounts.

SECTION 5. That Section 41-4910, Idaho Code, be, and the same is hereby amended to read as follows:

41-4910. DISTRIBUTION OF APPLICATION FEES AND TRANSFER FEES. (1) The application fees and the transfer fees collected as provided in this chapter shall be promptly remitted to the state treasurer for deposit in the Idaho petroleum clean water trust fund. The transfer fees and accumulated interest which accrued to the fund prior to August 3, 1995, shall remain in the fund. The transfer fees and accumulated interest, which have been held in a separate suspense account since August 3, 1995, shall be distributed as provided in subsection (4) of this section. The transfer fees and accumulated interest which accrue to the Idaho petroleum clean water trust fund subsequent to April 1, 1997, shall be distributed monthly thereafter as provided in subsection (5) of this section.

(2) An amount of money equal to the actual cost of collecting, administering and enforcing the transfer fee by the commission, as determined by it, shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost of collection, administering and enforcing the transfer fee requirements by

the commission at the end of each fiscal year shall be remitted to the state treasurer for deposit into the Idaho petroleum clean water trust fund.

(3) From the receipts of the transfer fee, an amount of money shall be distributed to the state refund account established under section 63-3067, Idaho Code, sufficient to reimburse that account for all current refund claims under this chapter paid from that account. Any refunds due and owing from the commission under this chapter shall be paid from the state refund account and those moneys are hereby continuously appropriated for that purpose.

(4) For the distribution on April 1, 1997, the balance of the transfer fees and accumulated interest accruing to the separate suspense account established for such fees on August 3, 1995, which remain after distributing the amounts specified in subsections (2) and (3) of this section, shall be distributed as follows:

(a) Twenty percent (20%) to the Idaho petroleum clean water trust fund established in section 41-4905, Idaho Code;

(b) Three percent (3%) to the Idaho department of parks and recreation in accordance with subparagraphs 1., 2., and 3. of paragraph (ef), subsection (1) of section 63-2412, Idaho Code; and

(c) The remainder shall be distributed:

(i) Six million dollars (\$6,000,000) to the state highway account for administration by the Idaho transportation department as provided in section 41-4910A, Idaho Code; and

(ii) The balance remaining to the highway distribution account established in section 40-701, Idaho Code.

(5) For the distribution at the end of fiscal year 1997 and monthly thereafter, the balance of the transfer fees and accumulated interest accruing to the Idaho petroleum clean water trust fund which remain after distributing the amounts specified in subsections (2) and (3) of this section, shall be distributed as follows:

(a) Seventy-seven percent (77%) to the highway distribution account established in section 40-701, Idaho Code; and

(b) Three percent (3%) to the Idaho department of parks and recreation in accordance with subparagraphs 1., 2., and 3. of paragraph (ef), subsection (1) of section 63-2412, Idaho Code.

SECTION 6. It is legislative intent, in light of changing consumption patterns relating to motor vehicle fuels, including gasohol, biodiesel and biodiesel blends, to review on an annual basis the distributions to the State Highway Account provided for in Sections 63-2412(1)(e) and 63-2418(3), Idaho Code.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after June 1, 2009. Sections 2, 3, 4 and 5 of this act shall be in full force and effect on and after July 1, 2009.

Approved May 12, 2009.

CHAPTER 333
(H.B. No. 376)

AN ACT

RELATING TO ROADS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 40-701, IDAHO CODE, TO REVISE DISTRIBUTIONS FROM THE HIGHWAY DISTRIBUTION ACCOUNT AND TO REVISE A CODE REFERENCE; AMENDING SECTION 41-4910, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 63-2412, IDAHO CODE, TO REVISE DISTRIBUTIONS OF TAX REVENUES FROM THE TAX ON GASOLINE

AND AIRCRAFT ENGINE FUEL; AMENDING SECTION 67-2914, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE IDAHO LAW ENFORCEMENT FUND; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. LEGISLATIVE INTENT. The Legislature acknowledges that, beginning July 1, 2010, the revised distribution from the Highway Distribution Account and the revised distribution from gasoline tax revenues provided for in this act will reduce moneys annually provided to the Idaho State Police and the Idaho Department of Parks and Recreation. In light of such reductions, the Legislature will authorize, via concurrent resolution, a legislative task force, comprised of eight members of the Legislature, including both co-chairs of the Joint Finance-Appropriations Committee, to study potential sources of dedicated revenue to offset the reductions that will be sustained by the Idaho State Police and the Idaho Department of Parks and Recreation. The Legislature declares that every effort will be made to find appropriate alternative dedicated sources of moneys on an ongoing basis to offset the reduced distributions to the Idaho State Police and the Idaho Department of Parks and Recreation.

SECTION 2. That Section 40-701, Idaho Code, be, and the same is hereby amended to read as follows:

40-701. HIGHWAY DISTRIBUTION ACCOUNT -- APPORTIONMENT. (1) There is established in the state treasury an account known as the "Highway Distribution Account," to which shall be credited:

(a) Moneys as provided by sections 63-2412(1)(e)4 and 63-2418(3), Idaho Code;

(b) All moneys collected by the department, their agents and vendors, and county assessors and sheriffs, under the provisions of title 49, Idaho Code, except as otherwise specifically provided for; and

(c) All other moneys as may be provided by law.

(2) The highway distribution account shall be apportioned as follows:

(a) Thirty-eight percent (38%) to local units of government as provided in section 40-709, Idaho Code;

(b) ~~Fifty-seven~~ Sixty-two percent (~~57~~62%) to the state highway account established in section 40-702, Idaho Code; ~~and. The state controller shall cause the remittance of the moneys apportioned to local units of government not later than January 25, April 25, July 25 and October 25 of each year, and to the state highway account as the moneys become available to the highway distribution account.~~

~~(c) Five percent (5%) to the law enforcement account, established in section 67-2914, Idaho Code. The state controller shall cause the remittance of the moneys apportioned to local units of government not later than January 25, April 25, July 25 and October 25 of each year, and to the state highway account and the law enforcement account as the moneys become available to the highway distribution account.~~

(3) Interest earned on the investment of idle moneys in the highway distribution account shall be paid to the highway distribution account.

(4) All idle moneys in the dedicated highway trust or asset accounts or subaccounts established from highway user revenues, reimbursements, fees or permits shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other surplus or idle moneys in the state treasury. Interest earned on the investments shall be returned to the various highway trust or asset accounts and subaccounts.

SECTION 3. That Section 41-4910, Idaho Code, be, and the same is hereby amended to read as follows:

41-4910. DISTRIBUTION OF APPLICATION FEES AND TRANSFER FEES. (1) The application fees and the transfer fees collected as provided in this chapter shall be promptly remitted to the state treasurer for deposit in the Idaho petroleum clean water trust fund. The transfer fees and accumulated interest which accrued to the fund prior to August 3, 1995, shall remain in the fund. The transfer fees and accumulated interest, which have been held in a separate suspense account since August 3, 1995, shall be distributed as provided in subsection (4) of this section. The transfer fees and accumulated interest which accrue to the Idaho petroleum clean water trust fund subsequent to April 1, 1997, shall be distributed monthly thereafter as provided in subsection (5) of this section.

(2) An amount of money equal to the actual cost of collecting, administering and enforcing the transfer fee by the commission, as determined by it, shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost of collection, administering and enforcing the transfer fee requirements by the commission at the end of each fiscal year shall be remitted to the state treasurer for deposit into the Idaho petroleum clean water trust fund.

(3) From the receipts of the transfer fee, an amount of money shall be distributed to the state refund account established under section 63-3067, Idaho Code, sufficient to reimburse that account for all current refund claims under this chapter paid from that account. Any refunds due and owing from the commission under this chapter shall be paid from the state refund account and those moneys are hereby continuously appropriated for that purpose.

(4) For the distribution on April 1, 1997, the balance of the transfer fees and accumulated interest accruing to the separate suspense account established for such fees on August 3, 1995, which remain after distributing the amounts specified in subsections (2) and (3) of this section, shall be distributed as follows:

(a) Twenty percent (20%) to the Idaho petroleum clean water trust fund established in section 41-4905, Idaho Code;

(b) Three percent (3%) to the Idaho department of parks and recreation in accordance with subparagraphs 1., 2., and 3. of paragraph (e), subsection (1) of section 63-2412, Idaho Code; and

(c) The remainder shall be distributed:

(i) Six million dollars (\$6,000,000) to the state highway account for administration by the Idaho transportation department as provided in section 41-4910A, Idaho Code; and

(ii) The balance remaining to the highway distribution account established in section 40-701, Idaho Code.

(5) For the distribution at the end of fiscal year 1997 and monthly thereafter, the balance of the transfer fees and accumulated interest accruing to the Idaho petroleum clean water trust fund which remain after distributing the amounts specified in subsections (2) and (3) of this section, shall be distributed as follows:

(a) Seventy-seven percent (77%) to the highway distribution account established in section 40-701, Idaho Code; and

(b) Three percent (3%) to the Idaho department of parks and recreation in accordance with subparagraphs 1., 2., and 3. of paragraph (e), subsection (1) of section 63-2412, Idaho Code, as that section existed on July 1, 2009.

SECTION 4. That Section 63-2412, Idaho Code, be, and the same is hereby amended to read as follows:

63-2412. DISTRIBUTION OF TAX REVENUES FROM TAX ON GASOLINE AND AIR-CRAFT ENGINE FUEL. (1) The revenues received from the taxes imposed by sec-

tions 63-2402 and 63-2421, Idaho Code, upon the receipt or use of gasoline, and any penalties, interest, or deficiency additions, shall be distributed periodically as follows:

(a) An amount of money equal to the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission, as determined by it shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission at the end of each fiscal year shall be distributed as listed in paragraph (e) of this subsection.

(b) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account and those moneys are hereby continuously appropriated for that purpose.

(c) As soon as possible after the beginning of each fiscal year, the sum of two hundred fifty thousand dollars (\$250,000) shall be distributed to the railroad grade crossing protection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 62-304C, Idaho Code.

(d) As soon as possible after the beginning of each fiscal year, the sum of one hundred thousand dollars (\$100,000) shall be distributed to the local bridge inspection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 40-703, Idaho Code.

~~(e) From the balance remaining with the commission after distributing the amounts in paragraphs (a) through (d) of subsection (1) of this section:~~

~~1. One and twenty-eight hundredths percent (1.28%) shall be distributed as follows: sixty-six percent (66%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the waterways improvement account, as created in chapter 15, title 57, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the waterways improvement account under the provisions of this paragraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the waterways improvement account. Thirty-three percent (33%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code. One percent (1%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code.~~

~~2. One and twenty-eight hundredths percent (1.28%) shall be distributed as follows: sixty-six percent (66%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed to the off-road motor vehicle account, as created in section 57-1901, Idaho Code. Up to twenty percent (20%) of the moneys distributed to the off-road motor vehicle account by this subparagraph may be used by the department of parks and recreation to defray administrative costs. Any moneys unused at the end of the fiscal year by the department of parks and recreation shall be returned to the state treasurer for deposit in the off-road motor vehicle account. Thirty-three percent (33%) of the one and twenty-eight hundredths percent (1.28%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho~~

~~Code. One percent (1%) of the one and twenty eight hundredths percent (1.28%) shall be distributed to the search and rescue fund created in section 67-2913, Idaho Code; and~~

~~3. Forty four hundredths percent (.44%) shall be distributed to the park and recreation capital improvement account as created in section 57-1801, Idaho Code, to be used solely to develop, construct, maintain and repair roads, bridges and parking areas within and leading to parks and recreation areas of the state.~~

~~4. The balance remaining with the commission after distributing the amounts in paragraphs (a) through (d) of subsection (1) of this section shall be distributed to the highway distribution account created in section 40-701, Idaho Code.~~

(2) The revenues received from the taxes imposed by section 63-2408, Idaho Code, and any penalties, interest, and deficiency amounts, shall be distributed as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account, and those moneys are hereby continuously appropriated.

(b) The balance remaining of all the taxes collected shall be distributed to the state aeronautics account, as provided in section 21-211, Idaho Code.

SECTION 5. That Section 67-2914, Idaho Code, be, and the same is hereby amended to read as follows:

67-2914. IDAHO LAW ENFORCEMENT FUND ESTABLISHED. (1) For the purposes of the Idaho state police, there is established in the state treasury of the state of Idaho the Idaho law enforcement fund, to which shall be deposited funds as provided by law.

(2) The Idaho state police provide a critical service to the citizens and motorists of the state of Idaho by providing for the public's health, welfare and safety. In light of the vital service the agency provides, the legislature acknowledges that providing an ongoing and dedicated source of funds for the agency is necessary to safeguard the Idaho state police from the impacts of future economic downturns.

SECTION 6. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 5 and 6 of this act shall be in full force and effect on and after passage and approval. Sections 2, 3 and 4 of this act shall be in full force and effect on and after July 1, 2010.

Approved May 12, 2009.

CHAPTER 334
(H.B. No. 377)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2010.

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

SECTION 1. In addition to the appropriation made in Section 1, Chapter 269, Laws of 2009, there is hereby appropriated to the Idaho Transportation Department the following amounts to be expended for the designated programs according to the designated expense classes from the listed fund for the period July 1, 2009, through June 30, 2010:

	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MOTOR VEHICLES:			
FROM:			
State Highway Fund (Dedicated)	\$5,618,900		\$5,618,900
II. CONTRACT CONSTRUCTION AND RIGHT-OF-WAY ACQUISITION:			
FROM:			
State Highway Fund (Dedicated)		\$22,094,400	\$22,094,400
GRAND TOTAL	\$5,618,900	\$22,094,400	\$27,713,300

Approved May 12, 2009.

CHAPTER 335
(H.B. No. 378)

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF OPERATIONS; AMENDING SECTION 4, CHAPTER 170, LAWS OF 2009, TO REDUCE THE APPROPRIATION FROM THE AMERICAN REINVESTMENT FUNDS AND INCREASES THE APPROPRIATION FROM THE PUBLIC EDUCATION STABILIZATION FUND; AMENDING SECTION 5, CHAPTER 170, LAWS OF 2009, TO TRANSFER DEDICATED FUNDING TO THE PUBLIC SCHOOL INCOME FUND; AMENDING SECTION 1, CHAPTER 272, LAWS OF 2009, APPROPRIATING ADDITIONAL MONEYS FROM THE AMERICAN REINVESTMENT FUND AND REDUCING THE APPROPRIATION FROM THE GENERAL FUND; AMENDING SECTION 2, CHAPTER 272, LAWS OF 2009, TO TRANSFER DEDICATED FUNDING TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING AND TRANSFERRING GENERAL FUND MONEYS TO THE PUBLIC EDUCATION STABILIZATION FUND FOR FISCAL YEAR 2010; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 4, Chapter 170, Laws of 2009, be, and the same is hereby amended to read as follows:

SECTION 4. The following amount shall be expended from state sources for the Public Schools Division of Operations for the period July 1, 2008, through June 30, 2009:

FROM:	
General Fund	\$454,746,600
American Reinvestment Fund	85,097,600
Public School Endowment Earnings Reserve Fund Transfer	29,692,900
Federal Mineral Royalties	1,500,000
Public Education Stabilization Fund	2,262,800
	<u>87,360,400</u>
Liquor Control Fund	1,200,000
Miscellaneous Receipts/Balances	2,300,000
Federal Grant Fund	<u>7,232,800</u>
TOTAL	\$584,032,700

SECTION 2. That Section 5, Chapter 170, Laws of 2009, be, and the same is hereby amended to read as follows:

SECTION 5. Notwithstanding the provisions of Sections 33-907, 33-1018, 33-1018A and 33-1018B, Idaho Code, there is hereby appropriated the following amounts to be transferred to the Public School Income Fund for the period July 1, 2008, through June 30, 2009:

FROM:	
General Fund	\$454,746,600
American Reinvestment Fund	85,097,600
Public Education Stabilization Fund	2,262,800
	<u>87,360,400</u>
TOTAL	\$542,107,000

SECTION 3. That Section 1, Chapter 272, Laws of 2009, be, and the same is hereby amended to read as follows:

SECTION 1. The following amount shall be expended from state sources for the Public Schools Division of Operations for the period July 1, 2009, through June 30, 2010:

FROM:	
General Fund	\$488,455,700
	<u>403,358,100</u>
Public School Endowment Earnings Reserve Fund Transfer	31,292,400
Federal Mineral Royalties	1,500,000
Public Education Stabilization Fund	1,508,500
Liquor Control Fund	1,200,000
Miscellaneous Receipts/Balances	2,300,000
School District Building Fund	19,025,000
American Reinvestment Fund	25,444,500
	<u>110,542,100</u>
Federal Grant Fund	<u>8,000,000</u>
TOTAL	\$578,726,100

SECTION 4. That Section 2, Chapter 272, Laws of 2009, be, and the same is hereby amended to read as follows:

SECTION 2. Notwithstanding the provisions of Sections 33-907, 33-1018, 33-1018A and 33-1018B, Idaho Code, there is hereby appropriated the following amounts to be transferred to the Public School Income Fund for the period July 1, 2009, through June 30, 2010:

FROM:	
General Fund	\$488,455,700
	<u>403,358,100</u>
Public Education Stabilization Fund	<u>1,508,500</u>
TOTAL	\$489,964,200
	<u>404,866,600</u>

SECTION 5. There is hereby appropriated, and the State Controller is directed to transfer, the sum of \$85,097,600 from the General Fund to the Public Education Stabilization Fund on July 1, 2009, or as soon as practicable.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after passage and approval.

Approved May 12, 2009.

CHAPTER 336
(S.B. No. 1130)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-432, IDAHO CODE, TO PROVIDE FOR LIMITS ON CERTAIN PERMITS, TO PROVIDE EXCEPTIONS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 49-432, Idaho Code, be, and the same is hereby amended to read as follows:

49-432. TEMPORARY REGISTRATION FOR RESIDENTS AND NONRESIDENTS -- FEES. (1) When a vehicle or combination of vehicles subject to registration is to be moved upon the public highways in the state of Idaho, the department may issue a permit in lieu of registration for any vehicle or combination of vehicles upon the payment of a fee as set forth in the following schedule:

- (a) One hundred twenty (120) hour permit
 - Single vehicle \$60.00
 - Combination of vehicles \$120.00
- (b) Fuel permit \$60.00
- (c) Thirty (30) day unladen weight permit \$60.00

An owner-operator vehicle moving between lessee fleets where the vehicle registration was issued in the name of the former lessee shall be eligible for a thirty (30) day unladen weight permit for the unladen movement from the point of entry into the state to the destination of the new lessee's place of business.

If an annual registration is purchased within thirty (30) calendar days of issuance of a permit under paragraph (a) or (c) of this subsection (1), the amount of the permit fee shall be applied to the registration fee. No portion of a permit fee is subject to refund.

(2) Permits to operate a vehicle or combination of vehicles in excess of the registered maximum gross vehicle weight up to a maximum of one hundred twenty-nine thousand (129,000) pounds gross vehicle weight shall be:

- (a) One hundred twenty (120) hour permit to increase gross weight \$50.00
- (b) Thirty (30) day permit to increase gross vehicle weight:

Maximum Registered Gross Weight of Vehicle (Pounds)	Temporary Permitted Maximum Gross Weight (Pounds)					
	80,000	86,000	96,000	106,000	116,000	129,000
50,001-60,000	\$225	\$250	\$275	\$300	\$325	\$350

The permit issued pursuant to this subsection (2) shall be specific to the motor vehicle to which it is issued. No permit or fee shall be transferable or apportionable to any other vehicle, nor shall any such fee be refundable. At the time of purchasing a permit, the applicant may purchase additional permits in any combination which does not exceed a maximum of ninety (90) days.

(3) Permits issued pursuant to subsection (1) or (2) of this section shall be limited to three (3) per vehicle in a calendar year except for those permits provided for in subsection (1) (b) and (c). The provisions of this subsection (3) with respect to limiting the number of permits issued shall not apply to transporters and wreckers as defined in sections 49-121 and 49-124, Idaho Code.

(4) A temporary permit shall be in a form, and issued under rules adopted by the board, and shall be displayed at all times while the vehicle is

being operated on the highways by posting the permit upon the windshield of each vehicle or in another prominent place, where it may be readily legible.

(45) Any permit issued pursuant to subsection (2) of this section shall be purchased prior to movement of the vehicle on a highway, and such permit shall be in addition to and available only to a vehicle which is currently and validly registered in Idaho pursuant to section 49-432(1), 49-434(1), 49-434(8)(c) or 49-435, Idaho Code.

(56) The department may select vendors to serve as agents on state highways for the purpose of selling permits where fixed ports of entry do not adequately serve a respective highway entering the state. The vendor shall be remunerated at the rate of three dollars (\$3.00) per permit sold, and he shall collect the fees specified in this section, and pay the fees to the department. The vendor shall guarantee payment by giving a bond to the state in a sum as shall be fixed by the board, the premium on the bond to be paid by the department.

Approved May 12, 2009.

CHAPTER 337
(S.B. No. 1228)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Idaho State Police the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BRAND INSPECTION:					
FROM:					
State Brand Board Fund	\$2,076,800	\$412,800	\$85,500		\$2,575,100
II. POLICE, DIVISION OF IDAHO STATE:					
A. DIRECTOR'S OFFICE:					
FROM:					
General Fund	\$1,741,800	\$550,000			\$2,291,800
Idaho Law Enforcement Fund	108,200				108,200
Idaho Law Enforcement (Project Choice) Fund	93,200	2,800			96,000
Peace Officers Fund	800				800
Miscellaneous Revenue Fund	33,700	56,400			90,100
Federal Grant Fund	<u>101,800</u>	<u>148,100</u>			<u>249,900</u>
TOTAL	\$2,079,500	\$757,300			\$2,836,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. EXECUTIVE PROTECTION:					
FROM:					
General Fund	\$271,500	\$95,000			\$366,500
Idaho Law Enforcement (Project Choice) Fund	54,400	400			54,800
Miscellaneous Revenue Fund	<u>75,400</u>	<u>12,700</u>			<u>88,100</u>
TOTAL	\$401,300	\$108,100			\$509,400
C. INVESTIGATIONS:					
FROM:					
General Fund	\$5,175,000	\$839,400			\$6,014,400
Idaho Law Enforcement (Project Choice) Fund	628,000	7,300			635,300
Drug Enforcement Donation Fund	104,900	425,700	\$54,200		584,800
Federal Grant Fund	<u>88,700</u>	<u>644,100</u>	<u>71,000</u>	<u>\$307,900</u>	<u>1,111,700</u>
TOTAL	\$5,996,600	\$1,916,500	\$125,200	\$307,900	\$8,346,200
D. PATROL:					
FROM:					
General Fund	\$2,547,400	\$758,100			\$3,305,500
Idaho Law Enforcement Fund	11,810,100	2,846,400	\$1,326,200		15,982,700
Idaho Law Enforcement (Project Choice) Fund	4,889,600	21,500			4,911,100
Hazardous Materials/Waste Enforcement Fund	142,800	18,100		\$69,100	230,000
American Reinvestment Fund	161,500	51,700	1,700	4,066,800	4,281,700
Miscellaneous Revenue Fund	18,000	2,000			20,000
Federal Grant Fund	<u>2,372,800</u>	<u>1,295,500</u>	<u>193,500</u>	<u>3,805,300</u>	<u>7,667,100</u>
TOTAL	\$21,942,200	\$4,993,300	\$1,521,400	\$7,941,200	\$36,398,100
E. LAW ENFORCEMENT PROGRAMS:					
FROM:					
General Fund	\$390,900	\$285,900			\$676,800
Idaho Law Enforcement (Project Choice) Fund	45,800	700			46,500
Miscellaneous Revenue Fund		6,000			6,000
Federal Grant Fund	<u>46,600</u>	<u>30,600</u>			<u>77,200</u>
TOTAL	\$483,300	\$323,200			\$806,500

	FOR	FOR	FOR	FOR	TOTAL
	PERSONNEL	OPERATING	CAPITAL	TRUSTEE AND	
	COSTS	EXPENDITURES	OUTLAY	BENEFIT	
				PAYMENTS	
F. SUPPORT SERVICES:					
FROM:					
General Fund	\$1,339,400	\$642,800			\$1,982,200
Idaho Law Enforcement Fund	92,600				92,600
Idaho Law Enforcement (Project Choice) Fund	128,000	4,400			132,400
Idaho Law Enforcement Telecommunications Fund	359,500	511,400			870,900
Miscellaneous Revenue Fund	938,700	1,560,400	\$48,500		2,547,600
Federal Grant Fund		<u>35,800</u>			<u>35,800</u>
TOTAL	\$2,858,200	\$2,754,800	\$48,500		\$5,661,500
G. FORENSIC SERVICES:					
FROM:					
General Fund	\$2,405,900	\$450,800			\$2,856,700
Idaho Law Enforcement (Project Choice) Fund	235,200	3,300			238,500
Drug Enforcement Donation Fund		172,700	\$142,200		314,900
Miscellaneous Revenue Fund	69,700	130,300			200,000
Federal Grant Fund	<u>19,400</u>	<u>20,200</u>			<u>39,600</u>
TOTAL	\$2,730,200	\$777,300	\$142,200		\$3,649,700
DIVISION TOTAL	\$36,491,300	\$11,630,500	\$1,837,300	\$8,249,100	\$58,208,200
III. POST ACADEMY:					
FROM:					
Idaho Law Enforcement (Project Choice) Fund	\$84,500	\$2,700			\$87,200
Peace Officers Fund	1,710,400	1,859,700		\$95,400	3,665,500
Miscellaneous Revenue Fund		209,000			209,000
Federal Grant Fund	<u>75,000</u>	<u>221,200</u>		<u>38,600</u>	<u>334,800</u>
TOTAL	\$1,869,900	\$2,292,600		\$134,000	\$4,296,500
IV. RACING COMMISSION:					
FROM:					
Idaho State Racing Commission Fund	\$394,700	\$318,400			\$713,100
Parimutuel Distributions Fund				<u>\$85,000</u>	<u>85,000</u>
TOTAL	\$394,700	\$318,400		\$85,000	\$798,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
GRAND TOTAL	\$40,832,700	\$14,654,300	\$1,922,800	\$8,468,100	\$65,877,900

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho State Police is authorized no more than five hundred forty-nine and seven-hundredths (549.07) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 12, 2009.

CHAPTER 338
(S.B. No. 1236)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2010;
LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PRO-
VIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUC-
TIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Department of Correction the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2009, through June 30, 2010:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MANAGEMENT SERVICES:				
FROM:				
General Fund	\$6,522,900	\$3,468,500	\$57,000	\$10,048,400
Inmate Labor Fund	34,600			34,600
Parolee Supervision Fund	157,200	92,300		249,500
Miscellaneous Revenue Fund	134,100	66,500		200,600
Federal Grant Fund	<u>63,600</u>	<u>609,500</u>		<u>673,100</u>
TOTAL	\$6,912,400	\$4,236,800	\$57,000	\$11,206,200
II. STATE PRISONS:				
A. PRISONS ADMINISTRATION:				
FROM:				
General Fund	\$709,600	\$77,900		\$787,500
Miscellaneous Revenue Fund	<u>159,400</u>	<u>56,900</u>		<u>216,300</u>
TOTAL	\$869,000	\$134,800		\$1,003,800
B. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:				
FROM:				
General Fund	\$17,886,000	\$3,756,200	\$64,300	\$21,706,500
Inmate Labor Fund		47,200		47,200
Miscellaneous Revenue Fund	403,700	137,900		541,600
Penitentiary Endowment Income Fund		728,500	311,900	1,040,400
Federal Grant Fund	<u>57,000</u>			<u>57,000</u>
TOTAL	\$18,346,700	\$4,669,800	\$376,200	\$23,392,700
C. IDAHO CORRECTIONAL INSTITUTION - OROFINO:				
FROM:				
General Fund	\$6,439,500	\$1,600,200		\$8,039,700
Inmate Labor Fund	869,100	688,700		1,557,800
Miscellaneous Revenue Fund	<u>51,200</u>	<u>52,500</u>		<u>103,700</u>
TOTAL	\$7,359,800	\$2,341,400		\$9,701,200
D. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:				
FROM:				
General Fund	\$4,128,200	\$1,204,700		\$5,332,900
Inmate Labor Fund		32,600		32,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Miscellaneous Revenue Fund	<u>45,400</u>	<u>140,600</u>		<u>186,000</u>
TOTAL	\$4,173,600	\$1,377,900		\$5,551,500
E. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:				
FROM:				
General Fund	\$5,554,100	\$1,707,000		\$7,261,100
Inmate Labor Fund	875,700	456,400		1,332,100
Miscellaneous Revenue Fund	62,700	47,100		109,800
Federal Grant Fund	<u>55,400</u>			<u>55,400</u>
TOTAL	\$6,547,900	\$2,210,500		\$8,758,400
F. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:				
FROM:				
General Fund	\$7,849,500	\$2,065,700		\$9,915,200
Inmate Labor Fund		23,600		23,600
Miscellaneous Revenue Fund	<u>101,300</u>	<u>50,300</u>		<u>151,600</u>
TOTAL	\$7,950,800	\$2,139,600		\$10,090,400
G. ST. ANTHONY WORK CAMP:				
FROM:				
General Fund	\$1,926,300	\$478,100		\$2,404,400
Inmate Labor Fund	766,700	514,800		1,281,500
Miscellaneous Revenue Fund		<u>15,500</u>		<u>15,500</u>
TOTAL	\$2,693,000	\$1,008,400		\$3,701,400
H. POCATELLO WOMEN'S CORRECTIONAL CENTER:				
FROM:				
General Fund	\$4,320,000	\$1,022,900		\$5,342,900
Inmate Labor Fund	246,000	75,900		321,900
Miscellaneous Revenue Fund	<u>215,100</u>	<u>20,000</u>		<u>235,100</u>
TOTAL	\$4,781,100	\$1,118,800		\$5,899,900
I. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:				
FROM:				
General Fund	\$2,608,600	\$777,800		\$3,386,400
Miscellaneous Revenue Fund		<u>5,200</u>		<u>5,200</u>
TOTAL	\$2,608,600	\$783,000		\$3,391,600
DIVISION				
TOTAL	\$55,330,500	\$15,784,200	\$376,200	\$71,490,900
III. PRIVATE PRISONS:				
FROM:				
General Fund		\$26,315,300		\$26,315,300
IV. COUNTY & OUT-OF-STATE PLACEMENT:				
FROM:				
General Fund		\$3,847,700		\$3,847,700
Federal Grant Fund		<u>83,700</u>		<u>83,700</u>
TOTAL		\$3,931,400		\$3,931,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
V. CORRECTIONAL ALTERNATIVE PLACEMENT:				
FROM:				
General Fund		\$1,865,000	\$647,600	\$2,512,600
VI. COMMUNITY CORRECTIONS:				
A. COMMUNITY SUPERVISION:				
FROM:				
General Fund	\$11,174,100	\$2,023,400		\$13,197,500
Parolee Supervision Fund	5,090,600	1,156,800	\$25,600	6,273,000
Drug and Mental Health Court Supervision Fund	333,600	27,200		360,800
Federal Grant Fund	<u>17,600</u>	<u> </u>	<u> </u>	<u>17,600</u>
TOTAL	\$16,615,900	\$3,207,400	\$25,600	\$19,848,900
B. COMMUNITY WORK CENTERS:				
FROM:				
General Fund	\$3,194,700	\$187,300		\$3,382,000
Inmate Labor Fund	518,400	1,368,500	\$45,000	1,931,900
Miscellaneous Revenue Fund	<u> </u>	<u>29,700</u>	<u> </u>	<u>29,700</u>
TOTAL	\$3,713,100	\$1,585,500	\$45,000	\$5,343,600
DIVISION				
TOTAL	\$20,329,000	\$4,792,900	\$70,600	\$25,192,500
VII. EDUCATION & TREATMENT:				
FROM:				
General Fund	\$1,153,700	\$965,400		\$2,119,100
Inmate Labor Fund		91,300	\$89,500	180,800
Miscellaneous Revenue Fund	86,200	59,500		145,700
Federal Grant Fund	<u>324,700</u>	<u>964,900</u>	<u> </u>	<u>1,289,600</u>
TOTAL	\$1,564,600	\$2,081,100	\$89,500	\$3,735,200
VIII. MEDICAL SERVICES:				
FROM:				
General Fund		\$22,865,200		\$22,865,200
Miscellaneous Revenue Fund		<u>81,000</u>		<u>81,000</u>
TOTAL		\$22,946,200		\$22,946,200
IX. PARDONS & PAROLE, COMMISSION:				
FROM:				
General Fund	\$1,781,700	\$432,300		\$2,214,000
Miscellaneous Revenue Fund	<u> </u>	<u>20,700</u>		<u>20,700</u>
TOTAL	\$1,781,700	\$453,000		\$2,234,700
GRAND TOTAL	\$85,918,200	\$82,405,900	\$1,240,900	\$169,565,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Correction is authorized no more than one thousand six hundred twenty-six and eight-tenths (1,626.8) full-time equivalent positions at any point during the period July 1, 2009, through June 30, 2010, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 4. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and inasmuch as the state as a single employer of multiple departments and agencies is required by law to direct across the board salary adjustments; agencies and institutions shall reduce all salaries of classified and nonclassified employees, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Agencies shall use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 4 of this act shall be in full force and effect on and after passage and approval.

Approved May 12, 2009.

CHAPTER 339
(S.B. No. 1245)

AN ACT

APPROPRIATING MONEYS FOR THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 2010; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho for the Agricultural Research and Cooperative Extension Service the following amounts from the listed funds for the period July 1, 2009, through June 30, 2010:

FROM:	
General Fund	\$24,989,900
Equine Education Fund	<u>50,000</u>
TOTAL	\$25,039,900

SECTION 2. LEGISLATIVE INTENT. It is the intent of the Legislature to retain to the extent possible, our capable, quality employees who support the essential services and statutorily authorized programs that the citizens of Idaho expect. The Legislature finds these critical essential services to be those that maintain the health and safety of our citizens and the education of our children. While extending flexibility to the Governor and agency directors to manage the state workforce to the best of their ability during these difficult times, it remains the responsibility of the Legislature to identify priorities for the state workforce. The Legislature finds that reductions in personnel funding shall first be managed through salary reductions that impact all personnel fairly; secondly, be mitigated by the use of existing salary savings; thirdly, by using savings created by keeping newly vacated positions unfilled; fourth, by the use of furloughs; and lastly, as a last resort, by reducing the workforce. It is the intent of the Legislature that these policies shall be adhered to by the executive, legislative, and judicial branches to the extent allowed by law.

SECTION 3. SALARY REDUCTION. Inasmuch as salary reductions will save jobs; and inasmuch as a five percent (5%) reduction in personnel funding may create a reduction in force; and in as much as the state, as a single employer of multiple departments, agencies and institutions, is required by law to direct across the board salary adjustments; the State Board of Education and the Board of Regents of the University of Idaho is hereby requested to reduce all salaries of classified and nonclassified employees for the Agricultural Research and Extension Service at the University of Idaho, regardless of fund source, by three percent (3%) for fiscal year 2010, beginning on June 14, 2009, through June 12, 2010. Institutions are also requested to use personnel cost savings, furloughs, and a reduction in force to manage the remaining two percent (2%) in funding reductions. The Division of Human Resources shall adjust all pay schedules for the classified personnel system downward to the extent that all beginning minimum salaries are three percent (3%) less than those in effect upon the date of passage of this law.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Section 3 of this act shall be in full force and effect on and after passage and approval.

Approved May 12, 2009.

CHAPTER 340

(H.B. No. 303, As Amended in the Senate, As Amended in the Senate)

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-1004, IDAHO CODE, TO REVISE PROVISIONS RELATING TO INSTRUCTIONAL STAFF ALLOWANCE; AND AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1619, IDAHO CODE, TO PROVIDE THAT SCHOOL DISTRICTS MAY OFFER VIRTUAL SCHOOL INSTRUCTION, TO PROVIDE THAT SCHOOL DISTRICTS MAY OFFER A BLEND OF VIRTUAL AND TRADITIONAL INSTRUCTION AND TO PROVIDE FOR THE COUNTING AND REPORTING OF AVERAGE DAILY ATTENDANCE; AND TO PROVIDE FOR ALTERNATIVE USES OF CERTAIN SCHOOL BUILDING MAINTENANCE FUNDS; REPEALING SECTION 33-1004, IDAHO CODE, RELATING TO STAFF ALLOWANCE; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1004, IDAHO CODE, TO PROVIDE THE METHOD OF DETERMINING STAFF ALLOWANCE FOR EACH SCHOOL DISTRICT, TO PROVIDE ADDITIONAL CONDITIONS GOVERNING STAFF ALLOWANCE AND TO PROVIDE FOR A WAIVER AUTHORIZING SUFFICIENT ADDITIONAL STAFF; AND TO PROVIDE EFFECTIVE DATES.

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

SECTION 1. That Section 33-1004, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004. STAFF ALLOWANCE. For each school district, a staff allowance shall be determined as follows:

(1) Using the daily attendance reports that have been submitted for computing the February 15 apportionment of state funds as provided in section 33-1009, Idaho Code, determine the total support units for the district in the manner provided in section 33-1002 (6) (a), Idaho Code;

(2) Determine the instructional staff allowance by multiplying the support units by 1.1. A district must demonstrate that it actually employs the number of certificated instructional staff allowed, except as provided in subsection (5) (f) and (g) of this section. If the district does not employ the number allowed, the staff allowance shall be reduced to the actual number employed, except as provided in subsection (5) (f) and (g) of this section;

(3) Determine the administrative staff allowance by multiplying the support units by .075;

(4) Determine the classified staff allowance by multiplying the support units by .375;

(5) Additional conditions governing staff allowance:

(a) In determining the number of staff in subsections (2), (3) and (4) of this section, a district may contract separately for services to be rendered by nondistrict employees and such employees may be counted in the staff allowance. A "nondistrict employee" means a person for whom the school district does not pay the employer's obligations for employee benefits. When a district contracts for the services of a nondistrict employee, only the salary portion of the contract shall be allowable for computations.

(b) If there are circumstances preventing eligible use of staff allowance to which a district is entitled as provided in subsections (2) and (3) of this section, an appeal may be filed with the state department of education outlining the reasons and proposed alternative use of these funds, and a waiver may be granted.

(c) For any district with less than forty (40) support units:

(i) The instructional staff allowance shall be calculated applying the actual number of support units. If the actual instructional staff employed in the school year is greater than the instructional staff allowance, then the instructional staff allowance shall be increased by one-half (1/2) staff allowance; and

(ii) The administrative staff allowance shall be calculated applying the actual number of support units. If the actual administrative staff employed in the school year is greater than the administrative staff allowance, then the administrative staff allowance shall be increased by one-half (1/2) staff allowance.

(iii) Additionally, for any district with less than twenty (20) support units, the instructional staff allowance shall be calculated applying the actual number of support units. If the number of instructional staff employed in the school year is greater than the instructional staff allowance, the staff allowance shall be increased as provided in paragraphs (i) and (ii) of this subsection, and by an additional one-half (1/2) instructional staff allowance.

(d) For any school district with one (1) or more separate secondary schools serving grades nine (9) through twelve (12), the instructional staff allowance shall be increased by two (2) additional instructional staff allowances for each such separate secondary school.

(e) Only instructional, administrative and classified personnel compensated by the school district from the general maintenance and operation fund of the district shall be included in the calculation of staff allowance or in any other calculations based upon staff, including determination of the experience and education multiplier, the reporting requirements, or the district's salary-based apportionment calculation. No food service staff or transportation staff shall be included in the staff allowance.

(f) A district may utilize up to five percent (5%) of the moneys associated with positions funded pursuant to subsection (2) of this section to defray the cost of providing virtual education coursework, including virtual dual credit coursework, without a reduction in the number of funded positions being imposed.

(g) For the period July 1, 2009, through June 30, 2011, only, a district may shift up to two and sixty-three hundredths percent (2.63%) of the positions funded pursuant to subsection (2) of this section to federal funds, without a reduction in the number of funded positions being imposed.

(6) In the event that the staff allowance in any category is insufficient to meet accreditation standards, a district may appeal to the state board of education, demonstrating the insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards. Such a waiver shall be limited to one (1) year, but may be renewed upon showing of continuing justification.

SECTION 2. That Chapter 16, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1619, Idaho Code, and to read as follows:

33-1619. VIRTUAL EDUCATION PROGRAMS. School districts may offer instruction in the manner described for a virtual school in section 33-5202A, Idaho Code. For programs meeting such definition, the school district may count and report the average daily attendance of the program's students in the manner prescribed in section 33-5208(8)(b), Idaho Code. School districts may also offer instruction that is a blend of virtual and traditional instruction. For such blended programs, the school district may count and report the average daily attendance of the program's students in the manner prescribed in section 33-5208(8)(b), Idaho Code. Alternatively, the school district may count and report the average daily attendance of the blended program's students in the same manner as provided for traditional programs of instruction, for the days or portions of days in which such students attend a physical public school. For the balance of days or portions of days, average daily attendance may be counted in the manner prescribed in section 33-5208(8)(b), Idaho Code.

SECTION 3. The provisions of Section 33-1019, Idaho Code, notwithstanding, for the period July 1, 2009, through June 30, 2010, only, an amount of local maintenance match moneys normally required to be allocated for the maintenance and repair of student-occupied buildings may be spent on other one-time, nonpersonnel costs, at the discretion of the school district. Said amount shall be determined by the State Department of Education as follows:

(a) Subtract from the local maintenance match requirement all plant facility levy funds levied for tax year 2009.

(b) Subtract from the balance of any funds remaining after the subtraction provided for in subsection (a) of this section, any additional funds necessary to fully remediate all recommendations and code violations identified in the most recent inspection of each student-occupied building

conducted by the Division of Building Safety, excluding any recommendations for which the least expensive remediation solution is the replacement of the building.

(c) Divide the balance of any funds remaining after the calculation provided for in subsection (b) of this section, by two (2).

School districts shall furnish information pursuant to the provisions of this section, as may be required by the State Department of Education.

SECTION 4. That Section 33-1004, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 10, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-1004, Idaho Code, and to read as follows:

33-1004. STAFF ALLOWANCE. For each school district, a staff allowance shall be determined as follows:

(1) Using the daily attendance reports that have been submitted for computing the February 15 apportionment of state funds as provided in section 33-1009, Idaho Code, determine the total support units for the district in the manner provided in section 33-1002 (6) (a), Idaho Code;

(2) Determine the instructional staff allowance by multiplying the support units by 1.1. A district must demonstrate that it actually employs the number of certificated instructional staff allowed. If the district does not employ the number allowed, the staff allowance shall be reduced to the actual number employed;

(3) Determine the administrative staff allowance by multiplying the support units by .075;

(4) Determine the classified staff allowance by multiplying the support units by .375;

(5) Additional conditions governing staff allowance:

(a) In determining the number of staff in subsections (2), (3) and (4) of this section, a district may contract separately for services to be rendered by nondistrict employees and such employees may be counted in the staff allowance. A "nondistrict employee" means a person for whom the school district does not pay the employer's obligations for employee benefits. When a district contracts for the services of a nondistrict employee, only the salary portion of the contract shall be allowable for computations.

(b) If there are circumstances preventing eligible use of staff allowance to which a district is entitled as provided in subsections (2) and (3) of this section, an appeal may be filed with the state department of education outlining the reasons and proposed alternative use of these funds, and a waiver may be granted.

(c) For any district with less than forty (40) support units:

(i) The instructional staff allowance shall be calculated applying the actual number of support units. If the actual instructional staff employed in the school year is greater than the instructional staff allowance, then the instructional staff allowance shall be increased by one-half (1/2) staff allowance; and

(ii) The administrative staff allowance shall be calculated applying the actual number of support units. If the actual administrative staff employed in the school year is greater than the administrative staff allowance, then the administrative staff allowance shall be increased by one-half (1/2) staff allowance.

(iii) Additionally, for any district with less than twenty (20) support units, the instructional staff allowance shall be calculated applying the actual number of support units. If the number

of instructional staff employed in the school year is greater than the instructional staff allowance, the staff allowance shall be increased as provided in paragraphs (i) and (ii) of this subsection, and by an additional one-half (1/2) instructional staff allowance.

(d) For any school district with one (1) or more separate secondary schools serving grades nine (9) through twelve (12), the instructional staff allowance shall be increased by two (2) additional instructional staff allowances for each such separate secondary school.

(e) Only instructional, administrative and classified personnel compensated by the school district from the general maintenance and operation fund of the district shall be included in the calculation of staff allowance or in any other calculations based upon staff, including determination of the experience and education multiplier, the reporting requirements, or the district's salary-based apportionment calculation. No food service staff or transportation staff shall be included in the staff allowance.

(6) In the event that the staff allowance in any category is insufficient to meet accreditation standards, a district may appeal to the state board of education, demonstrating the insufficiency, and the state board may grant a waiver authorizing sufficient additional staff to be included within the staff allowance to meet accreditation standards. Such a waiver shall be limited to one (1) year, but may be renewed upon showing of continuing justification.

SECTION 6. Sections 1 and 2 of this act shall be in full force and effect on and after July 1, 2009. Sections 4 and 5 of this act shall be in full force and effect on and after July 1, 2011.

Approved May 18, 2009.

CHAPTER 341

(H.B. No. 372, As Amended in the Senate)

AN ACT

RELATING TO ELECTIONS; APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR TRUSTEE AND BENEFIT PAYMENTS IN FISCAL YEAR 2010 AND CREATING THE CONSOLIDATED ELECTIONS FUND; AMENDING SECTION 21-805, IDAHO CODE, TO PROVIDE DUTIES OF THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS IN AN ELECTION TO ESTABLISH A REGIONAL AIRPORT AUTHORITY, TO PROVIDE ELECTION DATES, TO PROVIDE FOR CANVASSING OF VOTES BY THE COUNTY BOARD OF CANVASSERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 21-806, IDAHO CODE, TO PROVIDE FOR AN ELECTION OF A BOARD OF TRUSTEES OF A REGIONAL AIRPORT AUTHORITY; AMENDING SECTION 22-2721, IDAHO CODE, TO PROVIDE THAT THE COUNTY CLERK SHALL BE THE ELECTION OFFICIAL AND SHALL CONDUCT ALL ELECTIONS OF A SOIL CONSERVATION DISTRICT, TO PROVIDE FOR PAYMENT OF ELECTION EXPENSES BY THE COUNTY THAT CONDUCTS THE ELECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 22-2725, IDAHO CODE, TO PROVIDE THAT THE COUNTY CLERK SHALL SUPERVISE AN ELECTION TO DISCONTINUE A SOIL CONSERVATION DISTRICT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 22-4301, IDAHO CODE, TO PROVIDE FOR ELECTIONS OF A WEATHER MODIFICATION DISTRICT TO BE CONDUCTED BY THE COUNTY CLERK ON SPECIFIED DATES AND TO PROVIDE FOUR YEAR TERMS FOR BOARD MEMBERS; AMENDING SECTION 23-917, IDAHO CODE, TO PROVIDE THAT A LOCAL OPTION REFERENDUM ELECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 34, IDAHO CODE, AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 23-918, IDAHO CODE, TO PROVIDE THAT THE COUNTY CLERK MUST FURNISH ELECTION BALLOTS AND TO PROVIDE THAT THE ELECTOR MUST

INDICATE THE ELECTOR'S CHOICE ON THE BALLOT; AMENDING SECTION 23-919, IDAHO CODE, TO PROVIDE THAT THE COUNTY BOARD OF CANVASSERS SHALL CERTIFY ELECTION RESULTS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 27-107, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF A CEMETERY MAINTENANCE DISTRICT SHALL BE CONDUCTED IN ACCORDANCE WITH CHAPTERS 12 AND 14, TITLE 34, IDAHO CODE, AND TO PROVIDE DUTIES OF THE COUNTY CLERK; AMENDING SECTION 27-111, IDAHO CODE, TO PROVIDE THAT ELECTIONS FOR CEMETERY MAINTENANCE DISTRICT COMMISSIONERS SHALL BE CONDUCTED BY THE COUNTY CLERK, TO PROVIDE FOR TRANSITION OF TERMS FROM EVEN-NUMBERED YEARS TO ODD-NUMBERED YEARS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-402, IDAHO CODE, TO PROVIDE THE DATE THAT AN ELECTION TO CONSOLIDATE COUNTIES SHALL BE HELD; AMENDING SECTION 31-403, IDAHO CODE, TO PROVIDE THAT THE CONTENT OF A PETITION TO HOLD AN ELECTION TO CONSOLIDATE COUNTIES SHALL INDICATE A CERTAIN DATE; AMENDING SECTION 31-407, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK IN AN ELECTION TO CONSOLIDATE COUNTIES AND TO PROVIDE FOR APPLICATION OF LAW; AMENDING SECTION 31-408, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK FOR PREPARATION AND FORM OF BALLOTS; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-809A, IDAHO CODE, TO PROVIDE FOR THE CREATION OF A COUNTY ELECTION FUND IN EACH COUNTY AND TO PROVIDE FOR WHAT MONEYS IN THE FUND MAY BE USED; AMENDING SECTION 31-1406, IDAHO CODE, TO REVISE PROCEDURES FOR ELECTION OF DIRECTORS IN A FIRE PROTECTION DISTRICT; AMENDING SECTION 31-1410, IDAHO CODE, TO PROVIDE FOR ELECTION OF FIRE PROTECTION DISTRICT COMMISSIONERS IN ODD-NUMBERED YEARS, TO PROVIDE FOR TRANSITION OF TERMS TO ELECTIONS IN ODD-NUMBERED YEARS, TO PROVIDE DUTIES OF THE COUNTY CLERK AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-4306, IDAHO CODE, TO REVISE PROCEDURES FOR ELECTION OF RECREATION DISTRICT DIRECTORS; AMENDING SECTION 31-4323, IDAHO CODE, TO PROVIDE THAT RECREATION DISTRICT ELECTIONS ARE CONDUCTED IN ACCORDANCE WITH TITLE 34, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-4325, IDAHO CODE, TO PROVIDE THAT ELECTIONS FOR PROPOSED INDEBTEDNESS OF A RECREATION DISTRICT SHALL BE CONDUCTED BY THE COUNTY CLERK; AMENDING SECTION 31-4510, IDAHO CODE, TO PROVIDE THAT THE ELECTION SHALL BE CONDUCTED BY THE COUNTY CLERK IN ACCORDANCE WITH TITLE 34, IDAHO CODE; AMENDING SECTION 31-4701, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK IN COUNTY MUSEUM BOARD ELECTIONS IN ACCORDANCE WITH TITLE 34, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-308, IDAHO CODE, TO PROVIDE THE DATES THAT SCHOOL DISTRICT ELECTIONS TO EXCISE AND ANNEX TERRITORY SHALL BE HELD AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-311, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE HOW CONSOLIDATED ELECTIONS ARE CONDUCTED; AMENDING SECTION 33-312, IDAHO CODE, TO PROVIDE THAT AN ELECTION TO DIVIDE A SCHOOL DISTRICT SHALL BE HELD ON PROVIDED DATES AND CONDUCTED ACCORDING TO TITLE 34, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-313, IDAHO CODE, TO REQUIRE SUBMISSION TO THE COUNTY CLERK OF CERTAIN INFORMATION UPON APPROVAL BY THE STATE BOARD OF EDUCATION TO CHANGE TRUSTEE ZONES, TO DELETE REFERENCE TO THE LENGTH OF TERM OF OFFICE FOR MEMBERS OF A SCHOOL BOARD OF TRUSTEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-317, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF COOPERATIVE SERVICE AGENCIES SHALL BE HELD ON SPECIFIED DATES AND CONDUCTED PURSUANT TO SECTION 34-106, IDAHO CODE; AMENDING SECTION 33-351, IDAHO CODE, TO PROVIDE THAT ELECTIONS TO CREATE SCHOOL SUBDISTRICTS SHALL BE HELD ON SPECIFIED DATES AND CONDUCTED PURSUANT TO SECTION 34-106, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-354, IDAHO CODE, TO REVISE HOW SCHOOL BOND ELECTIONS ARE CONDUCTED, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 33-401, IDAHO CODE, TO REVISE LEGISLATIVE INTENT REGARDING

SCHOOL ELECTIONS; AMENDING SECTION 33-402, IDAHO CODE, TO REVISE NOTICE REQUIREMENTS REGARDING SCHOOL ELECTIONS; REPEALING SECTIONS 33-403, 33-403A, 33-403B AND 33-403C, IDAHO CODE, RELATING TO CONDUCTING SCHOOL ELECTIONS; AMENDING SECTION 33-404, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO DELETE OBSOLETE LANGUAGE; AMENDING SECTION 33-405, IDAHO CODE, TO DELETE OBSOLETE LANGUAGE; REPEALING SECTIONS 33-405A, 33-405B, 33-406, 33-406A, 33-407, 33-408, 33-409, 33-410, 33-411, 33-412, 33-413, 33-414, 33-415, 33-416, 33-417, 33-418, 33-419, 33-420, 33-421, 33-422, 33-423, 33-424, 33-428, 33-429, 33-430, 33-431, 33-432, 33-433, 33-434, 33-435, 33-436, 33-437, 33-438, 33-439, 33-440, 33-441 AND 33-442, IDAHO CODE, RELATING TO SCHOOL DISTRICT ELECTIONS AS CONDUCTED BY THE SCHOOL DISTRICT; AMENDING SECTION 33-501, IDAHO CODE, TO INCREASE THE TERMS OF SCHOOL DISTRICT BOARDS OF TRUSTEE MEMBERS FROM THREE YEARS TO FOUR YEARS EFFECTIVE AT TIMES AS PROVIDED; REPEALING SECTIONS 33-502A, 33-502C AND 33-502D, IDAHO CODE, RELATING TO CANDIDATES FOR SCHOOL DISTRICT BOARDS OF TRUSTEES; AMENDING SECTION 33-502B, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE PROCEDURES; AMENDING SECTION 33-503, IDAHO CODE, TO PROVIDE FOR ELECTION OF SCHOOL DISTRICT BOARDS OF TRUSTEES IN ODD-NUMBERED YEARS ON THE THIRD TUESDAY IN MAY IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 14, TITLE 34, IDAHO CODE; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-503A, IDAHO CODE, TO PROVIDE FOR THE TRANSITION OF SCHOOL TRUSTEE TERMS FROM THREE YEARS TO FOUR YEARS; AMENDING SECTION 33-504, IDAHO CODE, TO PROVIDE FOR APPOINTMENT TO FILL A VACANCY ON A SCHOOL DISTRICT BOARD OF TRUSTEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-505, IDAHO CODE, TO PROVIDE FOR APPOINTMENT OR SELECTION OF A SCHOOL DISTRICT BOARD OF TRUSTEES IN A NEWLY CREATED SCHOOL DISTRICT, TO PROVIDE FOR TERMS OF FOUR YEARS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-601, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 33-802, IDAHO CODE, TO PROVIDE THAT CERTAIN SCHOOL LEVY ELECTIONS ARE HELD ON DATES AUTHORIZED IN SECTION 34-106, IDAHO CODE; AMENDING SECTION 33-803, IDAHO CODE, TO PROVIDE THAT A TAX LEVY ELECTION FOR EDUCATION OF CHILDREN OF MIGRATORY FARM WORKERS IS CONDUCTED AS PROVIDED IN TITLE 34, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-804, IDAHO CODE, TO PROVIDE THAT A SCHOOL PLANT FACILITIES RESERVE FUND LEVY IS HELD ON A DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE, AND IS CONDUCTED AS PROVIDED IN TITLE 34, IDAHO CODE; AMENDING SECTIONS 33-1103 AND 33-1510, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 33-2106, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF TRUSTEES OF COMMUNITY COLLEGE DISTRICTS SHALL BE HELD IN ODD-NUMBERED YEARS, TO DELETE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2111, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 33-2715, IDAHO CODE, TO PROVIDE THAT LIBRARY DISTRICT BOARDS OF TRUSTEES SHALL BE ELECTED IN ODD-NUMBERED YEARS FOR TERMS OF SIX YEARS, TO PROVIDE FOR INITIAL APPOINTMENTS OF BOARD MEMBERS, TO PROVIDE FOR TRANSITION OF BOARD MEMBER TERMS TO TERMS OF SIX YEARS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2716, IDAHO CODE, TO DELETE REFERENCE TO ANNUAL ELECTIONS; AMENDING SECTION 33-2718, IDAHO CODE, TO PROVIDE THAT TRUSTEE ELECTIONS SHALL BE HELD IN ODD-NUMBERED YEARS, TO PROVIDE FOR TRANSITION OF BOARD MEMBER TERMS TO TERMS OF SIX YEARS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-106, IDAHO CODE, TO PROVIDE FOR TWO ELECTIONS IN A CALENDAR YEAR ON SPECIFIED DATES, TO PROVIDE THAT COMMUNITY COLLEGE AND SCHOOL DISTRICT ELECTIONS ARE SUBJECT TO THE LIMITATION ON DATES OF ELECTIONS, TO ALLOW SCHOOL DISTRICTS AN ADDITIONAL TWO DATES EACH YEAR ON WHICH ELECTIONS MAY BE HELD, TO REQUIRE BOND, LEVY AND OTHER BALLOT QUESTION ELECTIONS TO BE HELD WITHIN A TIME CERTAIN UNLESS OTHERWISE PROVIDED BY LAW, TO PROVIDE FOR RECALL ELECTIONS, TO PROVIDE FOR IRRIGATION DISTRICT ELECTIONS ON

THE FIRST TUESDAY IN FEBRUARY OF EACH YEAR AND ON THE FIRST TUESDAY IN AUGUST OF EACH YEAR ON QUESTIONS REQUIRED TO BE VOTED UPON BY TITLE 43, IDAHO CODE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 34-304, IDAHO CODE, TO REVISE THE LAW RELATING TO CHALLENGERS AND WATCHERS; AMENDING SECTION 34-601, IDAHO CODE, TO MAKE DATE CHANGES; AMENDING SECTION 34-602, IDAHO CODE, TO PROVIDE SPECIFICATIONS REGARDING A PUBLISHED SECOND NOTICE OF ELECTION; AMENDING SECTION 34-1401, IDAHO CODE, TO PROVIDE THAT THE COUNTY CLERK SHALL ADMINISTER ALL ELECTIONS ON BEHALF OF ANY POLITICAL SUBDIVISION, TO SPECIFY POLITICAL SUBDIVISIONS EXEMPT FROM THE PROVISIONS OF THIS SECTION AND TO PROVIDE THAT SCHOOL DISTRICT AND HIGHWAY DISTRICT ELECTIONS SHALL BE CONDUCTED BY THE COUNTY CLERK; AMENDING SECTION 34-1404, IDAHO CODE, TO REVISE DECLARATION OF CANDIDACY PROVISIONS; AMENDING SECTION 34-1405, IDAHO CODE, TO REVISE NOTICE OF ELECTION FILING DEADLINE PROVISIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-1406, IDAHO CODE, TO PROVIDE SPECIFICATIONS FOR PUBLISHED NOTICES OF ELECTION BY THE COUNTY CLERK; AMENDING CHAPTER 14, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-1411, IDAHO CODE, TO PROVIDE FOR PAYMENT OF ELECTION EXPENSES BY A COUNTY, WITH EXCEPTIONS; AMENDING SECTION 34-2301, IDAHO CODE, TO PROVIDE FOR RECOUNT OF BALLOTS FOR MUNICIPAL OFFICES; AMENDING SECTION 39-1324, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF HOSPITAL DISTRICTS SHALL BE CONDUCTED PURSUANT TO TITLE 34, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY BOARD OF COMMISSIONERS AND COUNTY CLERK AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-1325A, IDAHO CODE, TO REVISE DUTIES OF THE COUNTY CLERK AND COUNTY COMMISSIONERS, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 39-1330, IDAHO CODE, TO PROVIDE FOR BIENNIAL ELECTION OF HOSPITAL DISTRICT BOARD MEMBERS IN MAY, TO PROVIDE DUTIES OF THE COUNTY CLERK AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-1339, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF PROPOSED INDEBTEDNESS TO BE INCURRED BY A HOSPITAL DISTRICT SHALL BE CONDUCTED BY THE COUNTY CLERK IN ACCORDANCE WITH THE PROVISIONS OF TITLE 34, IDAHO CODE; AMENDING SECTION 39-1340, IDAHO CODE, TO PROVIDE A DUTY OF THE COUNTY CLERK WITH REGARD TO NOTICES OF HOSPITAL DISTRICT ELECTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-1341, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK AND COUNTY COMMISSIONERS IN CONDUCTING HOSPITAL DISTRICT ELECTIONS FOR PROPOSED INDEBTEDNESS IN ACCORDANCE WITH TITLE 34, IDAHO CODE; AMENDING SECTION 40-206, IDAHO CODE, TO REVISE REQUIREMENTS FOR PUBLICATION OF NOTICE; AMENDING SECTION 40-819, IDAHO CODE, TO REVISE HIGHWAY DISTRICT ELECTIONS TO BE CONDUCTED IN ACCORDANCE WITH TITLE 34, IDAHO CODE, TO PROVIDE DUTIES OF THE HIGHWAY DISTRICT COMMISSIONERS AND THE COUNTY CLERK AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-1101, IDAHO CODE, TO PROVIDE THAT HIGHWAY DISTRICT ELECTIONS TO AUTHORIZE BONDING SHALL BE CONDUCTED BY THE COUNTY CLERK AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 40-1304, IDAHO CODE, TO PROVIDE THE DATE ON WHICH HIGHWAY DISTRICT COMMISSIONERS SHALL TAKE OFFICE; AMENDING SECTION 40-1305, IDAHO CODE, TO PROVIDE FOR ELECTION OF HIGHWAY DISTRICT COMMISSIONERS ON THE THIRD TUESDAY OF MAY IN ODD-NUMBERED YEARS, TO DELETE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 40-1305A, IDAHO CODE, TO PROVIDE FOR THE ADMINISTRATION OF HIGHWAY DISTRICT ELECTIONS BY THE COUNTY CLERK AND TO PROVIDE FOR SELECTION OF POLLING PLACES BY THE COUNTY COMMISSIONERS; REPEALING SECTION 40-1402, IDAHO CODE, RELATING TO THE COSTS OF HOLDING SPECIAL ELECTIONS; AMENDING SECTION 40-1409, IDAHO CODE, TO PROVIDE THAT ELECTIONS SHALL BE PAID BY THE COUNTY WITHOUT PROVISION FOR PRORATING THE EXPENSE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 40-1416, IDAHO CODE, TO PROVIDE THAT COSTS OF ELECTIONS HELD TO APPROVE A HIGHWAY DISTRICT VEHICLE REGISTRATION FEE SHALL BE PAID BY THE COUNTY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 40-1418, IDAHO

CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 40-1506, IDAHO CODE, TO PROVIDE FOR APPOINTMENT OF ELECTION JUDGES BY THE COUNTY CLERK; AMENDING SECTION 40-1507, IDAHO CODE, TO CLARIFY PROCEDURE FOR NOTICE OF ELECTION BY THE COUNTY CLERK AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 40-1508, IDAHO CODE, TO CLARIFY PROCEDURE FOR HOLDING ELECTIONS OF CONSOLIDATION OF HIGHWAY DISTRICTS; AMENDING SECTION 40-1511, IDAHO CODE, TO CLARIFY PROCEDURE FOR COUNTING THE VOTES IN AN ELECTION OF CONSOLIDATION OF HIGHWAY DISTRICTS; AMENDING SECTION 40-1519, IDAHO CODE, TO PROVIDE THAT THE EXPENSES OF CONDUCTING AN ELECTION TO CONSOLIDATE HIGHWAY DISTRICTS SHALL BE PAID BY THE COUNTY WITHOUT PROVISION FOR PRORATING THE EXPENSE; AMENDING SECTION 40-1605, IDAHO CODE, TO REQUIRE THAT ELECTIONS BE HELD ON A DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE; AMENDING SECTION 40-1606, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK IN ELECTIONS TO DETACH TERRITORY OF A HIGHWAY DISTRICT; AMENDING SECTION 40-1607, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTIONS 40-1624 AND 40-1625, IDAHO CODE, TO PROVIDE THAT ELECTIONS TO ANNEX CONTIGUOUS TERRITORY OF A HIGHWAY DISTRICT SHALL BE HELD ON A DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE; AMENDING SECTION 40-1626, IDAHO CODE, TO PROVIDE THAT ELECTION DATES TO ANNEX TERRITORY OF A HIGHWAY DISTRICT SHALL BE HELD ON A DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE; AMENDING SECTION 40-1630, IDAHO CODE, TO PROVIDE THAT COSTS OF THE ELECTION SHALL BE PAID BY THE COUNTY OR COUNTIES CONDUCTING THE ELECTION; AMENDING SECTION 40-1702, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK AND THE COUNTY BOARD OF CANVASSERS IN ELECTIONS TO REORGANIZE A COUNTY HIGHWAY DISTRICT AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 40-1714, IDAHO CODE, TO PROVIDE THAT THE EXPENSE OF ELECTIONS HELD TO REORGANIZE A COUNTY HIGHWAY DISTRICT SHALL BE PAID BY THE COUNTY; AMENDING SECTION 40-1805, IDAHO CODE, TO PROVIDE THAT AN ELECTION TO DISSOLVE A HIGHWAY DISTRICT SHALL BE HELD ON A DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE; AMENDING SECTION 40-1806, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK AND THE COUNTY COMMISSIONERS IN ELECTIONS HELD TO DISSOLVE A HIGHWAY DISTRICT; AMENDING SECTION 40-1808, IDAHO CODE, TO PROVIDE THAT IN ELECTIONS TO DISSOLVE A HIGHWAY DISTRICT THE COUNTY CLERK SHALL APPOINT ELECTION JUDGES AND CLERKS AND THAT ELECTIONS SHALL BE CONDUCTED IN ACCORDANCE WITH TITLE 34, IDAHO CODE; AMENDING SECTION 40-1809, IDAHO CODE, TO PROVIDE FOR COUNTING AND CANVASSING VOTES IN ELECTIONS TO DISSOLVE A HIGHWAY DISTRICT; AMENDING SECTION 40-1810, IDAHO CODE, TO PROVIDE THAT EXPENSES OF ELECTIONS TO DISSOLVE A HIGHWAY DISTRICT SHALL BE BORNE BY THE COUNTY; AMENDING SECTION 42-3211, IDAHO CODE, TO PROVIDE THE DATE OF ELECTIONS IN WATER AND SEWER DISTRICTS AND TO PROVIDE DUTIES OF THE COUNTY CLERK; REPEALING SECTION 50-211, IDAHO CODE, RELATING TO SUPERVISION OF MUNICIPAL ELECTIONS; AMENDING SECTION 50-402, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-403, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK REGARDING MUNICIPAL ELECTIONS; REPEALING SECTIONS 50-404, 50-405, 50-406, 50-407, 50-408, 50-409, 50-410, 50-411 AND 50-412, IDAHO CODE, RELATING TO MUNICIPAL ELECTIONS AS CONDUCTED BY THE CITY CLERK; AMENDING SECTION 50-414, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE REGISTRATION PROVISIONS AND TO PROVIDE A CORRECT CODE REFERENCE; REPEALING SECTIONS 50-415, 50-427 AND 50-428, IDAHO CODE, RELATING TO MUNICIPAL ELECTIONS; AMENDING SECTION 50-429, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE AUTHORIZED DATES FOR MUNICIPAL ELECTIONS BEGINNING JANUARY 1, 2011, TO PROVIDE THAT ELECTIONS SHALL BE CONDUCTED BY THE COUNTY CLERK IN ACCORDANCE WITH TITLE 34, IDAHO CODE, AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 50-430 AND 50-431, IDAHO CODE, TO REDESIGNATE THE SECTIONS; AMENDING SECTION 50-432, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 50-435, IDAHO CODE, TO REDESIGNATE THE

SECTION; REPEALING SECTIONS 50-436, 50-437, 50-438, 50-439, 50-440, 50-441, 50-442, 50-443, 50-445, 50-446, 50-447, 50-448, 50-449, 50-450, 50-451, 50-452, 50-453, 50-454, 50-455, 50-456, 50-457, 50-458, 50-459, 50-460, 50-461, 50-462, 50-463, 50-464, 50-465 AND 50-466, IDAHO CODE, RELATING TO MUNICIPAL ELECTIONS AS CONDUCTED BY THE CITY CLERK; AMENDING SECTION 50-467, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROCEDURES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-468, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTIONS 50-469 AND 50-470, IDAHO CODE, TO REDESIGNATE THE SECTIONS; AMENDING SECTION 50-471, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 50-472, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 50-473, IDAHO CODE, TO REDESIGNATE THE SECTION; REPEALING SECTION 50-474, IDAHO CODE, RELATING TO VOTING BY MACHINE OR VOTE TALLY SYSTEM IN MUNICIPAL ELECTIONS; AMENDING SECTION 50-475, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR APPLICATION OF ELECTION LAW VIOLATIONS TO ALL MUNICIPAL ELECTIONS; AMENDING SECTION 50-477, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 50-612, IDAHO CODE, TO PROVIDE THAT RUNOFF MUNICIPAL MAYORAL ELECTIONS SHALL BE CONDUCTED BY THE COUNTY CLERK AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 50-707B, IDAHO CODE, TO PROVIDE THAT RUNOFF MUNICIPAL COUNCIL SEAT ELECTIONS SHALL BE CONDUCTED BY THE COUNTY CLERK AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 50-803, IDAHO CODE, TO PROVIDE AUTHORIZED DATES FOR HOLDING A MUNICIPAL ELECTION TO ADOPT THE COUNCIL-MANAGER PLAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-806, IDAHO CODE, TO PROVIDE THAT CERTAIN ELECTIONS SHALL BE HELD AT THE SAME ELECTION, TO PROVIDE PROCEDURE UPON FAILURE OF A PROPOSITION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-1026, IDAHO CODE, TO PROVIDE THAT MUNICIPAL ELECTIONS TO AUTHORIZE ISSUANCE OF COUPON BONDS SHALL BE CONDUCTED BY THE COUNTY CLERK ON AUTHORIZED DATES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-1035, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK IN CERTAIN MUNICIPAL ELECTIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2104, IDAHO CODE, TO PROVIDE THAT ELECTIONS TO CONSOLIDATE CITIES SHALL BE HELD ON A DATE AUTHORIZED IN SECTION 50-405, IDAHO CODE; AMENDING SECTION 50-2105, IDAHO CODE, TO REVISE PROVISIONS FOR CONSOLIDATION ELECTIONS; AMENDING SECTION 50-2106, IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF A MUNICIPAL CONSOLIDATION ELECTION BY THE COUNTY CLERK; AMENDING SECTION 50-2107, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF OFFICERS IN A NEWLY CONSOLIDATED CITY SHALL BE HELD ON A DATE AUTHORIZED IN SECTION 50-405, IDAHO CODE; AMENDING SECTION 50-2114, IDAHO CODE, TO PROVIDE THAT EXPENSES OF A MUNICIPAL CONSOLIDATION ELECTION SHALL BE PAID BY THE COUNTY; AMENDING SECTION 50-2201, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2202, IDAHO CODE, TO REVISE PROCEDURES; AMENDING SECTION 50-2203, IDAHO CODE, TO PROVIDE FOR CANVASS OF VOTES IN ELECTIONS TO DISINCORPORATE A CITY; AMENDING SECTION 50-2204, IDAHO CODE, TO PROVIDE A DUTY OF THE COUNTY BOARD OF COMMISSIONERS IN AN ELECTION TO DISINCORPORATE A CITY; AMENDING SECTION 50-2302, IDAHO CODE, TO PROVIDE THAT AN ELECTION TO ORGANIZE A CITY SHALL BE HELD ON A DATE AUTHORIZED IN SECTION 50-405, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2303, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK IN AN ELECTION TO ORGANIZE A CITY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 50-2308, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS AND TO DELETE OBSOLETE LANGUAGE; AMENDING SECTION 63-316, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 63-802C, IDAHO CODE, TO PROVIDE THAT ELECTIONS TO CREATE A NEW TAXING DISTRICT SHALL BE HELD ON A DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE, AND TO PROVIDE FOR POSTING OF A BOND TO COVER COSTS OF THE ELECTION; AMENDING SECTION

63-1309, IDAHO CODE, TO PROVIDE THAT THE INTERVAL BETWEEN CERTAIN TYPES OF ELECTIONS IN WHICH THE QUESTION FIRST FAILED AND A SUBSEQUENT ELECTION ON THE SAME OR SIMILAR QUESTION SHALL BE TWO MONTHS INSTEAD OF SIX MONTHS, TO PROVIDE THAT THE DATE OF SUCH ELECTION SHALL BE HELD ON A DATE AUTHORIZED IN SECTION 34-106, IDAHO CODE, AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE MONETARY DISTRIBUTIONS TO COUNTIES FROM SALES TAX REVENUES TO DEFRAY EXPENSES OF COUNTIES IN CONDUCTING ELECTIONS, TO REQUIRE COUNTIES TO ESTABLISH A SPECIAL ELECTION FUND, TO SPECIFY USE OF REVENUES IN THE FUND, TO REVISE REVENUE SHARING PERCENTAGES GOING TO CITIES AND COUNTIES AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 63-3641, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 63-4103, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY COMMISSIONERS AND THE COUNTY CLERK IN ELECTIONS TO DISSOLVE A SPECIAL DISTRICT AND TO DELETE CODE REFERENCES; AMENDING SECTION 67-4907, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK AND THE COUNTY BOARD OF CANVASSERS IN AUDITORIUM DISTRICT ELECTIONS; AMENDING SECTION 67-4911, IDAHO CODE, TO PROVIDE THAT THE BIENNIAL ELECTIONS OF AN AUDITORIUM DISTRICT SHALL BE HELD IN ODD-NUMBERED YEARS, TO PROVIDE DUTIES OF THE COUNTY CLERK AND THE BOARD OF COUNTY COMMISSIONERS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-4922, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF AUDITORIUM DISTRICTS SHALL BE CONDUCTED BY THE COUNTY CLERK IN ACCORDANCE WITH THE PROVISIONS OF TITLE 34, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY CLERK AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 67-4923, IDAHO CODE, TO PROVIDE THAT NOTICE OF AN AUDITORIUM DISTRICT ELECTION TO AUTHORIZE A LEVY SHALL BE CONDUCTED AS PRESCRIBED IN CHAPTER 14, TITLE 34, IDAHO CODE, AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 67-4924, IDAHO CODE, TO PROVIDE FOR CONDUCTING THE ELECTION AND CANVASSING THE RETURNS OF AN AUDITORIUM DISTRICT ELECTION; AMENDING SECTION 67-4929, IDAHO CODE, TO PROVIDE THAT ELECTIONS TO INCLUDE OR EXCLUDE PROPERTY WITHIN AN AUDITORIUM DISTRICT SHALL BE CONDUCTED BY THE COUNTY CLERK IN ACCORDANCE WITH TITLE 34, IDAHO CODE, TO PROVIDE FOR CANVASS OF VOTES, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-4930, IDAHO CODE, TO PROVIDE THAT ELECTIONS TO DISSOLVE AN AUDITORIUM DISTRICT SHALL BE CONDUCTED BY THE COUNTY CLERK IN ACCORDANCE WITH TITLE 34, IDAHO CODE, TO PROVIDE FOR CANVASS OF VOTES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 70-1210, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF PORT DISTRICTS SHALL BE CONDUCTED BY THE COUNTY CLERK AND TO DELETE OBSOLETE PROVISIONS; AMENDING SECTION 70-1215, IDAHO CODE, TO PROVIDE THAT ELECTIONS OF PORT DISTRICTS SHALL BE CONDUCTED BY THE COUNTY CLERK; AMENDING SECTION 70-1217, IDAHO CODE, TO PROVIDE DUTIES OF THE COUNTY COMMISSIONERS AND THE COUNTY CLERK IN ELECTIONS OF PORT DISTRICTS; AMENDING SECTION 70-1219, IDAHO CODE, TO PROVIDE FOR CANVASS OF VOTES IN ELECTIONS OF PORT DISTRICTS; AMENDING SECTION 70-1220, IDAHO CODE, TO PROVIDE FOR PAYMENT OF EXPENSES IN PORT DISTRICT ELECTIONS; PROVIDING SEVERABILITY; PROVIDING EFFECTIVE DATES AND PROVIDING FOR REPORTS.

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

SECTION 1. In addition to the appropriation provided for by law, there is hereby appropriated to the Secretary of State for trustee and benefit payments the sum of \$1,500,000 from the Budget Stabilization Fund for the period July 1, 2009, through June 30, 2010, which shall be placed in the Consolidated Elections Fund. The Secretary of State shall reimburse counties for the cost of needed equipment and computer software which are directly related to compliance with this act. Such moneys shall be expended from the Consolidated Elections Fund which is created in the State Treasury. Each county may apply to the Secretary of State for reimbursement of its actual

costs incurred in acquiring equipment and computer software with the maximum amount reimbursed being the greater of one dollar (\$1.00) per person in the county according to the latest decennial census or ten thousand dollars (\$10,000). Moneys may be expended pursuant to appropriation or by the Secretary of State. The Consolidated Elections Fund shall cease to exist and shall be null and void on January 1, 2016, at which time any amounts remaining in the fund will revert to the General Fund.

SECTION 2. That Section 21-805, Idaho Code, be, and the same is hereby amended to read as follows:

21-805. REGIONAL AIRPORT AUTHORITY -- ESTABLISHMENT BY ELECTION. A regional airport authority may be established by the vote of the electors of such region, voting at an election called and held as provided in chapter 14, title 34, Idaho Code, with special provisions as provided in this chapter:

(a) A petition signed by not less than five percent (5%) of the electors from each ~~voting precinct~~ county in the region, describing the degree of percentage of financial participation of each such county in the district and the proposed location of the regional airport, and praying for the organization of the region as a regional airport authority, together with a true copy thereof, shall be filed with the Idaho transportation department. Prior to filing such petition each clerk of the board of county commissioners of the counties in the region shall verify the validity of the signatures within the county.

(b) Upon approval of the petition, the Idaho transportation department shall advise the boards of county commissioners of the counties in the region of the date of the election, which shall occur in May of even-numbered years, and each such board shall enter an order that an election be held for the purpose of voting on the question of the creation of such regional airport authority. Notice of election ~~must be posted~~, notice shall be published, the election shall be conducted and the returns thereof canvassed as required in ~~chapter 14~~, title 34, Idaho Code. Provided, however, as a condition of voting in such election, an elector shall meet the qualifications prescribed in section 34-402, Idaho Code, and in addition shall be a resident of the proposed regional airport authority. The ballot shall contain the words "Regional Airport Authority--Yes" and "Regional Airport Authority--No," each followed by a box in which the voter may express his choice by marking ~~a cross~~ "X the ballot." ~~The board of county commissioners~~ clerk of each county shall conduct such election and the county board of canvassers shall canvass the returns thereof as though it were the only county in which such election were being held. The returns of the election so canvassed shall be certified promptly to the Idaho transportation department and if a majority of all of the votes cast in three (3) or more contiguous counties be in the affirmative, then the Idaho transportation department shall enter an order declaring such regional airport authority established within the limits of those counties that did vote in the affirmative, and shall certify such fact to the board of county commissioners of each county in the region in which an affirmative vote was cast. Counties which voted in the negative shall be excluded from the regional airport authority and shall be so notified by the Idaho transportation department. The cost of providing such election shall be paid by the respective boards of county commissioners, from ~~any~~ funds available to such county. Provided, however, if the interim board of trustees is convinced that it would be impracticable for the three (3) contiguous counties to establish a regional airport authority, and so certifies to the Idaho transportation department and the board of county commissioners of those counties that did vote in the affirmative, the election shall be null and void and the authority shall not be created.

SECTION 3. That Section 21-806, Idaho Code, be, and the same is hereby amended to read as follows:

21-806. ELECTION OF BOARD OF TRUSTEES. At the next succeeding primary election following the creation of any such regional airport authority, the electors of each of the legislative districts within the participating counties within such region shall elect, on a nonpartisan basis, a member of the authority's permanent board of trustees, hereinafter referred to as the board, except that in the northern and north central regions, one (1) additional board member shall be elected from each such region at large. At the first such election, members elected from even-numbered legislative districts, together with the member elected at large from the northern region and the member elected at large from the north central region, shall be elected for four (4) year terms of office, and members elected from odd-numbered legislative districts shall be elected for two (2) year terms of office. Thereafter all such members shall be elected for four (4) year terms of office, and shall serve until their successors are elected and qualified. The term of office of members so elected shall commence on December 1 of the year in which they were elected.

Notice of the election and the conduct thereof shall be as prescribed in chapter 14, title 34, Idaho Code. As a condition of voting, an elector shall meet the qualifications prescribed in section 34-402, Idaho Code, and in addition shall be a resident of the regional airport authority.

In any election for member of the board, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that only one (1) qualified candidate has been nominated for that office, it shall not be necessary for the candidate to stand for election and the board shall declare such candidate elected as a member of the board and the secretary of the district shall immediately make and deliver to such person a certificate of election.

The person receiving the largest number of votes shall be declared elected. If it be necessary to resolve a tie between two (2) or more persons, the interim board or the permanent board, as the case may be, shall determine by lot which thereof shall be declared elected. The clerk of the board shall promptly notify any person by mail of his election, enclosing a form of oath to be subscribed by him as herein provided.

~~When e~~Elections held pursuant to this section shall coincide with other elections held by the state of Idaho or any subdivision thereof, or any municipality or school district, the board of trustees may make agreement with the body holding such election for joint boards of election and the payment of fees and expenses of such boards of election on such proportionate basis as may be agreed upon subject to the provisions of sections 34-106 and 34-1401, Idaho Code.

Elections of board members shall, after the first such election, be held every other year in even-numbered years, and shall be held on such uniform day consistent with the provisions of section 34-106, Idaho Code, as the board shall determine. Vacancies on the board shall be filled by appointment of remaining members, for the expiration of such term of office. The board members shall take and subscribe the oath of office required in the case of state officers and said oath shall be filed with the secretary of state. Members shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties.

SECTION 4. That Section 22-2721, Idaho Code, be, and the same is hereby amended to read as follows:

22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPERVISORS. The governing body of the district shall consist of five (5) supervisors, elected or appointed as provided in this chapter. Elections shall

be conducted pursuant to the provisions of this section and the uniform district election law, chapter 14, title 34, Idaho Code. If at any time the supervisors of a district deem it necessary, they may request permission from the state soil conservation commission to increase the number of supervisors to seven (7). Upon receipt of such a request in writing, signed by all five (5) supervisors, stating a valid reason for such need, the commission shall grant permission. The additional supervisors shall then be appointed as outlined in ~~subparagraph~~ subsection C. of this section until such time as regular district elections for two (2) supervisors in each district. At that time those districts having seven (7) supervisors shall then elect four (4) supervisors for four (4) year terms. The two (2) supervisors appointed by the commission shall be persons who are by training and experience qualified to perform the specialized services which will be required of them in the performance of their duties. All supervisors shall be landowners or farmers of the district where they are elected or appointed.

A. Within thirty (30) days after the date of issuance by the secretary of state of a certificate of organization of a soil conservation district, nominating petitions may be filed with the state soil conservation commission to nominate candidates for supervisors of each district. ~~The soil conservation commission, unless it has contracted with t~~The county clerk to shall conduct the election, shall designate an individual to act as for the district and shall be the election official for the district. If contracted to do so, the county clerk shall act as the election official. The election official shall have authority to extend the time within which nominating petitions may be filed. No such nominating petition shall be accepted by the election official unless it shall be subscribed by not less than five (5) persons who are qualified electors owning land or residing within the boundaries of the district. The election official shall give due notice of an election to be held, subject to the provisions of section 34-106, Idaho Code, for the election of three (3) supervisors for the district. The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated, shall appear ~~arranged in the alphabetical order of the surnames,~~ upon ballots, ~~with a square before each name and directions to insert a mark in the square before any~~ with directions to choose three (3) names to indicate the voter's preference. The three (3) candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district. The commission shall pay all the expenses of such election, which shall be supervised and conducted by the election official.

B. All elections in districts, ~~excluding the first election as provided in subparagraph A. of this section,~~ shall be conducted by ~~the district supervisors of the districts involved who shall designate an individual to be the election official, or the county clerk if contracted for that purpose.~~ Such election shall be held on the first Tuesday succeeding the first Monday of November in each even-numbered year. Such elections shall be in compliance with the provisions of chapter 14, title 34, Idaho Code, and shall be supervised and conducted by the ~~election official~~ county clerk. The cost of conducting such elections shall be borne by the ~~district involved~~ county that conducted the election. The ~~election official~~ county clerk shall certify to the state soil conservation commission the names of the elected supervisors. The state soil conservation commission shall issue certificates of election to each elected supervisor so certified. ~~The state soil conservation commission may authorize each district to contract with t~~The county clerk or county clerks of the county or counties in which the district is located to shall conduct the election for the soil conservation district. If a district election is conducted by a county clerk, and the county clerk must provide a ballot for the district election, and must provide a process that allows only qualified electors of the district to vote in that district's election.

In any election for supervisor, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that the number of qualified candidates who have been nominated is equal to the number of supervisors to be elected, it shall not be necessary for the candidates to stand for election, and the board of supervisors shall declare such candidates elected as supervisors, and the state soil conservation commission shall immediately make and deliver to such persons certificates of election.

C. In any election for supervisors of a soil conservation district, if after the expiration of the date for filing written nominations it appears that only one (1) qualified candidate has been nominated for each position to be filled and no declaration of intent has been filed by a write-in candidate as provided in ~~subparagraph~~ subsection D. of this section, it shall not be necessary to hold an election, and the ~~election-official~~ county clerk shall, no later than seven (7) days before the scheduled date of the election, declare such candidate elected as supervisor, and the state soil conservation commission shall immediately make and deliver to such person a certificate of election.

D. No write-in vote for supervisor shall be counted unless a declaration of intent has been filed with the ~~election-official~~ county clerk indicating that the person making the declaration desires the office and is legally qualified to assume the duties of supervisor if elected as a write-in candidate. The declaration of intent shall be filed not later than twenty-five (25) days before the day of election.

E. The supervisors shall designate a chairman and may, from time to time, change such designation. The term of office of each supervisor shall be four (4) years commencing on the first day of January next following election, except that the two (2) supervisors who are first appointed shall be designated to serve for terms of two (2) years. A supervisor shall hold office until a qualified successor has been elected or appointed. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term, or for a full term shall be made by a vote of the majority of the supervisors duly qualified and acting at the time the vacancy shall arise and the supervisors shall certify the name of the appointed supervisor to the state soil conservation commission who shall issue a certificate of such appointment.

F. A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of duties. A supervisor shall receive no compensation for services from regular district funds, county funds authorized in section 22-2726, Idaho Code, or state funds authorized in section 22-2727, Idaho Code.

In the event the district has a special project, approved by the state soil conservation commission, making project funds available from federal or other sources, a supervisor may receive compensation not to exceed thirty-five dollars (\$35.00) per day plus actual and necessary expenses from project funds for services directly related to the project.

The supervisors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary as they may require, and shall determine their qualifications, duties and compensation. The supervisors may call upon the attorney general of the state for such legal services as they may require or may employ their own counsel and legal staff. The supervisors may delegate to their chairman, to one (1) or more supervisors, or to one (1) or more agents, or employees, such powers and duties as they may deem proper. The supervisors shall furnish to the state soil conservation commission, upon request, copies of such ordinances, rules, orders, contracts, forms and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this chapter.

The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; they shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, and orders issued or adopted; and shall provide for independent financial audits in accordance with the provisions of section 67-450B, Idaho Code, with the exception of the provisions of subsection (2) (d) of section 67-450B, Idaho Code. The governing body of a district whose annual budget from all sources does not exceed fifty thousand dollars (\$50,000) may elect to have its financial statements reviewed on a biennial basis. Biennial reports of review shall include a review of each fiscal year since the previous review report. Any supervisor may be removed by the state soil conservation commission upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

The supervisors may invite the legislative body of a municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

SECTION 5. That Section 22-2725, Idaho Code, be, and the same is hereby amended to read as follows:

22-2725. DISCONTINUANCE OF DISTRICTS. At any time after five (5) years after the organization of a district under the provisions of this chapter, any twenty-five (25) owners of land lying within the boundaries of such district may file a petition with the state soil conservation commission praying that the operations of the district be terminated and the existence of the district discontinued. The commission may conduct such public meetings, and public hearings upon such petition as may be necessary to assist it in the consideration thereof. Within sixty (60) days after such petition has been received by the commission, it shall give due notice to the county clerk of the holding of an election, subject to the provisions of section 34-106, Idaho Code, and the county clerk shall supervise the election, and issue appropriate regulations governing such election as are consistent with chapter 14, title 34, Idaho Code, the question to be submitted by ballots upon which the words "For terminating the existence of the . . . (name of the soil conservation district to be here inserted)" shall appear, with a square before each proposition and a direction to ~~insert an X mark in the square before one or the other of said propositions~~ the ballot as the voter may favor or oppose discontinuance of such district. All qualified electors who ~~own land or~~ reside within the proposed district shall be eligible to vote in said election. No informalities in the conduct of the election or in any matters relating thereto shall invalidate the election or the result thereof if notice thereof shall have been given substantially as herein provided and the election shall have been fairly conducted.

The commission shall publish the result of the election and shall thereafter consider and determine whether the continued operation of the district within the defined boundaries is administratively practicable and feasible. If the commission shall determine that the continued operation of such district is administratively practicable and feasible, it shall record such determination and deny this petition. If the commission shall determine that the continued operation of such district is not administratively practicable and feasible, it shall record such determination and shall certify such determination to the supervisors of the district. In making such determination the commission shall give due regard and weight to the attitudes of the owners of lands lying within the district, the number of ~~landowners~~ residents eligible to vote in the election who shall have voted, the proportion of the votes cast in the election in favor of the discontinuance of the district to the total number of votes cast, the approximate wealth and income of

the landowners of the district, the probable expense of carrying on such erosion-control operations within such district, and such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings set forth in section 22-2716, Idaho Code, provided, however, that the commission shall not have authority to determine that the continued operation of the district is administratively practicable and feasible unless at least a majority of the votes cast in the election shall have been cast in favor of the continuance of such district.

Upon receipt from the state soil conservation commission of a certificate that the commission has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of this section, the supervisors shall forthwith proceed to terminate the affairs of the district. The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of such sale to be covered into the state treasury. The supervisors shall thereupon file an application duly verified, with the secretary of state for the discontinuance of such district, and shall transmit with such application the certificate of the state soil conservation commission setting forth the determination of the commission that the continued operation of such district is not administratively practicable and feasible. The application shall recite that the property of the district has been disposed of and the proceeds paid over as in this section provided, and shall set forth a full accounting of such properties and proceeds of the sale. The secretary of state shall issue to the supervisors a certificate of dissolution and shall record such certificate in an appropriate book of record in his office.

Upon issuance of a certificate of dissolution under the provisions of this section, all contracts theretofore entered into, to which the district or supervisors are parties, shall remain in force and effect for the period provided in such contracts. The state soil conservation commission shall be substituted for the district or supervisors as party to such contracts.

The state soil conservation commission shall not entertain petitions for the discontinuance of any district nor conduct elections upon such petitions nor make determinations pursuant to such petitions in accordance with the provisions of this chapter, more often than once in five (5) years.

SECTION 6. That Section 22-4301, Idaho Code, be, and the same is hereby amended to read as follows:

22-4301. ESTABLISHMENT -- PETITION -- ELECTION. (1) The county commissioners of any county shall, upon petition signed by not less than fifty (50) resident real property holders of said county, or any portion thereof, which may exclude incorporated cities, undertake the following procedure to determine the advisability of resolving to establish and maintain a weather modification district within the county as may be designated in the petition.

(a) A petition to form a weather modification district shall be presented to the county clerk and recorder. The petition shall be signed by not less than fifty (50) of the resident real property holders within the proposed district. The petition shall designate the boundaries of the district.

(b) The petition shall be filed with the county clerk and recorder of the county in which the signers of the petition are located. Upon the filing of the petition the county clerk shall examine the petition and certify whether the required number of petitioners have signed the petition. If the number of petition signers is sufficient, the clerk shall transmit the petition to the board of county commissioners.

(c) Upon receipt of a duly certified petition the board of county commissioners shall give notice of an election to be held, subject to the provisions of section 34-106, Idaho Code, in such proposed

district for the purpose of determining whether or not the proposed district shall be organized and to elect the first board of trustees for the district. Such notice shall include the date and hours of the election, the polling places, the maximum percent of market value for assessment purposes of taxable property within the district which the proposed district will be permitted to levy, the general purposes of the proposed district, a description of lands to be included in the proposed district, a statement that a map of the proposed district is available in the office of the board of county commissioners, and the names and terms of the members to be elected to the first board of trustees. The notice shall be published once each week for three (3) consecutive weeks prior to such election, in a newspaper of general circulation within the county.

(d) The election shall be held and conducted consistent with the provisions of chapter 14, title 34, Idaho Code. The ~~board of county commissioners~~ clerk shall appoint ~~three (3)~~ judges of election, one (1) of whom shall act as clerk for the election. At such election the electors shall vote for or against the organization of the district, and the members of the first board of trustees.

(e) The ~~judges of election~~ county clerk shall certify the returns of the election to the board of county commissioners. If a majority of the votes cast at said election are in favor of the organization, the board of county commissioners shall declare the district organized and give it a name by which, in all proceedings, it shall thereafter be known, and shall further designate the first board of trustees elected, and thereupon the district shall be a legal taxing district.

(f) On the ~~first third~~ Tuesday of ~~February~~ May, in the ~~second next~~ odd-numbered calendar year after the organization of any district, and on the ~~first third~~ Tuesday of ~~February~~ May every odd-numbered year thereafter, an election shall be held, ~~which shall be known as the annual election of the district.~~

At the ~~first annual~~ election in any district hereafter organized, ~~and each third year thereafter,~~ there shall be elected by the qualified electors of the district, ~~one two (12)~~ members of the board to serve for a term of ~~three four (34)~~ years; at the ~~second annual next odd-numbered year~~ election ~~and each third year thereafter,~~ there shall be elected one (1) member of the board to serve for a term of ~~three four (34)~~ years, ~~and at the third annual election, and each third year thereafter, there shall be elected one (1) member of the board to serve for a term of three (3) years.~~

Not later than the sixth Friday before any such election, nominations may be filed with the secretary of the board and if a nominee does not withdraw his name before the first publication of the notice of election, his name shall be placed on the ballot. The ~~board shall provide for holding~~ county clerk shall conduct such election, ~~and shall appoint judges, to conduct it.~~ ~~The secretary of the district shall give notice of election by publication, and shall arrange such other details in connection therewith as the board may direct.~~ The returns of the election shall be certified to and shall be canvassed and declared by the board. The candidate or candidates receiving the most votes shall be elected.

In any election for trustees, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that only one (1) qualified candidate has been nominated for a trustee position, it shall not be necessary for the candidate to stand for election, and the board of trustees of the district shall declare such candidate elected as trustee, and the secretary of the district shall immediately make and deliver to such person a certificate of election.

SECTION 7. That Section 23-917, Idaho Code, be, and the same is hereby amended to read as follows:

23-917. REFERENDUM -- LOCAL OPTION. No license shall be issued hereunder until on or after July 1, 1947. Within sixty (60) days after the effective date of this ~~act~~ chapter a petition in writing signed by not less than twenty percent (20%) of the registered, qualified electors of any city ~~or village~~ may be filed with the clerk of said city ~~or village~~ as their protest against the issuance of any license in said city ~~or village~~ under the provisions of this ~~act~~ chapter. In the event said petition is presented, the governing body of any such city ~~or village~~ shall, within five (5) days after the presentation of said petition, meet and determine the sufficiency thereof by ascertaining whether said petition is signed by the required number of registered, qualified electors of the city ~~or village~~ affected. In the event the governing body of said city ~~or village~~ determines that said petition is signed by the required percentage of registered, qualified electors, said city governing body shall forthwith make an order calling an election to be held within said city ~~or village~~, subject to the provisions of section 34-106, Idaho Code, in ~~the manner provided by law for holding elections for city or village officers. All the laws of the state of Idaho relating to the holding of elections of city or village officers for such city or village, whether special charter or general law of the state,~~ accordance with the provisions of title 34, Idaho Code, which shall apply to the holding of the election provided for in this section, except where specifically modified herein. In addition to the other requirements of law, the notice of election shall notify the electors of the issue to be voted upon at said election.

SECTION 8. That Section 23-918, Idaho Code, be, and the same is hereby amended to read as follows:

23-918. FORM OF BALLOT. The ~~city or village~~ county clerk must furnish the ballots to be used in such election, which ballots must contain the following words:

"Sale of liquor by the drink, Yes,"

"Sale of liquor by the drink, No,"

and the elector in order to vote must ~~mark an "X"~~ indicate the elector's choice opposite one (1) of the questions in a space provided therefor.

SECTION 9. That Section 23-919, Idaho Code, be, and the same is hereby amended to read as follows:

23-919. EFFECT OF ELECTION -- LIQUOR STORE SALES NOT AFFECTED. Upon a canvass of the votes cast, ~~the clerk of the city~~ county board of canvassers shall certify the result ~~thereof to the city who shall report the results~~ to the director. If a majority of the votes cast are "Sale of liquor by the drink, Yes," licenses shall be issued in said city as in this ~~act~~ chapter provided. If a majority of the votes cast are "Sale of liquor by the drink, No," then no licenses shall be issued in said city unless thereafter authorized by a subsequent election in said city; provided, however, that nothing herein contained shall be construed to prevent or prohibit the sale of liquor at or by a state liquor store or state distributor.

SECTION 10. That Section 27-107, Idaho Code, be, and the same is hereby amended to read as follows:

27-107. ELECTION -- QUALIFICATION OF ELECTORS -- CANVASS. Such election shall be conducted in accordance with ~~the general laws of the state~~ chapter 12 and chapter 14, title 34, Idaho Code. The board of county commissioners shall establish as many election precincts within such proposed cemetery maintenance district as may be necessary, and define the boundaries thereof, ~~which said precincts may thereafter be changed by the cemetery~~

~~maintenance board of such district in case such district be organized. Said board of~~ The county commissioners clerk shall also appoint three (3) judges of election for each such election precinct, who shall perform the same duties as judges of election under the general laws provisions of the state title 34, Idaho Code; and the result of such election shall be certified, and canvassed and declared by the board of county commissioners.

SECTION 11. That Section 27-111, Idaho Code, be, and the same is hereby amended to read as follows:

27-111. ELECTION OF COMMISSIONERS. (1) On the first Tuesday following the first Monday in November and every ~~alternate~~ odd-numbered year thereafter, three (3) cemetery maintenance district commissioners shall be elected by the electors of each cemetery district as defined in section 27-104, Idaho Code. For commissioners whose offices expire in 2012 and in any even-numbered year, such commissioners shall remain in office until the next election in an odd-numbered year. ~~The board of cemetery maintenance commissioners county clerk~~ shall conduct the election in a manner consistent with statutory provisions of chapter 14, title 34, Idaho Code. Of the commissioners comprising the board at any one (1) time, not more than one (1) shall be an elector of the same cemetery maintenance commissioners subdistrict. A commissioner shall be an elector of the subdistrict which he represents at the time of his declaration of candidacy and during his term of office. A qualified elector of the cemetery maintenance district shall be eligible to vote for each of the cemetery maintenance district commissioners. At the first election following the formation of a cemetery maintenance district, commissioners from cemetery maintenance subdistricts one (1) and two (2) shall be elected for terms of four (4) years, and the commissioner from cemetery maintenance subdistrict three (3) shall be elected for a term of two (2) years; thereafter the term of office of all commissioners shall be four (4) years. All elections held under this law, shall be held in conformity with the general laws of the state, including chapter 14, title 34, Idaho Code.

(2) In any election for cemetery maintenance district commissioners, if, after the expiration of the date for filing a declaration of intent as a write-in candidate for the office of commissioner, it appears that only one (1) qualified candidate has been nominated for each position to be filled, it shall not be necessary to hold an election, and the board of commissioners shall declare such candidate elected as commissioner, and the secretary shall immediately make and deliver to such person a certificate of election signed by him bearing the seal of the district. The procedure set forth in this subsection shall not apply to any other cemetery maintenance district election.

SECTION 12. That Section 31-402, Idaho Code, be, and the same is hereby amended to read as follows:

31-402. TIME FOR HOLDING ELECTIONS TO CONSOLIDATE COUNTIES. All elections for the consolidation of counties shall be held ~~on the first Tuesday in August in the year~~ at the November general elections are held.

SECTION 13. That Section 31-403, Idaho Code, be, and the same is hereby amended to read as follows:

31-403. PETITION FOR CONSOLIDATION. Not less than ninety (90) days nor more than six (6) months prior to the date specified in section 31-402, Idaho Code, a petition may be circulated in any county praying for the consolidation of such county with another county. Such petition shall be entitled in

the district court of the former county, and shall be in substantially the following form:

"The undersigned qualified electors of . . . County, State of Idaho, hereby petition the court ~~or judge~~ thereof to order an election to be held on the first Tuesday ~~in August next hereafter~~ following the first Monday of November in an even-numbered year to determine whether said . . . County shall be consolidated with . . . County (naming the county with which it is desired to consolidate), under the provisions of the law applicable to such elections."

Such petition may consist of any number of copies required for convenient and rapid circulation and the various copies shall be considered as one (1) petition. If said petition, within the time limits hereinbefore fixed, is signed by a number of qualified electors of the county which it is proposed to consolidate, equal in number to two-thirds (2/3) of all votes cast therein at the last general election, such petition shall thereupon, and not later than eighty (80) days prior to said ~~first Tuesday in August~~ election date, be filed with the clerk of the district court of such county. Such petition shall be deemed a proposal to consolidate said county with the county named therein.

SECTION 14. That Section 31-407, Idaho Code, be, and the same is hereby amended to read as follows:

31-407. PROVISION FOR HOLDING ELECTION -- NOTICE THEREOF TO BE GIVEN. If the court ~~or judge~~ shall order an election, copies of such order, certified by the clerk, shall at once be filed with the county ~~auditor~~ clerk of the county which it is proposed to consolidate, and also with the county ~~auditor~~ clerk of the county with which the consolidation is proposed. The county ~~auditor~~ clerk of each of said counties shall cause a notice of the holding of said election to be published in a newspaper published in ~~his~~ each county designating the consolidation proposal to be voted on, the date of the election, the hours during which the polls will be open, and ~~stating that the election will be held at the regular~~ polling places in each precinct. ~~Such~~ The first publication of such notice shall be published at least once a week for two (2) successive weeks. Where published in a weekly newspaper, two (2) successive insertions of such notice shall be sufficient. Where published in a daily newspaper, at least seven (7) days shall elapse between the first and last date of publication made not less than twelve (12) days prior to the election and the last publication of notice shall be made not less than five (5) days prior to the election. Such publication shall be completed not less than thirty (30) days before such election. The county ~~auditor~~ clerk in each county shall likewise, not less than thirty (30) days before such election, cause a copy of such notice to be posted in a conspicuous place in each precinct in ~~his~~ each county and in/or near each post office situated therein. If no newspaper be published in such county, the notice given by posting as herein provided shall be sufficient. In any conflict between these election specifications and those provided in chapter 14, title 34, Idaho Code, the provisions of the latter shall prevail.

SECTION 15. Section 31-408, Idaho Code, be, and the same is hereby amended to read as follows:

31-408. PREPARATION AND FORM OF BALLOTS. It shall be the duty of the county ~~auditor~~ clerk of each of said counties to cause ballots to be printed ~~which ballots shall be three (3) inches square, or as near thereto as practicable, and on one side shall be printed the following to state:~~

"Shall . . . County be consolidated with . . . County?"

- Yes
- No"

The county ~~auditor~~ clerk in each county shall send the requisite number of ballots to each voting precinct in his county in a reasonable time before the election. All ballots and supplies to be used at such election, and the expenses necessarily incurred in the preparation and conduct of such election, shall be paid out of the county ~~treasury~~ election fund as in the case of general elections.

SECTION 16. That Chapter 8, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-809A, Idaho Code, and to read as follows:

31-809A. COUNTY ELECTION FUND. There is hereby created the county election fund which shall be established in each county by resolution adopted at a public meeting of the board of county commissioners. Funds received from the state or political subdivisions for conducting elections shall be deposited into this fund. Funds also budgeted by the county to conduct the primary and general elections may be deposited or transferred into the county election fund. Funds deposited in the county election fund may be accumulated from year to year or expended on a regular basis and shall be used to pay for all costs in conducting political subdivision elections.

SECTION 17. That Section 31-1406, Idaho Code, be, and the same is hereby amended to read as follows:

31-1406. ELECTION -- QUALIFICATION OF ELECTORS -- CANVASS. Such election shall be conducted in accordance with ~~the general laws of the state, including the provisions of chapter 14,~~ title 34, Idaho Code. The board of county commissioners shall establish as many election precincts within such proposed fire protection district as may be necessary, and define the boundaries thereof, ~~which said precincts may thereafter be changed by the fire protection board of such district in case such district be organized.~~ Each ~~board of~~ The county commissioners clerk shall also appoint ~~three (3)~~ judges of election ~~for each such election precinct,~~ who shall perform the same duties, ~~as near as may be,~~ as judges of election under ~~the general laws of the state~~ title 34, Idaho Code; and the result of such election shall be certified, and canvassed and declared by the board of county commissioners.

SECTION 18. That Section 31-1410, Idaho Code, be, and the same is hereby amended to read as follows:

31-1410. ELECTION OF COMMISSIONERS. (1) On the first Tuesday following the first Monday of November, following the organization of a fire protection district, three (3) fire protection district commissioners shall be elected. Every odd-numbered year thereafter, one (1) commissioner shall be elected, except for the fourth year when no election of a fire commissioner shall occur unless a fire protection district has voted to increase the size of its board in accordance with section 31-1410A, Idaho Code. For commissioners whose offices expire in 2012 and in any even-numbered year, such commissioners shall remain in office until the next election in an odd-numbered year. ~~The board of fire protection commissioners~~ county clerk shall have power to make such regulations for the conduct of such election as are consistent with the statutory provisions of chapter 14, title 34, Idaho Code. ~~At their meeting next preceding such election, the board of fire protection commissioners~~ The county clerk shall divide the district into three (3) subdistricts as nearly equal in population, area and mileage as practicable, to be known as fire protection commissioners subdistricts one, two and three. Thereafter, ~~at the January meeting of the board of fire protection commissioners preceding any regularly scheduled election, such~~ the county clerk may revise subdistricts ~~may be revised by the board when it~~ he deems it neces-

sary due to significant shifts in population. Provided however, of the commissioners comprising the board, not more than one (1) commissioner shall be an elector of the same fire protection commissioners subdistrict. The revision of subdistricts shall not disqualify any elected commissioner from the completion of the term for which he or she has been duly elected. At the first election following organization of a fire protection district, the commissioner from fire protection subdistrict one shall be elected to a term of one (1) year, the commissioner from subdistrict two shall be elected to a term of two (2) years, and the commissioner from fire protection subdistrict three shall be elected to a term of three (3) years; thereafter the term of office of all commissioners shall be four (4) years. Such elections and all other elections held under this law, shall be held in conformity with the general laws of the state including chapter 14, title 34, Idaho Code.

(2) Upon the unanimous agreement of the existing board of commissioners, a fire protection district whose terms and elections were established by prior law may elect to convert to the election of commissioners as provided in subsection (1) of this section. A fire district may adopt any conversion schedule reflecting the intent of the schedule provided in subsection (1) of this section, so long as one (1) commissioner is elected each year, except for the fourth year when no election shall be held. The conversion schedule shall not result in the extension of the term of office of any commissioner serving at the time of the conversion.

(3) In any election for fire protection district commissioner, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that only one (1) qualified candidate has been nominated for a subdistrict to be filled, it shall not be necessary for the candidate of that subdistrict to stand for election, and the board of the fire protection district shall declare such candidate elected as commissioner, and the secretary of the district shall immediately make and deliver to such person a certificate of election.

The results of any election for fire protection district commissioner shall be certified ~~to~~ by the county clerk of the county or counties in which of the district and the results reported to the district is located.

SECTION 19. That Section 31-4306, Idaho Code, be, and the same is hereby amended to read as follows:

31-4306. ELECTION OF DIRECTORS. (1) An election of directors shall be held in each district on the Tuesday succeeding the first Monday of November of each ~~even~~ odd-numbered year. Such election shall be held in conformity with ~~chapter 14, title 34, Idaho Code, and other applicable provisions of title 34, Idaho Code.~~ Before the notice of election is given, the board shall divide the district into subdivisions as nearly equal in population as possible to be designated as director's subdistrict 1, 2 and 3, or director's subdistrict 1, 2, 3, 4 and 5, depending upon the number of subdistricts in the district. Each nominating petition shall state the subdistrict for which the nominee is nominated.

(2) In any election for directors if, after the expiration of the date for filing written nominations for the office of director, it appears that only one (1) qualified candidate has been nominated for each position to be filled and if no declaration of intent has been filed as provided in subsection (3) of this section, it shall not be necessary to hold an election, and the board of directors, shall no later than seven (7) days before the scheduled date of the election declare such candidate elected as director, and the secretary of the recreation district board shall immediately make and deliver to such person a certificate of election.

(3) No write-in vote for recreation district director shall be counted unless a declaration of intent has been filed indicating that the person desires the office and is legally qualified to assume the duties of recreation

district director if elected. The declaration of intent shall be filed with the recreation district board secretary not later than twenty-five (25) days before the day of election.

SECTION 20. That Section 31-4323, Idaho Code, be, and the same is hereby amended to read as follows:

31-4323. CREATION OF INDEBTEDNESS FOR WORKS OR IMPROVEMENTS -- ELECTION ON PROPOSED INDEBTEDNESS. Whenever the board of a recreation district shall, by resolution, determine that the interest of said district and the public interest or necessity demand the acquisition, construction, installation, completion or maintenance of any purpose stated in section ~~43-4316~~ 31-4316, Idaho Code, equipment or apparatus to carry out the objects or purposes of said district requiring the creation of an indebtedness exceeding the income and revenue provided for the year, the board shall order the submission of the proposition of issuing such obligations or bonds or creating other indebtedness to the qualified electors, at an election held, subject to the provisions of section 34-106, Idaho Code, for that purpose. The declaration of public interest or necessity, herein required, and the provision for the holding of such election, may be included within one and the same resolution, which resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness. Such resolutions shall also fix the date upon which such election shall be held, and the manner of holding the same, which shall be in accordance with the provisions of title 34, Idaho Code, and the method of voting for or against the incurring of the proposed indebtedness, ~~such resolution shall also fix the compensation to be paid the officers of the election and.~~ The county commissioners, pursuant to section 34-302, Idaho Code, shall designate the polling place or places and the county clerk shall appoint for each polling place, from the qualified electors ~~who are taxpayers of the district,~~ the officers judges of such election, ~~consisting of three (3) judges, one (1) of whom shall act as the clerk,~~ provided, however, that no district shall issue or have outstanding its coupon bonds in excess of two percent (2%) of market value for assessment purposes of the real estate and personal property within the said district or in excess of ten percent (10%) of market value for assessment ~~of~~ purposes of real estate and personal property within a district created pursuant to section 31-4304A, Idaho Code, according to the assessment of the year preceding any such issuance of such evidence of indebtedness for any or all of the propositions specified in this election.

SECTION 21. That Section 31-4325, Idaho Code, be, and the same is hereby amended to read as follows:

31-4325. CONDUCT OF ELECTION FOR PROPOSED INDEBTEDNESS. The ~~election board or boards~~ county clerk shall conduct the election in a manner prescribed by law for the holding of general elections and shall take their returns to the secretary of the district at any regular or special meeting of the board held within five (5) days following the date of such election. The returns thereof shall be canvassed and the results thereof shall be declared.

SECTION 22. That Section 31-4510, Idaho Code, be, and the same is hereby amended to read as follows:

31-4510. POWERS NOT RESTRICTED -- LAW COMPLETE IN ITSELF -- ELECTION. Neither this chapter nor anything herein contained shall be construed as a restriction or limitation upon any powers which any county might otherwise have under any laws of this state, but shall be construed as cumulative of any such powers. No proceedings, notice or approval shall be required for the issuance of any revenue bonds or any instrument as security therefor, except that no revenue bonds shall be issued hereunder until the board shall by resolution adopted by a majority of the board determine that the interest of the county and the public interest or necessity demand the acquisition, construction, installation and equipment of pollution control facilities to be financed for or to be sold, leased or otherwise disposed of to persons, associations or corporations other than municipal corporations or other political subdivisions, whereupon the board shall order the submission of the proposition of issuing such revenue bonds for the purposes set forth in said resolution to the vote of the qualified electors of the county as defined in section 34-104, Idaho Code, at an election to be held subject to the provisions of section 34-106, Idaho Code. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same resolution, which resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the revenue bonds are proposed to be issued, the amount of principal of the revenue bonds, and the source of revenues pledged to the payment of said bonds.

Such resolution shall also fix the date upon which such election shall be held, subject to the provisions of section 34-106, Idaho Code, the manner of holding the same, which shall be in accordance with the provisions of title 34, Idaho Code, and the method of voting for or against the issuance of the revenue bonds. Such resolution shall ~~also fix the compensation to be paid the officers of the election and shall~~ designate the precincts and polling places ~~and.~~ The county clerk shall appoint for each polling place, from each precinct from the electors thereof, the officers of such election, ~~which officers shall consist of three (3) judges,~~ one (1) of whom shall act as clerk, who shall constitute a board of election for each polling place. The description of precincts may be made by reference to any order or orders of the board, or by reference to any previous order or resolution of the board or by detailed description of such precincts. Precincts established by the board may be consolidated for elections held hereunder. A notice of election shall be published by the county clerk once a week for two (2) consecutive weeks, the first publication shall be not less than twelve (12) days prior to the election, and the last publication of which shall be at least five (5) days prior to the date set for said election, in the newspaper of general circulation within the county in which legal notices of the county are customarily published, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

~~The respective election boards~~ county clerk shall conduct the election ~~in their respective precincts~~ in the manner prescribed by law for the holding of county elections to the extent the same shall apply ~~and shall make their returns to the board.~~ The returns thereof shall be canvassed and the results thereof declared as provided in chapter 12, title 34, Idaho Code.

In the event that it shall appear from said returns that a majority of the qualified electors of the county who shall have voted on any proposition submitted hereunder at such election voted in favor of such proposition, the county shall thereupon be authorized to issue and sell such revenue bonds of the county, all for the purpose or purposes and object or objects provided for in the proposition submitted hereunder and in the resolution therefor, and in the amount so provided.

SECTION 23. That Section 31-4701, Idaho Code, be, and the same is hereby amended to read as follows:

31-4701. CREATION OF COUNTY MUSEUM BOARD. A county museum board may be created as follows:

(1) In addition to the procedures provided in subsections (2), (3) and (4) of this section, the county commissioners may adopt a resolution and incorporate in its minutes to signify that it is the intention of the board of county commissioners to create a county museum board in accordance with the provisions of this chapter. The board of county commissioners shall fix a date, not less than three (3) nor more than six (6) weeks from the date of the adoption of the resolution for a public hearing, and shall order the clerk of the board to publish notice of the hearing in one (1) or more newspapers of general circulation in the county, which notice shall include the time and place of the hearing at which the board of county commissioners will hear any person or persons interested upon the matter of whether a county museum board shall be created pursuant to this chapter. If after the hearing provided for in this section, the board of county commissioners shall then deem it for the best interests of the county that a county museum board be created, the county commissioners shall enter an order to that effect and calling an election upon the formation of the proposed county museum board as provided in this section.

(2) Any person or persons may file a petition for the formation of a county museum board with the clerk. The petition which may be in one (1) or more papers shall be signed by not less than ten percent (10%) of the registered voters residing within the county.

(3) The clerk shall, within ten (10) days after the filing of the petition, estimate the cost of advertising and holding the election provided in this section and notify in writing the person or any one of the persons filing the petition as to the amount of the estimate. The person or persons shall within twenty (20) days after receipt of the written notice deposit the estimated amount with the clerk in cash, or the petition shall be deemed withdrawn. If the deposit is made and the county museum board is formed, the person or persons so depositing the sum shall be reimbursed from the first moneys collected by the county museum board from the taxes authorized to be levied by this ~~act~~ chapter.

(4) Within thirty (30) days after the filing of the petition together with the map and the making of the cash deposit, the county commissioners shall determine whether or not they substantially comply with the requirements of this section. If the county commissioners find that there has not been substantial compliance with the requirements, the county commissioners shall enter an order to the effect specifying the particular deficiencies, dismissing the petition and refunding the cash deposit. If the county commissioners find that there has been substantial compliance with the requirements, the county commissioners shall forthwith enter an order to that effect and calling an election upon the formation of the proposed county museum board as provided in this section.

(5) If the county commissioners order an election as provided in this section, the election shall be conducted on the first Tuesday succeeding the first Monday of November in any year, and in accordance with the general election laws of the state, ~~except as hereinafter provided~~. The county commissioners shall establish election precincts, and the county clerk shall design and print voter's oaths, ballots and other necessary supplies, appoint election personnel and ~~by rule and regulation~~ provide for the conduct and tally of the election. Each registered voter of the county shall be entitled to vote in the election in accordance with the provisions of title 34, Idaho Code. The county clerk shall give notice of the election which notice shall clearly state the question of whether a county museum board shall be formed and shall state the date of the election. The notice shall

be published ~~once each week for three (3) successive publications prior to the election~~ as provided in chapter 14, title 34, Idaho Code, in a newspaper published within the county.

(6) Immediately after the election, the judges at the election shall forward the ballots and results of the election to the county clerk. The county commissioners shall canvass the vote within ten (10) days after the election. If forty-five percent (45%) or more of the votes cast at the election are against the formation of the county museum board, the county commissioners shall enter an order so finding and declaring that the county museum board shall not be formed. If more than fifty-five percent (55%) of the votes cast at the election are in favor of forming the county museum board, the county commissioners shall enter an order so finding, declaring the county museum board duly organized. The county commissioners shall cause one (1) certified copy of the order to be filed in the office of the county recorder of the county and shall cause one (1) certified copy of the order to be transmitted to the governor. Immediately upon the entry of the order, the organization of the county museum board shall be complete.

(7) After the election, the validity of the proceedings hereunder shall not be affected by any defect in the petition, if any, or in the number or qualification of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of the organization of the county museum board after six (6) months have expired from the date of entering the order declaring the formation of the county museum board.

SECTION 24. That Section 33-308, Idaho Code, be, and the same is hereby amended to read as follows:

33-308. EXCISION AND ANNEXATION OF TERRITORY. (1) A board of trustees of any school district including a specially chartered school district, or one-fourth (1/4) or more of the school district electors, residing in an area of not more than fifty (50) square miles within which there is no schoolhouse or facility necessary for the operation of a school district, may petition in writing proposing the annexation of the area to another and contiguous school district.

(2) Such petition shall be in duplicate, one (1) copy of which shall be presented to the board of trustees of the district from which the area is proposed to be excised, and the other to the board of trustees of the district to which the area is proposed to be annexed. The petition shall contain:

- (a) The names and addresses of the petitioners;
- (b) A legal description of the area proposed to be excised from one district and annexed to another contiguous district;
- (c) Maps showing the boundaries of the districts as they presently appear and as they would appear should the excision and annexation be approved;
- (d) The names of the school districts from and to which the area is proposed to be excised, and annexed;
- (e) A description of reasons for which the petition is being submitted; and
- (f) An estimate of the number of children residing in the area described in the petition.

(3) The board of trustees of each school district, no later than ten (10) days after its first regular meeting held subsequent to receipt of the petition, shall transmit the petition, with recommendations, to the state board of education.

- (4) The state board of education shall approve the proposal provided:
 - (a) The excision and annexation is in the best interests of the children residing in the area described in the petition; and

(b) The excision of the territory, as proposed, would not leave a school district with a bonded debt in excess of the limit then prescribed by law.

If either condition is not met, the state board shall disapprove the proposal. The approval or disapproval shall be expressed in writing to the board of trustees of each school district named in the petition.

(5) If the state board of education shall approve the proposal, it shall be submitted to the school district electors residing in the area described in the petition, at an election held in the manner provided in chapter 14, title 334, Idaho Code. Such election shall be held within on the date authorized in section 34-106, Idaho Code, which is nearest to sixty (60) days after the state board approves the proposal.

(6) At the election there shall be submitted to the electors having the qualifications of electors in a school district bond election and residing in the area proposed to be annexed:

(a) The question of whether the area described in the petition shall be excised from school district no. () and annexed to contiguous school district no. (); and

(b) The question of assumption of the appropriate proportion of any bonded debt, and the interest thereon, of the proposed annexing school district.

(7) If a majority of the school district electors in the area described in the petition, voting in the election, shall vote in favor of the proposal to excise and annex the said area, and if in the area the electors voting on the question of the assumption of bonded debt and interest have approved such assumption by the proportion of votes cast as is required by section 3, article VIII, of the constitution of the state of Idaho, the proposal shall carry and be approved. Otherwise, it shall fail.

(8) If the proposal shall be approved by the electors in the manner prescribed, the state board of education shall make an appropriate order for the boundaries of the affected school districts to be altered; and the legal descriptions of the school districts shall be corrected as prescribed in section 33-307(2), Idaho Code.

SECTION 25. That Section 33-311, Idaho Code, be, and the same is hereby amended to read as follows:

33-311. PLAN OF CONSOLIDATION SUBMITTED TO ELECTORS. The state board of education may approve or disapprove any plan proposing consolidation, and if it approves the same it shall give notice thereof to the board of trustees of each school district proposing to consolidate and to the board of county commissioners in each county in which the proposed consolidated district would lie. Notice to the board of county commissioners shall include the legal description of the boundaries of the proposed consolidated district and a brief statement of the approved proposal, and shall be accompanied by a map of the proposed consolidated district.

Not more than ten (10) days after receiving the notice from the state board of education, each board of county commissioners receiving such notice shall enter the order calling for an election on the question of approving or disapproving, and shall cause notice of such election to be ~~posted and~~ published. The notice shall be ~~posted and~~ published, the election shall be held and conducted and its results canvassed, in the manner and form of ~~sections 33-401 through 33-406~~ title 34, Idaho Code.

If the qualified school electors of any one (1) district proposing to consolidate, and voting in the election, shall constitute a majority of all such electors voting in the entire area of the proposed consolidated district, the proposed consolidation shall not be approved unless a majority of such electors in such district, voting in the election, and a majority of

such electors in each of the remaining districts, voting in the election, shall approve the proposed consolidation.

If the qualified school electors in no one (1) of the districts proposing to consolidate, and voting in the election, constitute a majority of all such electors voting in the entire area of the proposed consolidated district, the proposed consolidation shall not be approved unless a majority of all such electors in each district, voting in the election, shall approve the proposed consolidation.

In any plan of consolidation the existing bonded debt of any district or districts proposing to consolidate, shall not become the obligation of the proposed consolidated school district. The debt or debts shall remain an obligation of the property within the districts proposing the consolidation. Upon voter approval of the proposed consolidation, the districts proposing to consolidate shall become subdistricts of the new district as if they had been created under the provisions of section 33-351, Idaho Code. The subdistricts shall be called bond redemption subdistricts. The powers and duties of such bond redemption subdistricts shall not include authority to incur new indebtedness within the subdistricts.

When a consolidation is approved, as hereinabove prescribed, a new school district is thereby created, and the board of county commissioners of any county in which the consolidated district lies shall enter its order showing the creation of the district and a legal description of its boundaries.

SECTION 26. That Section 33-312, Idaho Code, be, and the same is hereby amended to read as follows:

33-312. DIVISION OF SCHOOL DISTRICT. A school district may be divided so as to form not more than two (2) districts each of which must have ~~con-~~tinuous contiguous boundaries, in the manner hereinafter provided, except that any district which operates and maintains a secondary school or schools shall not be divided unless the two (2) districts created out of the division shall each operate and maintain a secondary school or schools immediately following such division.

A proposal to divide a school district may be initiated by its board of trustees and submitted to the state board of education. Such proposal shall contain all of the information required in a proposal to consolidate school districts as may be relevant to a proposal to divide a school district. It shall also show the manner in which it is proposed to divide or apportion the property and liabilities of the district, the names and numbers of the proposed new districts, and legal description of the proposed trustee zones.

Before submitting any proposal to divide a school district, the board of trustees shall hold a hearing or hearings on the proposal within the district. Notice of such hearing or hearings shall be posted by the clerk of the board of trustees in not less than three (3) public places within the district, one (1) of which places shall be at or near the main door of the administrative offices of the school district, for not less than ten (10) days before the date of such hearing or hearings.

The state board of education may approve or disapprove any such proposal submitted to it, and shall give notice thereof in the manner of a proposal to consolidate school districts; except, that the state board of education shall not approve any proposal which would result in a district to be created by the division having or assuming a bonded debt in an amount exceeding the limitations imposed by law, or which would leave the area of any city ~~or vil-~~lage in more than one (1) school district.

If the state board of education shall approve the proposal to divide the district, notice of the election shall be published, and the election shall be held and subject to the provisions of section 34-106, Idaho Code. The election shall be conducted, and the ballots shall be canvassed, according

to the provisions of ~~sections 33-401-33-406~~ title 34, Idaho Code. The division shall be approved only if a majority of all votes cast at said special election by the school district electors residing within the entire existing school district and voting in the election are in favor of the division of such district, and a majority of all votes cast at said special election by the qualified voters within that portion of the proposed new district having a minority of the number of qualified voters, such portion to be determined by the number of votes cast in each area which is a contemplated new district, are in favor of the division of the district, and upon such approval two (2) new school districts shall be thereby created. The organization and division of all school districts which have divided since June 30, 1963, are hereby validated.

If the division ~~be~~ is approved, as herein provided, the county board of canvassers shall thereupon notify certify the results to the district and the district shall report the results to the state board of education and the trustees of the district which has been divided. The state board shall give notice to the board of county commissioners of any county in which the newly created districts may lie.

SECTION 27. That Section 33-313, Idaho Code, be, and the same is hereby amended to read as follows:

33-313. TRUSTEE ZONES. (1) Each elementary school district shall be divided into three (3) trustee zones and each other school district shall be divided into no fewer than five (5) nor more than nine (9) trustee zones according to the provisions of section 33-501, Idaho Code. A school district that has had a change in its district boundaries because of consolidation on and after January 1, 2008, shall divide trustee zones so that each former district in the new district shall not be split into different trustee zones, unless the provisions of subsection (2) of this section cannot be satisfied.

(2) Any proposal to define the boundaries of the several trustee zones in each such school district shall include the determination, where appropriate, of the number of trustee zones in such district, and the date of expiration of the term of office for each trustee. The boundaries of the several trustee zones in each such school district shall be defined and drawn so that, as reasonably as may be, each such zone shall have approximately the same population.

(3) Whenever the area of any district has been enlarged by the annexation of all or any part of another district, or by the correction of errors in the legal description of school district boundaries, any such additional territory shall be included in the trustee zone or zones contiguous to such additional territory until such time as the trustee zones may be redefined and changed. Trustee zones may be redefined and changed, but not more than once every five (5) years, in the manner hereinafter provided.

(4) A proposal to redefine and change trustee zones of any district may be initiated by its board of trustees and shall be initiated by its board of trustees at the first meeting following the report of the decennial census, and submitted to the state board of education, or by petition signed by not less than fifty (50) school electors residing in the district, and presented to the board of trustees of the district. Within one hundred twenty (120) days following the decennial census or the receipt of a petition to redefine and change the trustee zones of a district the board of trustees shall prepare a proposal for a change which will equalize the population in each zone in the district and shall submit the proposal to the state board of education. Any proposal shall include a legal description of each trustee zone as the same would appear as proposed, a map of the district showing how each trustee zone would then appear, and the approximate population each would then have, should the proposal to change any trustee zones become effective.

(5) Within sixty (60) days after it has received the said proposal the state board of education may approve or disapprove the proposal to redefine and change trustee zones and shall give notice thereof in writing to the board of trustees of the district wherein the change is proposed. Should the state board of education disapprove a proposal the board of trustees shall within forty-five (45) days submit a revised proposal to the state board of education. Should the state board of education approve the proposal, the trustee zones shall be changed in accordance with the proposal and a copy of the legal description of each trustee zone and map of the district showing how each trustee zone will appear shall be filed with the county clerk.

(6) At the next regular meeting of the board of trustees following the approval of the proposal the board shall appoint from its membership a trustee for each new zone to serve as trustee until that incumbent trustee's ~~three (3) year~~ term expires. If the current board membership includes two (2) incumbent trustees from the same new trustee zone, the board will select the incumbent trustee with the most seniority as a trustee to serve the remainder of his ~~three (3) year~~ term. If both incumbent trustees have equal seniority, the board will choose one (1) of the trustees by the drawing of lots. If there is a trustee vacancy in any of the new zones, the board of trustees shall appoint from the patrons resident in that new trustee zone, a person from that zone to serve as trustee until the next annual meeting. At the annual election a trustee shall be elected to serve during the term specified in the election for the zone. The elected trustee shall assume office at the annual meeting of the school district next following the election.

SECTION 28. That Section 33-317, Idaho Code, be, and the same is hereby amended to read as follows:

33-317. COOPERATIVE SERVICE AGENCY -- POWERS -- DUTIES -- LIMITATIONS. (1) Two (2) or more school districts may join together for educational purposes to form a service agency to purchase materials and/or provide services for use individually or in combination. The cooperative service agency thus formed shall be empowered to adopt bylaws, and act as a body corporate and politic with such powers as are assigned through its bylaws but limited to the powers and duties of local school districts. In its corporate capacity, this agency may sue and be sued and may acquire, hold and convey real and personal property necessary to its existence. The employees of the service agency shall be extended the same general rights, privileges and responsibilities as comparable employees of a school district.

(2) A properly constituted cooperative service agency may request from its member school districts funding to be furnished by a tax levy not to exceed one-tenth of one percent (.1%) for a period not to exceed ten (10) years by such member school districts. Such levy must be authorized by an election held subject to the provisions of section 34-106, Idaho Code, and be conducted in each of the school districts pursuant to chapter 14, title 334, Idaho Code, and approved by a majority of the district electors voting in such election. Moneys received by the member school districts from this source shall be transferred to the cooperative service agency upon receipt of billing from the agency. Excess revenue over billing must be kept in a designated account by the district, with accrued interest, and may only be spent as budgeted by the agency.

(3) For the purpose of constructing and maintaining facilities of a cooperative service agency, in addition to the levy authorized in subsection (2) of this section, a properly constituted cooperative service agency may request from its member school districts additional funding to be furnished by a tax levy not to exceed one-tenth of one percent (.1%) for a period not to exceed ten (10) years. Such levy must be authorized by an election held subject to the provisions of section 34-106, Idaho Code, and be conducted in each of the school districts pursuant to chapter 14, title 334, Idaho Code,

and approved by sixty-six and two-thirds percent (66 2/3%) of the district electors voting in such election. If one (1) or more of the member districts fails to approve the tax levy in such election, the cooperative service agency may construct the facility through the support of the member districts approving the levy, but in no event shall the levy limits authorized in this subsection (3) be exceeded. Nothing shall prevent a member district that initially failed to approve the levy from conducting a subsequent election, held pursuant to ~~chapter 4, title 33~~ section 34-106, Idaho Code, to authorize that district's participation in construction of the facility. Electors of the districts may approve continuation of such levy for an additional ten (10) years at an election held for that purpose. There is no limit on the number of elections which may be held for the purpose of continuing the levy authorized under this subsection (3) for an additional ten (10) years. The administration and accounting of moneys received by imposition of the levy shall be the same as provided in subsection (2) of this section.

SECTION 29. That Section 33-351, Idaho Code, be, and the same is hereby amended to read as follows:

33-351. SUBDISTRICTS -- AUTHORITY TO ESTABLISH -- ELECTION. The board of trustees of any school district which operates two (2) or more high schools may at any time, on its own motion or upon the filing with the board of trustees of a petition so requesting signed by not less than fifty (50) school electors, call an election to submit to the qualified electors of the school district the question of the creation of one (1) or more school subdistricts. Such election shall be called, the election shall be held subject to the provisions of section 34-106, Idaho Code, and shall be conducted pursuant to the provisions of chapter 14, title 334, Idaho Code. The proceedings calling such election shall set forth the boundaries of each proposed school subdistrict and shall provide for the submission of the question of the creation of each such school subdistrict to the qualified electors of the school district and to the qualified electors residing within the proposed boundaries of each such school subdistrict. No proposition for the creation of a school subdistrict shall be determined to have carried unless such proposition shall receive a majority of the votes cast on such proposition by the qualified electors residing within the boundaries of the school district and a majority of the votes cast on such proposition by the qualified electors residing within the boundaries of the proposed school subdistrict. Whenever the creation of more than one (1) school subdistrict is submitted at the same election, separate ballots and separate propositions shall be used in voting on the question of creating each school subdistrict.

SECTION 30. That Section 33-354, Idaho Code, be, and the same is hereby amended to read as follows:

33-354. INDEBTEDNESS -- BOND ISSUES. School subdistricts may incur debt and issue bonds for the purpose of acquiring, purchasing or improving a school site or sites, acquiring or constructing new ~~school houses~~ school houses, remodeling existing buildings, constructing additions thereto, including all necessary furnishings and equipment, and all lighting, heating, ventilation, sanitation facilities and appliances necessary to operate the buildings of the new school subdistrict. The governing body of a school subdistrict may submit to the qualified electors of the school subdistrict the question of whether the governing body of the school subdistrict shall be empowered to issue negotiable bonds of the school subdistrict in an amount and for a period of time to be named in the notice of election. Notice of the bond election shall be given, the election shall be conducted and the returns thereof canvassed and the qualifications of electors voting or offering to

vote shall be as provided in ~~sections 33-402 through 33-423~~ title 34, Idaho Code. The question of the issuance of such bonds shall be approved only if the percentage of votes cast at such election were cast in favor thereof as that which is now, or may hereafter be, set by the constitution of the state of Idaho. All such bonds shall be authorized, issued and sold pursuant to the provisions of sections 33-1107 through 33-1125, Idaho Code. No bonds of a school subdistrict may be issued, however, if the issuance of such bonds would cause the percentage of market value for assessment purposes of taxable property within the boundaries of the school subdistrict represented by the aggregate outstanding indebtedness of the school subdistrict, when added to the percentage of the assessed valuation of taxable property represented by the aggregate outstanding indebtedness of the school district within which the school subdistrict lies, to exceed five percent (5%). As used in the preceding sentence hereof, "market value for assessment purposes," "aggregate outstanding indebtedness" and "issuance" shall have the same meanings as set forth in section 33-1103, Idaho Code. Upon the approval of the issuance of such bonds, the same may be issued by the governing body of the school subdistrict on behalf of the school subdistrict at any time within two (2) years from the date of such election. Wherever in ~~sections 33-402 through 33-423~~ title 34, Idaho Code, and in sections 33-1107 through 33-1125, Idaho Code, reference is made to "school district"; for purposes of this ~~act~~ chapter it shall be deemed to refer to school subdistricts.

SECTION 31. That Section 33-401, Idaho Code, be, and the same is hereby amended to read as follows:

33-401. LEGISLATIVE INTENT. The legislature finds that a comprehensive and integrated statutory scheme for the conduct of school elections is critical to the public's understanding of and confidence in the public school election system. It is therefore the intent of the legislature that ~~with the exception of chapter 24, title 34, Idaho Code, and the provisions of title 18, Idaho Code, which and the provisions of title 34, Idaho Code,~~ shall be fully applicable, ~~or unless otherwise specifically provided, and shall govern all school elections shall be governed by the provisions of this chapter.~~ All school elections shall be administered by the clerk of the county wherein the district lies. Elections in a joint school district shall be conducted jointly by the clerks of the respective counties, and the clerk of the home county shall exercise such powers as are necessary to coordinate the election.

SECTION 32. That Section 33-402, Idaho Code, be, and the same is hereby amended to read as follows:

33-402. NOTICE REQUIREMENTS. ~~a. Notice of all school elections must be given by posting and publishing notice of said elections and such notice shall state:~~

- ~~1. The date of holding the election;~~
- ~~2. The hours between which the polls will be open;~~
- ~~3. The definite place or places of holding the election;~~
- ~~4. In the case of election of trustees, the offices to be filled, the trustee zones, and a statement that declarations of candidacy must be filed not later than 5:00 p.m. on the fifth Friday prior to the day of the election;~~
- ~~5. In the case of bond election, the amount of the issue, the purpose and period of the issue;~~
- ~~6. In the case of the assumption of a debt, the amount of any such debt to be assumed by each district, or part of a district, and~~
- ~~7. In all other elections, a brief statement of the question being submitted to the electors.~~

~~b. In school elections involving (i) the incurring or increasing of a debt, (ii) approving a levy for a plant facilities reserve fund and term thereof, (iii) excising and annexing territory, (iv) consolidating districts, or (v) dividing a district, notice of the election shall be posted not less than twenty one (21) days prior to the day of the election in at least three (3) places in each district participating in or affected by such election, one (1) of which places shall be at or near the main door of the administrative offices of each such district, and by publishing at least once each week for three (3) consecutive weeks prior to the day of the election in a newspaper as provided in section 60-106, Idaho Code, published in the county or in any county in which such district may lie and having general circulation within such district.~~

~~c. Notice of all other school elections shall be given in the same manner, except that the posting shall be for not less than ten (10) days, and publishing shall be at least once each week for two (2) consecutive weeks prior to the day of the election.~~

~~d. Notice of the deadline for filing declaration of candidacy for election of trustees shall be posted for not less than ten (10) days and published at least once each week for two (2) consecutive weeks prior to the last day for filing nominating petitions as required by section 33-502, Idaho Code.~~

~~e. In elections for excising and annexing the territory of school districts, or to create new school districts by consolidation or division, the clerk of the board of county commissioners of the county in which the district lies, or of the home county if the district be a joint district, shall prepare, post, sign and arrange for the publishing of, the notice of election. In all other elections it shall be the duty of the clerk of the board of trustees so to do.~~

~~f. (1) Notice of annual meeting of elementary school districts as provided for in section 33-510, Idaho Code, and of intent to discontinue a school, as provided for in section 33-511, Idaho Code, and annual budget hearing as provided for in section 33-801, Idaho Code, shall be given by posting and publishing as outlined in subsection b. of this section except that posting shall be for not less than ten (10) days, and publishing shall be once in a newspaper as provided in section 60-106, Idaho Code, published within the district, or, if there be none, then in a newspaper as provided in section 60-106, Idaho Code, published in the county in which such district lies. If more than one (1) newspaper is printed and published in said district or county, then in the newspaper most likely to give best general notice of the election within said district; provided that if no newspaper is published in the said district or county, then in a newspaper as provided in section 60-106, Idaho Code, most likely to give best general notice of the election within the district.~~

~~g. (2) Notices calling for bids for the acquisition, use, or disposal of real and personal property as provided for in section 33-601, Idaho Code, and contracting for transportation services as provided for in section 33-1510, Idaho Code, shall be given in a newspaper of general circulation as required by chapter 1, title 60, Idaho Code, except that the notice for contracting for transportation services shall be made not less than four (4) weeks before the date of opening bids.~~

~~h. (3) Proof of posting notice shall be upon the affidavit of the person posting the same; and proof of publication shall be upon the affidavit of the publisher of the newspaper or newspapers respectively. Such affidavits shall be filed with his the board by the clerk responsible for the posting and the publishing of said notice, before the day of the election named in the notice.~~

SECTION 33. That Sections 33-403, 33-403A, 33-403B and 33-403C, Idaho Code, be, and the same are hereby repealed.

SECTION 34. That Section 33-404, Idaho Code, be, and the same is hereby amended to read as follows:

33-404. PLACES ELECTIONS TO BE HELD. In elections involving excision and annexation of territory, or the consolidation of school districts, or the division of a school district, each notice of election shall designate that polling places shall be established, as follows:

In an election involving excision and annexation of territory, polling places shall be established pursuant to section 34-302, Idaho Code, in the district to which the territory or area is to be annexed; in the territory or area to be annexed; and in the remainder of the school district from which the territory or area is to be excised.

In an election involving consolidation of school districts, polling places shall be established ~~in each district proposed to be consolidated~~ pursuant to section 34-302, Idaho Code.

In an election involving the division of a school district, polling places shall be established ~~in each proposed trustee zone of each school district proposed to be created by the division~~ pursuant to section 34-302, Idaho Code.

In any school election held within a joint school district, polling places shall be designated and established pursuant to section 34-302, Idaho Code, within such district, in each county ~~in which ten (10) or more electors of the district reside. In an area where less than ten (10) electors reside,~~ a polling place shall be designated upon petition to the board of trustees, received not less than twenty eight (28) days preceding the date of the election, of three (3) or more electors within the affected area, or may be designated at the option of the board of trustees.

SECTION 35. That Section 33-405, Idaho Code, be, and the same is hereby amended to read as follows:

33-405. QUALIFICATIONS OF SCHOOL ELECTORS. Any person voting, or offering to vote, in any school election must be, at the time of the election eighteen (18) years of age and a United States citizen who has resided in this state and in the school district at least thirty (30) days next preceding the election in which the elector desires to vote. In the case of election of trustees, the elector must be a resident of the same trustee zone as the candidate or candidates for school district trustees for whom the elector offers to vote for at least thirty (30) days next preceding the election in which the elector desires to vote.

Registration requirements set forth in chapter 4, title 34, Idaho Code, shall be applicable to school elections, ~~and in addition to the foregoing qualifications, a school elector shall have executed, in writing and immediately before voting, a form of elector's oath attesting that he or she possesses the qualifications of a school elector prescribed by this section and indicating the mailing address, residence address or any other necessary information definitely locating the residence of the school elector.~~ The elector may be required to furnish to the election official proof of residence, which proof shall be established by either an Idaho motor vehicle driver's license or any other document definitely establishing the elector's residence within the school district or trustee zone.

SECTION 36. That Sections 33-405A, 33-405B, 33-406, 33-406A, 33-407, 33-408, 33-409, 33-410, 33-411, 33-412, 33-413, 33-414, 33-415, 33-416, 33-417, 33-418, 33-419, 33-420, 33-421, 33-422, 33-423, 33-424, 33-428, 33-429, 33-430, 33-431, 33-432, 33-433, 33-434, 33-435, 33-436, 33-437, 33-438, 33-439, 33-440, 33-441 and 33-442, Idaho Code, be, and the same are hereby repealed.

SECTION 37. That Section 33-501, Idaho Code, be, and the same is hereby amended to read as follows:

33-501. BOARD OF TRUSTEES. Each school district shall be governed by a board of trustees. The board of trustees of each elementary school district shall consist of three (3) members, and the board of trustees of each other school district shall consist of five (5) members. Provided, however, that the board of trustees of any district which has had a change in its district boundaries subsequent to June 30, 1973, may consist of no fewer than five (5) nor more than nine (9) members if such provisions are included as part of an approved proposal to redefine and change trustee zones as provided in section 33-313, Idaho Code. The board of trustees of any district that has had a change in its district boundaries because of district consolidation on and after January 1, 2008, shall consist of five (5) members if two (2) districts consolidated or seven (7) members if three (3) or more districts consolidated. ~~Except as otherwise provided by law~~ Commencing in 2011, a school district trustee shall be elected for a term of ~~three~~ four (34) years ~~or until the annual meeting of his district held during the year in which his term expires beginning at twelve o'clock noon on July 1 next succeeding his election.~~

Each trustee shall at the time of his nomination and election, or appointment, be a school district elector of his district and a resident of the trustee zone from which nominated and elected, or appointed.

Each trustee shall qualify for and assume office ~~at the annual meeting of his school district on July 1~~ next following his election, or, if appointed, at the regular meeting of the board of trustees next following such appointment. An oath of office shall be administered to each trustee, whether elected, re-elected or appointed. Said oath may be administered by the clerk, or by a trustee, of the district, and the records of the district shall show such oath of office to have been taken, and by whom administered and shall be filed with the official records of the district.

SECTION 38. That Sections 33-502A, 33-502C and 33-502D, Idaho Code, be, and the same are hereby repealed.

SECTION 39. That Section 33-502B, Idaho Code, be, and the same is hereby amended to read as follows:

33-502B. BOARD OF TRUSTEES -- ONE NOMINATION -- NO ELECTION. In any election for trustees, if, after the expiration of the date for filing written nominations for the office of trustee, it appears that only one (1) qualified candidate has been nominated for a position to be filled or if only one (1) candidate has filed a write-in declaration of intent as provided by section ~~33-502A~~ 34-1407, Idaho Code, no election shall be held for that position, and the board of trustees or the school district clerk with the written permission of the board, shall ~~within thirteen (13) days before the scheduled date of the election~~ declare such candidate elected as a trustee, and the school district clerk shall immediately prepare and deliver to the person a certificate of election signed by him and bearing the seal of the district. The procedure set forth in this section shall not apply to any other school district election.

SECTION 40. That Section 33-503, Idaho Code, be, and the same is hereby amended to read as follows:

33-503. ELECTION OF TRUSTEES -- UNIFORM DATE. The election of school district trustees including those in charter districts shall be on the third Tuesday in May in odd-numbered years. Notice and conduct of the election, and the canvassing of the returns shall be as provided in ~~sections 33-401~~

~~33-406~~ chapter 14, title 34, Idaho Code. In each trustee zone, the person receiving the greatest number of votes cast within his zone shall be declared by the board of trustees as the trustee elected from that zone.

If any two (2) or more persons have an equal number of votes in any trustee zone and a greater number than any other nominee in that zone, the board of trustees shall determine the winner by a toss of a coin.

SECTION 41. That Chapter 5, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-503A, Idaho Code, and to read as follows:

33-503A. TRANSITION OF SCHOOL TRUSTEE TERMS FROM THREE YEARS TO FOUR YEARS. In order to achieve an orderly transition to terms of four (4) years, and to hold trustee elections in the odd-numbered years, the following schedule shall be followed:

(1) For school districts with five (5) trustees:

(a) If two (2) trustees were elected to a regular trustee term in 2007, and one (1) trustee was elected to a regular term in 2008, then these three (3) trustees shall each serve a term that expires on July 1, 2011, and the trustees elected to a regular trustee term in 2009 shall each serve a term that expires on July 1, 2013.

(b) If two (2) trustees were elected to regular trustee terms in 2007, and two (2) trustees were elected to regular trustee terms in 2008, then those trustees elected in 2007 shall each serve a term that expires on July 1, 2011, and those elected in 2008 shall each serve a term that expires on July 1, 2013, and the trustee elected to a regular trustee term in 2009 shall serve a term that expires on July 1, 2013.

(c) If one (1) trustee was elected to a regular trustee term in 2007, the trustee shall serve a term that expires on July 1, 2011, and the trustees elected to a regular trustee term in 2008 shall each serve a term that expires on July 1, 2013.

(2) For school districts with six (6) trustees, two (2) trustees elected to a regular term in 2007 shall each serve a term that expires on July 1, 2011, and two (2) trustees elected to a regular term in 2009 shall each serve a term that expires on July 1, 2013, and one (1) of the trustees elected to a regular term in 2008 shall serve until July 1, 2011, and one (1) of the trustees elected to a regular term in 2008 shall serve until July 1, 2013, which shall be determined by the toss of a coin.

(3) For school districts with seven (7) trustees, three (3) trustees elected to a regular term in 2008 or 2009 shall each serve until July 1, 2011, and any remainder of the trustees elected in 2008 or 2009 shall serve until July 1, 2013, which shall be determined by the toss of a coin; and trustees elected to a regular term in 2010 shall serve until July 1, 2013.

(4) For elementary school districts with three (3) trustees, two (2) trustees elected to a regular term in 2007 and 2008 shall serve until July 1, 2011, and one (1) trustee elected to a regular term in 2009 shall serve until July 1, 2013.

SECTION 42. That Section 33-504, Idaho Code, be, and the same is hereby amended to read as follows:

33-504. VACANCIES ON BOARDS OF TRUSTEES. A vacancy shall be declared by the board of trustees when any nominee has been elected but has failed to qualify for office, or within thirty (30) days of when any trustee shall (a) die; (b) resign as trustee; (c) remove himself from his trustee zone of residence; (d) no longer be a resident or school district elector of the district; (e) refuse to serve as trustee; (f) without excuse acceptable to the board of trustees, fail to attend four (4) consecutive regular meetings of

the board; or (g) be recalled and discharged from office as provided in ~~section 33-439, Idaho Code~~ law.

Such declaration of vacancy shall be made at any regular or special meeting of the board of trustees, at which any of the above-mentioned conditions are determined to exist.

The board of trustees shall appoint to such vacancy a person qualified to serve as trustee of the school district provided there remains in membership on the board of trustees a majority of the membership thereof, and the board shall notify the state superintendent of public instruction of the appointment. Such appointment shall be made within ninety (90) days of the declaration of vacancy. Otherwise, appointments shall be made by the board of county commissioners of the county in which the district is situate, or of the home county if the district be a joint district.

Any person appointed as herein provided shall serve ~~until the annual meeting of school district trustees next following such appointment. At the annual election a trustee shall be elected to complete~~ for the balance of the unexpired term of the office which was declared vacant and filled by appointment.

~~The elected trustee shall assume office at the annual meeting of the school district next following the election.~~

SECTION 43. That Section 33-505, Idaho Code, be, and the same is hereby amended to read as follows:

33-505. BOARD OF TRUSTEES, DISTRICT NEWLY CREATED. Within ten (10) days after the entry of any order creating a new school district by the consolidation of districts or parts thereof, the trustees of all school districts involved in the consolidation shall meet at the call of the state superintendent of public instruction or his designee and, from their number, shall select a board of trustees of the new district representing each of the merged districts in an equal number to serve as follows: if two (2) districts consolidated, one (1) member representing the board of trustees of each district shall serve until the annual election of trustees next following; one (1) member representing the board of trustees of each district shall serve until the annual election the following year; and one (1) member appointed by the other four (4) members shall serve until the annual election in the year after that. If three (3) or more districts consolidated, three (3) members shall serve until the annual election of trustees next following; three (3) members shall serve until the annual election the following year; and one (1) member appointed by the other six (6) members shall serve until the annual election in the year after that. If the number of merged districts is greater than three (3), the superintendent of public instruction shall appoint as equally as possible from trustees of the previous districts so that each district, if possible, has representation on the consolidated district's board of trustees. The superintendent shall stagger the terms of his appointments so that an equal number of appointees' terms expire annually and those trustees shall sit for election. Thereafter, all trustees who are elected shall serve terms as provided in section 33-501, Idaho Code, for a board of trustees of a school district. The board of trustees shall report the names of said trustees to the state board of education. The board of trustees of the newly consolidated school district shall expeditiously redraw the trustee zones pursuant to section 33-313, Idaho Code.

The state board of education, at its first meeting next following receipt of notice of the creation of new school districts by the division of a district, shall appoint a board of trustees for each such new district, to serve until ~~the annual election of school district trustees~~ July 1 next following.

Boards of trustees selected or appointed as in this section provided shall forthwith meet and organize as provided in section 33-506, Idaho Code,

and thereupon the board of trustees of any district, the whole of which has been incorporated within the new district, or which was divided as the case may be, shall be dissolved and its powers and duties shall cease. Prior to the notice of annual election of trustees next following, the board of trustees of each school district created by consolidation or by division of districts shall determine by lot or by agreement from which of the trustee zones the trustees therefor shall be elected ~~for a term of one (1) year, which for a term of two (2) years, and which for a term of three (3) years.~~ Thereafter each trustee shall be elected for a term of ~~three~~ four (34) years.

SECTION 44. That Section 33-601, Idaho Code, be, and the same is hereby amended to read as follows:

33-601. REAL AND PERSONAL PROPERTY -- ACQUISITION, USE OR DISPOSAL OF SAME. The board of trustees of each school district shall have the following powers and duties:

(1) To rent to or from others, school buildings or other property used, or to be used, for school purposes.

(2) To contract for the construction, repair, or improvement of any real property, or the acquisition, purchase or repair of any equipment, or other personal property necessary for the operation of the school district.

Except for the purchase of curricular materials as defined in section 33-118A, Idaho Code, such contract shall be executed in accordance with the provisions of chapter 28, title 67, Idaho Code.

(3) To designate and purchase any real property necessary for school purposes or in the operation of the district, or remove any building, or dispose of any real property. Prior to, but not more than one (1) year prior to, any purchase or disposal of real property, the board shall have such property appraised by an appraiser certified in the state of Idaho, which appraisal shall be entered in the records of the board of trustees, and shall be used to establish the value of the real property. The board of trustees shall determine the size of the site necessary for school purposes. The site shall be located within the incorporated limits of any city within the district; provided, however, that if the board finds that it is not in the best interests of the electors and the students of the district to locate the site within the incorporated limits of a city, the board, by duly adopted resolution setting forth the reasons for its finding, may designate a site located elsewhere within the district. In elementary school districts, except upon removal for highway purposes, a site may be designated or changed only after approval of two-thirds (2/3) or more of the electors voting at the annual meeting.

(4) (a) To convey, except as provided by paragraph (b) of this subsection, by deed, bill of sale, or other appropriate instrument, all of the estate and interest of the district in any property, real or personal. In elementary school districts, except such conveyance as is authorized by subsection (6) of this section, any of the transactions authorized in this subsection shall be subject to the approval of two-thirds (2/3) or more of the electors voting at the annual meeting.

Prior to such sale or conveyance, the board shall have the property appraised pursuant to this section, which appraisal shall be entered in the records of the board of trustees. The property may be sold at public auction or by sealed bids, as the board of trustees shall determine, to the highest bidder. Such property may be sold for cash or for such terms and conditions as the board of trustees shall determine for a period not exceeding ten (10) years, with the annual rate of interest on all deferred payments not less than seven percent (7%) per annum. The title to all property sold on contract shall be retained in the name of the school district until full payment has been made by the purchaser, and title to all property sold under a note and mortgage or deed of trust shall be transferred to the purchaser at the point of sale under

the terms and conditions of the mortgage or deed of trust as the board of trustees shall determine. Notice of the time and the conditions of such sale shall be published twice, and proof thereof made, in accordance with subsections ~~g. and h.~~ (2) and (3) of section 33-402, Idaho Code, except that when the appraised value of the property is less than one thousand dollars (\$1,000), one (1) single notice by publication shall be sufficient and the property shall be sold by sealed bids or at public auction.

The board of trustees may accept the highest bid, may reject any bid, or reject all bids. If the real property was donated to the school district the board may, within a period of one (1) year from the time of the appraisal, sell the property without additional advertising or bidding. Otherwise, the board of trustees must have new appraisals made and again publish notice for bids, as before. If, thereafter, no satisfactory bid is made and received, the board may proceed under its own direction to sell and convey the property. In no case shall any real property of the school district be sold for less than its appraisal.

The board of trustees may sell personal property, with an estimated value of less than one thousand dollars (\$1,000), without appraisal, by sealed bid or at public auction, provided that there has been not less than one (1) published advertisement prior to the sale of said property. If the property has an estimated value of less than five hundred dollars (\$500), the property may be disposed of in the most cost-effective and expedient manner by an employee of the district empowered for that purpose by the board, provided however, such employee shall notify the board prior to disposal of said property.

(b) Real and personal property may be exchanged hereunder for other property. Provided, however, that aside from the provisions of this paragraph, any school district may by a vote of one-half (1/2) plus one (1) of the members of the full board of trustees, by resolution duly adopted, authorize the transfer or conveyance of any real or personal property owned by such school district to the government of the United States, any city, county, the state of Idaho, any hospital district organized under chapter 13, title 39, Idaho Code, any other school district, the Idaho housing and finance association, any public charter school, any library district, any community college district, or any recreation district, with or without any consideration accruing to the school district, when in the judgment of the board of trustees it is for the interest of such school district that said transfer or conveyance be made. Prior to any transfer or conveyance of any real or personal property pursuant to this paragraph (4) (b), the board shall have the property appraised by an appraiser certified in the state of Idaho, which appraisal shall be entered in the records of the board of trustees, and shall be used to establish the value of the real or personal property.

(5) To enter into contracts with any city located within the boundaries of the school district for the joint purchase, construction, development, maintenance and equipping of playgrounds, ball parks, swimming pools, and other recreational facilities upon property owned either by the school district or the city.

(6) To convey rights-of-way and easements for highway, public utility, and other purposes over, upon or across any school property and, when necessary to the use of such property for any such purpose, to authorize the removal of school buildings to such new location, or locations, as shall be determined by the board of trustees, and such removal shall be made at no cost or expense to the school district.

(7) To authorize the use of any school building of the district as a community center, or for any public purpose, and to establish a policy of charges, if any, to be made for such use.

(8) To exercise the right of eminent domain under the provisions of chapter 7, title 7, Idaho Code, for any of the uses and purposes provided in section 7-701, Idaho Code.

(9) If there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, or it is necessary to do emergency work to safeguard life, health or property, the board of trustees may pass a resolution declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon adoption of the resolution, the board may expend any sum required in the emergency without compliance with this section.

SECTION 45. That Section 33-802, Idaho Code, be, and the same is hereby amended to read as follows:

33-802. SCHOOL LEVIES. Any tax levied for school purposes shall be a lien on the property against which the tax is levied. The board of trustees shall determine the levies upon each dollar of taxable property in the district for the ensuing fiscal year as follows:

(1) Bond, Interest and Judgment Obligation Levies. Such levies as shall be required to satisfy all maturing bond, bond interest, and judgment obligations.

(2) Budget Stabilization Levies. School districts not receiving state equalization funds in fiscal year 2006 may authorize a budget stabilization levy for calendar year 2006 and each year thereafter. Such levies shall not exceed the difference between the amount of equalized funds that the state department of education estimates the school district will receive in fiscal year 2007, based on the school district's fiscal year 2006 reporting data, and the combined amount of money the school district would have received from its maintenance and operation levy and state property tax replacement funds in fiscal year 2007 under the laws of the state of Idaho as they existed prior to amendment by the first extraordinary session of the fifty-eighth Idaho legislature. The state department of education shall notify the state tax commission and affected counties and school districts of the maximum levy amounts permitted, by no later than September 1, 2006.

(3) Supplemental Maintenance and Operation Levies. No levy in excess of the levy permitted by this section shall be made by a noncharter district unless such a supplemental levy in a specified amount and for a specified time not to exceed two (2) years be first authorized through an election held subject to the provisions of section 34-106, Idaho Code, and pursuant to ~~chapter 4,~~ title 334, Idaho Code, and approved by a majority of the district electors voting in such election. A levy approved pursuant to this subsection may be reduced by a majority vote of the board of trustees in the second year.

(4) Charter District Supplemental Maintenance and Operation. Levies pursuant to the respective charter of any such charter district shall be first authorized through an election held subject to the provisions of section 34-106, Idaho Code, and pursuant to ~~chapter 4,~~ title 334, Idaho Code, and approved by a majority of the district electors voting in such election.

(5) The board of trustees of any school district that has, for at least seven (7) consecutive years, been authorized through an election held ~~pursuant to chapter 4, title 33, Idaho Code,~~ to certify a supplemental levy that has annually been equal to or greater than twenty percent (20%) of the total general maintenance and operation fund, may submit the question of an indefinite term supplemental levy to the electors of the school district. Such question shall clearly state the dollar amount that will be certified annually and that the levy will be for an indefinite number of years. The question must be approved by a majority of the district electors voting on the question in an election held subject to the provisions of section 34-106,

Idaho Code, and pursuant to ~~chapter 4~~, title 334, Idaho Code. The levy approved pursuant to this subsection may be reduced by a majority vote of the board of trustees during any fiscal year.

(6) A charter district may levy for maintenance and operations if such authority is contained within its charter. In the event property within a charter district's boundaries is contained in a revenue allocation area established under chapter 29, title 50, Idaho Code, and such revenue allocation area has given notice of termination thereunder, then, only for the purpose of determining the levy described in this subsection, the district may add the increment value, as defined in section 50-2903, Idaho Code, to the actual or adjusted market value for assessment purposes of the district as such value existed on December 31 of the previous year.

SECTION 46. That Section 33-803, Idaho Code, be, and the same is hereby amended to read as follows:

33-803. LEVY FOR EDUCATION OF CHILDREN OF MIGRATORY FARM WORKERS. In any school district in which there is located any farm labor camp and the children of migratory farm workers housed therein attend the schools of the district, the board of trustees may make a levy not exceeding one-tenth of one percent (.1%) of the market value for assessment purposes on all taxable property within the district, in addition to any other levies authorized by law, for the cost of educating such children.

Whenever the aggregate of the levy herein authorized and other levies made for maintenance and operation of the district shall exceed six-tenths of one percent (.6%) of the market value for assessment purposes on all taxable property within the district, the levy authorized by this section must be approved by the school district electors at a tax levy election held for that purpose. Notice of such election shall be given, the election shall be conducted, and the returns thereof made, as provided in ~~sections 33-401 through 33-406~~ title 34, Idaho Code; and the question shall be approved only if a majority of the qualified electors voting at such election vote in favor thereof. ~~If the election be held in conjunction with any other school election, the question herein shall be submitted by separate ballot.~~

SECTION 47. That Section 33-804, Idaho Code, be, and the same is hereby amended to read as follows:

33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY. In any school district in which a school plant facilities reserve fund has been created, either by resolution of the board of trustees or by apportionment to new districts according to the provisions of section 33-901, Idaho Code, to provide funds therefor the board of trustees shall submit to the qualified school electors of the district the question of a levy not to exceed four-tenths of one percent (.4%) of market value for assessment purposes in each year, as such valuation existed on December 31 of the previous year, for a period not to exceed ten (10) years.

The question of a levy to be submitted to the electors of the district and the notice of such election shall state the dollar amount proposed to be collected each year during the period of years in each of which the collection is proposed to be made, the percentage of votes in favor of the proposal which are needed to approve the proposed dollar amount to be collected, and the purposes for which such funds shall be used. Said notice shall be given, the election shall be held subject to the provisions of section 34-106, Idaho Code, and conducted and the returns canvassed as provided in ~~chapter 4~~, title 334, Idaho Code; and the dollar amount to be collected shall be approved only if:

1. Fifty-five percent (55%) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant

facilities and bonded indebtedness of less than two-tenths of one percent (.2%) of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election;

2. Sixty percent (60%) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of two-tenths of one percent (.2%) or more and less than three-tenths of one percent (.3%) of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election; or

3. Two-thirds (2/3) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of three-tenths of one percent (.3%) or more of market value for assessment purposes as such valuation existed on December 31 of the year immediately preceding the election.

If the question be approved, the board of trustees may make a levy, not to exceed four-tenths of one percent (.4%) of market value for assessment purposes as such valuation existed on December 31 of the previous year, in each year for which the collection was approved, sufficient to collect the dollar amount approved and may again submit the question at the expiration of the period of such levy, for the dollar amount to be collected during each year, and the number of years which the board may at that time determine. Or, during the period approved at any such election, if such period be less than ten (10) years or the levy be less than four-tenths of one percent (.4%) of market value for assessment purposes as such valuation existed on December 31 of the previous year, the board of trustees may submit to the qualified school electors in the same manner as before, the question whether the number of years, or the levy, or both, be increased, but not to exceed the maximum herein authorized. If such increase or increases be approved by the electors, the terms of such levy shall be in lieu of those approved in the first instance, but disapproval shall not affect any terms theretofore in effect.

Any bonded indebtedness incurred in accordance with the provisions of section 33-1103, Idaho Code, subsequent to the approval of a plant facilities reserve fund levy shall not affect the terms of that levy for any time during which such levy is in effect.

SECTION 48. That Section 33-1103, Idaho Code, be, and the same is hereby amended to read as follows:

33-1103. DEFINITIONS -- BONDS -- LIMITATION ON AMOUNT -- ELECTIONS TO AUTHORIZE ISSUANCE. (1) For the purposes of this chapter the following definitions shall have the meanings specified: "Market value for assessment purposes" means the amount of the last preceding equalized assessment of all taxable property and all property exempt from taxation pursuant to section 63-602G, Idaho Code, and property exempt from taxation pursuant to section 63-602KK, Idaho Code, within the school district on the tax rolls completed and available as of the date of approval by the electorate in the school bond election. "Aggregate outstanding indebtedness" means the total sum of unredeemed outstanding bonds, minus all moneys in the bond interest and redemption fund or funds accumulated for the redemption of such outstanding bonds, and minus the sum of all taxes levied for the redemption of such bonds, with the exception of that portion of such tax levies required for the payment of interest on bonds, which taxes remain uncollected. "Issue," "issued," or "issuance" means a formal delivery of bonds to any purchaser thereof and payment therefor to the school district.

(2) The board of trustees of any school district, upon approval of a majority thereof, may submit to the qualified school district electors of the district the question as to whether the board shall be empowered to issue negotiable coupon bonds of the district in an amount and for a period of time to be named in the notice of election.

(3) An elementary school district which employs not less than six (6) teachers, or a school district operating an elementary school or schools, and a secondary school or schools, or issuing bonds for the acquisition of a secondary school or schools, may issue bonds in an amount not to exceed five percent (5%) of the market value for assessment purposes thereof, less the aggregate outstanding indebtedness; and no other school district shall issue bonds in an amount to exceed at any time two percent (2%) of the market value for assessment purposes thereof less the aggregate outstanding indebtedness. The market value for assessment purposes, the aggregate outstanding indebtedness and the unexhausted debt-incurring power of the district shall each be determined as of the date of approval by the electors in the school bond election.

(4) Notice of the bond election shall be given, the election shall be conducted and the returns thereof canvassed, and the qualifications of electors voting or offering to vote shall be, as provided in ~~sections 33-401 through 33-406~~ title 34, Idaho Code.

(5) The question shall be approved only if the percentage of votes cast at such election were cast in favor thereof is that which now, or may hereafter be, set by the constitution of the state of Idaho. Upon such approval of the issuance of bonds, the same may be issued at any time after the date of such election.

SECTION 49. That Section 33-1510, Idaho Code, be, and the same is hereby amended to read as follows:

33-1510. CONTRACTS FOR TRANSPORTATION SERVICE. (1) All contracts entered into by boards of trustees for the transportation of pupils shall be in writing using the current pupil transportation model contract developed by the state department of education. School districts may attach to the model contract addenda to meet local requirements. School districts shall submit to the state superintendent of public instruction a copy of the pupil transportation contract prior to both parties signing it, for a review of legal requirements and appropriate costs and for final approval. The state superintendent of public instruction shall respond to the school district within twenty-one (21) calendar days of the postmarked receipt of the contract by notifying the school district of contract approval or of recommended or required changes. A school district may appeal to the state board of education any changes the state superintendent requires, in which case the state board may, upon review, approve the contract without such changes.

(2) No contract shall be executed covering a period of time exceeding five (5) years. School districts shall advertise, bid and contract for all bus transportation service routes at a single time, and contract with the lowest responsible bidder or bidders meeting the specifications; provided that, one (1) time only, a school district may renew a contract with the current contractor if the board of trustees, after renegotiation with the contractor, determines that the terms are satisfactory to the district. The board of trustees may renew the contract for a term not to exceed five (5) years. Renewal of any contract pursuant to this section shall not be granted unless the provisions of this section were included, in a substantially conforming summary, within the bidding notice, published pursuant to section 33-601, Idaho Code, of the contract.

(3) Before entering into such contracts, the board of trustees shall invite bids by twice giving notice as provided in section 33-402~~g~~(2), Idaho Code, and shall award the contract to the lowest responsible bidder.

SECTION 50. That Section 33-2106, Idaho Code, be, and the same is hereby amended to read as follows:

33-2106. TRUSTEES OF COMMUNITY COLLEGE DISTRICTS. (1) The board of trustees of each community college district shall consist of five (5) school electors residing in the district who shall be appointed or elected as herein provided.

(a) Immediately following the establishment of a community college district, the state board of education shall appoint the members of the first board, who shall serve until the election and qualification of their successors.

(b) At the first election of trustees after the creation of a district, five (5) trustees shall be elected: two (2) for terms of two (2) years each, and three (3) for terms of four (4) years each. Thereafter the successors of persons so elected shall be elected for terms of four (4) years.

(c) Excluding any first election of trustees after the creation of a district, at any other election of trustees held in 2008, and in each trustee election thereafter, trustees shall be elected to terms of four (4) years. If more than two (2) trustee positions are eligible for election in 2008, one (1) trustee shall be elected to a term of four (4) years and two (2) trustees shall be elected to a terms of six (6) years. Thereafter the successors of persons so elected in 2008 shall be elected for terms of four (4) years.

(d) The expiration of any term shall be at the regular meeting of the trustees next following the election for the successor terms.

(2) Elections of trustees of community college districts shall be biennially in May of even odd-numbered years and ~~shall be held on a date authorized in section 34-106, Idaho Code.~~ Vacancies on the board of trustees shall be filled by appointment by the remaining members, but if by reason of vacancies there remain on the board less than a majority of the required number of members, appointment to fill such vacancies shall be made by the state board of education. Any person so appointed shall serve until the next trustee election, at which time his successor shall be elected for the unexpired term. The trustees shall take and subscribe the oath of office required in the case of state officers and said oath shall be filed with the secretary of state.

(3) Notice of the election, the conduct thereof, the qualification of electors and the canvass of returns shall be as prescribed in chapter 14, title 34, Idaho Code.

(4) The person or persons, equal in number to the number of trustees to be elected for regular or unexpired terms, receiving the largest number of votes shall be declared elected. An individual shall be a candidate for a specific position of the board and each candidate must declare which position he seeks on the board of trustees. If it be necessary to resolve a tie between two (2) or more persons, the board of trustees shall determine by lot which thereof shall be declared elected. The clerk of the board shall promptly notify any person by mail of his election, enclosing a form of oath to be subscribed by him as herein provided.

(5) ~~When elections held pursuant to this section coincide with other elections held by the state of Idaho or any subdivision thereof, or any municipality or school district, the board of trustees may make agreement with the body holding such election for joint boards of election and the payment of fees and expenses of such boards of election on such proportionate basis as may be agreed upon.~~

~~(6)~~ At its first meeting following the appointment of the first board of trustees, and at the first regular meeting following any community college trustee election, the board shall organize, and shall elect one (1) of its members chairman, one (1) a vice-chairman; and shall elect a secretary and a treasurer, who may be members of the board; or one (1) person to serve as secretary and treasurer, who may be a member of the board.

(76) The board shall set a given day of a given week in each month as its regular meeting time. Three (3) members of the board shall constitute a quorum for the transaction of official business.

(87) The authority of trustees of community college districts shall be limited in the manner prescribed in section 33-507, Idaho Code.

SECTION 51. That Section 33-2111, Idaho Code, be, and the same is hereby amended to read as follows:

33-2111. TAXES AND OTHER FINANCIAL SUPPORT FOR COMMUNITY COLLEGES. For the maintenance and operation of each community college, in addition to the income from tuition paid by students as hereinbefore provided, the board of trustees may levy upon the taxable property within the district a tax not to exceed one hundred twenty-five thousandths percent (.125%) of the market value for assessment purposes on all taxable property within the district.

The tax levy determined by the board of trustees, within said limit, shall be certified to the board of county commissioners in each county in which the district may lie, not later than the second Monday in September of each year. No levy in excess of one hundred twenty-five thousandths percent (.125%) of the market value for assessment purposes on all taxable property within the district shall be made unless a supplemental levy in a specified amount be first authorized through an election held, as provided in ~~sections 33-401 through 33-406~~ title 34, Idaho Code, as if the community college district were a school district and approved by a majority of the district electors voting in such election.

SECTION 52. That Section 33-2715, Idaho Code, be, and the same is hereby amended to read as follows:

33-2715. BOARD OF TRUSTEES -- SELECTION -- NUMBER -- QUALIFICATIONS -- TERM -- OATH -- APPOINTMENT OF FIRST BOARD. (1) Each library district shall be governed by a board of trustees of five (5) members elected or appointed as provided by law, who at the time of their selection and during their terms of office shall be qualified electors of the district and if trustee zones have been established under section 33-2718, Idaho Code, shall be a resident of the trustee zone. ~~One (1) trustee~~ shall be elected at each ~~annual~~ trustee election, held on the uniform election date in May. The regular term of a trustee shall be for ~~five six~~ (56) years, or until his successor has been elected and qualified. Within ten (10) days after his appointment an appointed trustee shall qualify and assume the duties of his office. An elected trustee shall qualify and assume the duties of his office at the annual meeting. All trustees qualify by taking the oath of office required of state officers, to be administered by one (1) of the present trustees or by a trustee retiring.

(2) Following the initial establishment of a library district, the board of county commissioners of the home county within five (5) days shall appoint the members of the first board of trustees, who shall serve until the next ~~annual~~ election of trustees held in an odd-numbered year or until their successors are elected and qualified in an odd-numbered year. The initial election of trustees shall be for terms of ~~one (1), two (2), three (3), four (4) and five (5) years respectively~~ for two (2) trustees and thereafter their terms shall be for six (6) years, terms of six (6) years for two (2) trustees and thereafter their terms shall be for six (6) years, and a term of two (2) years for one (1) trustee and thereafter the term shall be for six (6) years. Addition of new territory to an existing library district shall not be considered an initial establishment. The first board of trustees shall be sworn by a member of the board of county commissioners of the home county of the district.

(3) At its first meeting, and after each trustee election, the board shall organize and elect from its membership a chairman and other officers necessary to conduct the affairs of the district.

(4) Members of the board shall serve without salary but shall receive their actual and necessary expenses while engaged in business of the district.

(5) For the purpose of achieving an orderly transition to terms of six (6) years and to hold trustee elections in odd-numbered years, the following schedule shall be followed:

(a) For trustees elected in 2005, their terms shall expire in 2011 and the terms for each of those elected in 2011 shall each be six (6) years and thereafter those terms shall be for six (6) years;

(b) For trustees elected in 2006, their terms shall expire in 2011 and the terms for each of those elected in 2011 shall each be six (6) years and thereafter those terms shall be for six (6) years;

(c) For trustees elected in 2007, their terms shall expire in 2013 and the terms for each of those elected in 2013 shall each be six (6) years and thereafter those terms shall be for six (6) years;

(d) For trustees elected in 2008, their terms shall expire in 2013 and the terms for each of those elected in 2013 shall each be six (6) years and thereafter those terms shall be for six (6) years;

(e) For trustees elected in 2009, their terms shall expire in 2015 and the terms for each of those elected in 2015 shall each be six (6) years and thereafter those terms shall be for six (6) years.

SECTION 53. That Section 33-2716, Idaho Code, be, and the same is hereby amended to read as follows:

33-2716. BOARD OF TRUSTEES -- NOMINATION AND ELECTION -- RECALL -- VACANCIES. (1) The procedure for nomination and election of trustees of a library district shall be as provided for in chapter 14, title 34, Idaho Code, and in the general election laws of Idaho. If any two (2) or more candidates for the same trustee position have an equal number of votes, the board of trustees shall determine the winner by a toss of a coin.

(2) Notwithstanding the limitations of chapter 17, title 34, Idaho Code, each library district trustee shall be subject to recall following procedures as closely as possible to the procedures described for the recall of county commissioners pursuant to chapter 17, title 34, Idaho Code.

Individuals signing a petition to recall a library trustee or voting in an election to recall a library trustee shall meet the requirements of section 33-2702, Idaho Code.

If, pursuant to section 33-2717, Idaho Code, no election was held for the trustee being recalled:

(a) The number of district electors required to sign the petition seeking a recall election must be not less than fifty (50), or twenty percent (20%) of the number of votes cast in the last trustee election held in the library district, whichever is the greater.

(b) To recall any trustee, a majority of the votes cast at the recall election must be in favor of the recall, and additionally, the number of votes cast in the recall election must equal or exceed the number of votes cast in the last trustee election held in the library district.

(3) A vacancy shall be declared by the board of trustees when any nominee has been elected but has failed to qualify for office, or within thirty (30) days of when any trustees shall (a) die; (b) resign from office; (c) no longer reside in his respective trustee zone of residence; (d) no longer be a resident or qualified elector of the public library district; (e) refuse to serve as trustee; (f) without excuse acceptable to the board of trustees, fail to attend two (2) consecutive regular meetings of the board; or (g) be recalled and discharged from office as provided in this chapter.

A declaration of vacancy shall be made at any regular or special meeting of the board of trustees, at which any of the above-mentioned conditions is determined to exist.

The board of trustees shall appoint to fill the vacancy, a person qualified to serve as trustee of the public library district, provided there remains in membership on the board of trustees a majority of the membership thereof, and the board shall notify the board of library commissioners of the appointment. This appointment shall be made within sixty (60) days of the declaration of vacancy. In the event that the board of trustees fails to exercise their authority, appointments shall be made by the board of county commissioners of the home county in which the district is located within thirty (30) days after the expiration of the sixty (60) days allowed for trustees for this action.

Any person appointed as provided in this chapter shall serve until the next ~~annual~~ election of public library district trustees following the appointment. At the ~~annual~~ election a trustee shall be elected to complete the unexpired term of the office which was declared vacant filled by appointment.

The elected trustee shall assume office at the first annual meeting of the public library district following the election.

SECTION 54. That Section 33-2718, Idaho Code, be, and the same is hereby amended to read as follows:

33-2718. CREATION OF TRUSTEE ZONES. (1) Each library district may be divided into five (5) trustee zones with each zone having approximately the same population. To the maximum extent possible, boundaries of trustee zones shall follow the existing boundaries of the electoral precincts of the county. They shall be revised, as necessary, to equalize population and to follow new electoral precinct boundaries following the publication of the report of each decennial census. In order for a library district to be divided into trustee zones, the board of trustees shall pass a motion declaring the district to be divided into trustee zones and providing a legal description of each trustee zone. The board of trustees shall transmit the motion along with the legal description of the trustee zones to the board or boards of county commissioners in the county or counties where the library district is contained and to the board of library commissioners. The board or boards of county commissioners shall have forty-five (45) days from the receipt of the motion and legal description to reject, by adoption of a motion, the establishment of trustee zones proposed by formal motion of the board of trustees of the library district. If the board or boards of county commissioners do not reject the establishment of the trustee zones within the time limit specified, they shall be deemed to be in full force and effect. If a library district is contained in more than one (1) county, a motion of rejection adopted by one (1) board of county commissioners shall be sufficient to keep the trustee zone plan from going into effect. A board of county commissioners shall notify the library board of trustees in writing if a proposal is rejected.

(2) If a proposal for the establishment of trustee zones is rejected by a board of county commissioners, the boundaries of the trustee zones, if any, shall return to the dimensions they were before the rejection. Trustee zones may be redefined and changed, but not more than once every two (2) years after a new set of trustee zones are formally established and in full force and effect.

(3) At the next regular meeting of the board of trustees of the library district following the creation of trustee zones, the public library district board shall appoint from its membership or from other qualified electors resident in each trustee zone, a person from that zone to serve as a trustee until the next regularly scheduled trustee election from that zone.

which election shall be held in an odd-numbered year. The initial election of trustees for the trustee zones shall be for terms of ~~one (1), two (2), three (3),~~ four (4) and ~~five (5)~~ years respectively for two (2) trustees and thereafter their terms shall be for six (6) years, terms of six (6) years for two (2) trustees and thereafter their terms shall be for six (6) years, and a term of two (2) years for one (1) trustee and thereafter the term shall be for six (6) years, with each zone being assigned an initial term length by a random drawing of the numbers one (1) through five (5). Thereafter, a trustee from each zone shall be elected once every five (5) years on a rotating basis with one (1) zone voting each year. Only residents of the zone electing a trustee may vote. The elector must be a resident of the same trustee zone as the candidate or candidates for library district trustee for whom the elector offers to vote for at least thirty (30) days preceding the election in which the elector desires to vote.

(4) For the purpose of achieving an orderly transition to terms of six (6) years and hold trustee elections in odd-numbered years, the following schedule shall be followed:

(a) For trustees elected in 2005, their terms shall expire in 2011 and the terms for each of those elected in 2011 shall each be six (6) years and thereafter those terms shall be for six (6) years;

(b) For trustees elected in 2006, their terms shall expire in 2011 and the terms for each of those elected in 2011 shall each be six (6) years and thereafter those terms shall be for six (6) years;

(c) For trustees elected in 2007, their terms shall expire in 2013 and the terms for each of those elected in 2013 shall each be six (6) years and thereafter those terms shall be for six (6) years;

(d) For trustees elected in 2008, their terms shall expire in 2013 and the terms for each of those elected in 2013 shall each be six (6) years and thereafter those terms shall be for six (6) years;

(e) For trustees elected in 2009, their terms shall expire in 2015 and the terms for each of those elected in 2015 shall each be six (6) years and thereafter those terms shall be for six (6) years.

SECTION 55. That Section 34-106, Idaho Code, be, and the same is hereby amended to read as follows:

34-106. LIMITATION UPON ELECTIONS. On and after January 1, ~~1994~~ 2011, notwithstanding any other provisions of the law to the contrary, there shall be no more than ~~four~~ two (42) elections conducted in any county in any calendar year, except as provided in this section, and except that elections to fill vacancies in the United States house of representatives shall be held as provided in the governor's proclamation.

(1) The dates on which elections may be conducted are:

~~(a) the first Tuesday in February of each year; and~~

~~(b) the fourth third Tuesday in May of each year; and~~

~~(c) the first Tuesday in August of each year; and~~

~~(d)~~ The Tuesday following the first Monday in November of each year.

~~(e)~~ In addition to the elections specified in paragraphs (a) ~~through~~ and ~~(d)~~ of this subsection (1), an emergency election may be called upon motion of the governing board of a political subdivision. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or it is necessary to do emergency work to safeguard life, health or property. Such a special election, if conducted by the county clerk, shall be conducted at the expense of the political subdivision submitting the question.

(2) Candidates for office elected in ~~February, May or August~~ shall take office on the date specified in the certificate of election but not more than sixty (60) days following the election.

(3) Candidates for office elected in November shall take office as provided in the constitution, or on January 1, next succeeding the November election.

(4) The governing board of each political subdivision subject to the provisions of this section, which, prior to January 1, ~~1994~~ 2011, conducted an election for members of that governing board on a date other than a date permitted in subsection (1) of this section, shall establish as the election date for that political subdivision the date authorized in subsection (1) of this section which falls nearest the date on which elections were previously conducted, unless another date is established by law.

(5) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules, ~~regulations~~ or interpretations for the conduct of election authorized under the provisions of this section.

(6) ~~School districts governed by title 33, Idaho Code, but not including community colleges governed by chapter 21, title 33, Idaho Code, and~~ Water districts governed by chapter 6, title 42, Idaho Code, are exempt from the provisions of this section.

(7) Community colleges governed by chapter 21, title 33, Idaho Code, and school districts are subject to the limitations specified in subsection (1) of this section, except that school districts may also hold an election on the second Tuesday in March of each year and on the last Tuesday in August of each year on bonded indebtedness and property tax levy questions.

(8) Initiative, referendum, and recall, bond, levy and any other ballot question elections conducted by any political subdivision, except school districts, shall be held on the nearest date authorized in subsection (1) of this section which falls more than forty-five (45) days after the clerk of the political subdivision orders that such initiative, referendum or recall election shall be held, unless otherwise provided by law.

(9) Recall elections may be held on a different date as authorized in subsections (1) and (7), and on the second Tuesday of March and the last Tuesday of August, as determined by the county clerk after receipt of necessary petitions.

(10) Irrigation districts governed by title 43, Idaho Code, are subject to the limitations specified in subsection (1) of this section, except that irrigation districts may also hold an election on the first Tuesday in February of each year and on the first Tuesday in August of each year on questions required to be voted upon by title 43, Idaho Code.

SECTION 56. That Section 34-304, Idaho Code, be, and the same is hereby amended to read as follows:

34-304. CHALLENGERS -- WATCHERS. The county clerk shall, upon receipt of a written request, such request to be received no later than five twelve (512) days prior to the day of election, direct that the election judges permit one (1) person authorized by each political party, if the election is a partisan election, to be at the polling place for the purpose of challenging voters, and shall, if requested, permit any one (1) person authorized by a candidate, several candidates or political party, to be present to serve as a watcher to observe the conduct of the election. Such authorization shall be evidenced by a writing signed by the county chairman and secretary of the political party, if the election is a partisan election, or by the candidate or candidates, and filed with the county clerk. Where the issue before the electors is other than the election of officers, the clerk shall, upon receipt of a written request, such request to be received no later than five twelve (512) days prior to the date of voting on the issue or issues, di-

rect that the election judges permit one (1) pro and one (1) con person to be at the polling place for the purpose of challenging voters and to observe the conduct of the election. Such authorization shall be evidenced in writing signed by the requesting person and shall state which position relative to the issue or issues the person represents. Persons who are authorized to serve as challengers or watchers shall wear a visible name tag which includes their respective titles. A watcher is entitled to observe any activity conducted at the location at which the watcher is serving, provided however, that the watcher does not interfere with the orderly conduct of the election. If the watchers are present at the polling place when ballots are counted they shall not absent themselves until the polls are closed. A watcher serving at a central counting station may be present at any time the station is open for the purpose of processing or preparing to process election results and until the election officers complete their duties at the station. If the county clerk does not receive the list of names of those desired to be present for the purpose of either poll watching or challenging within the time prescribed above, the clerk shall not allow the presence of such persons later seeking to serve in those capacities.

SECTION 57. That Section 34-601, Idaho Code, be, and the same is hereby amended to read as follows:

34-601. DATES ON WHICH ELECTIONS SHALL BE HELD. Elections shall be held in this state on the following dates or times:

(1) A primary election shall be held on the ~~fourth~~ third Tuesday in May, ~~1980~~ 2012, and every two (2) years thereafter on the above-mentioned Tuesday.

(2) A general election shall be held on the first Tuesday after the first Monday of November, ~~1972~~ 2012, and every two (2) years thereafter on the above-mentioned Tuesday.

(3) Special state elections shall be held on the dates ordered by the governor's proclamation, or as otherwise provided by law.

(4) A presidential primary shall be held in conjunction with the primary election, on the ~~fourth~~ third Tuesday in May, ~~1980~~ 2012, and every four (4) years thereafter on the above-mentioned Tuesday.

SECTION 58. That Section 34-602, Idaho Code, be, and the same is hereby amended to read as follows:

34-602. PUBLICATION OF NOTICES FOR PRIMARY, GENERAL OR SPECIAL ELECTIONS -- CONTENTS. The several county clerks shall publish at least two (2) times, the notices for any primary, general or special election. The notice shall state the date of the election, the polling place in each precinct and the hours during which the polls shall be open for the purpose of voting, and information about the accessibility of the polling places.

The first notice shall be published at least twelve (12) days prior to any election and the second notice shall be published not later than five (5) days prior to the election. The notice of election shall be published in at least two (2) newspapers published within the county, but if this is not possible, the notice shall be published in one (1) newspaper published within the county or a newspaper which has general circulation within the county.

The second notice of election shall be accompanied by a facsimile, except as to size, of the sample ballot for the election.

SECTION 59. That Section 34-1401, Idaho Code, be, and the same is hereby amended to read as follows:

34-1401. ELECTION ADMINISTRATION. Notwithstanding any provision to the contrary, the ~~election official of each political subdivision~~ county

clerk shall administer all elections on behalf of any political subdivision, subject to the provisions of this chapter, including all special district elections and elections of special questions submitted to the electors as provided in this chapter. ~~School districts governed by title 33, Idaho Code, and water districts governed by chapter 6, title 42, Idaho Code, ground water recharge districts governed by chapter 42, title 42, Idaho Code, ground water management districts governed by chapter 51, title 42, Idaho Code, ground water districts governed by chapter 52, title 42, Idaho Code, and irrigation districts governed by title 43, Idaho Code, ground water districts governed by chapter 52, title 42, Idaho Code, and municipal elections governed by the provisions of chapter 4, title 50, Idaho Code,~~ are exempt from the provisions of this chapter. All municipal, school district and highway district elections shall be conducted pursuant to the provisions of this chapter 14, title 50³⁴, Idaho Code, ~~except that they shall be governed by the elections dates authorized in section 34-106, Idaho Code, the registration procedures prescribed in section 34-1402, Idaho Code, and the time the polls are open pursuant to section 34-1409, Idaho Code.~~ All highway district and school district elections shall be administered by the clerk of the county wherein the district lies. Elections in a joint school district shall be conducted jointly by the clerks of the respective counties, and the clerk of the home county shall exercise such powers as are necessary to coordinate the election. For the purposes of achieving uniformity, the secretary of state shall, from time to time, provide directives and instructions to the various county clerks ~~and political subdivision election officials.~~ Unless a specific exception is provided in this chapter, the provisions of this chapter shall govern in all questions regarding the conduct of elections on behalf of all political subdivisions. In all matters not specifically covered by this chapter, other provisions of title 34, Idaho Code, governing elections shall prevail over any special provision which conflicts therewith.

~~A political subdivision may contract with t~~The county clerk to shall ~~conduct all or part of the elections for that political subdivisions. In the event of such a contract, the county clerk and~~ shall perform all necessary duties of the election official of a political subdivision including, but not limited to, notice of the filing deadline, notice of the election, and preparation of the election calendar.

SECTION 60. That Section 34-1404, Idaho Code, be, and the same is hereby amended to read as follows:

34-1404. DECLARATION OF CANDIDACY. Candidates for election in any political subdivision shall be nominated by nominating petitions, each of which shall bear the name of the nominee, the office for which the nomination is made, the term for which nomination is made, bear the signature of not less than five (5) electors of the candidate's specific zone or district of the political subdivision, and be filed with the election official of the political subdivision. The form of the nominating petition shall be as provided by the county clerk and shall be uniform for all political subdivisions. For an election to be held on the ~~fourth~~ third Tuesday in May, in even-numbered years, the nomination petition shall be filed during the period specified in section 34-704, Idaho Code. The election official shall verify the qualifications of the nominees and shall, no more than seven (7) days after the close of filing, certify the nominees and any special questions placed by action of the governing board of the political subdivision. For an election to be held on the first Tuesday after the first Monday of November, in even-numbered years, the nomination shall be filed on or before September 1. The election official shall verify the qualifications of the nominees, and shall not later than seven (7) days after the close of filing, certify the nominees and any special questions placed by action of the governing board of the political subdivisions. For all other elections, the nomination

shall be filed not later than 5:00 p.m. on the sixth Friday preceding the election for which the nomination is made. The election official shall verify the qualifications of the nominee, and shall not more than seven (7) days following the filing certify the nominees and any special questions, placed by action of the governing board of the political subdivisions, to be placed on the ballot of the political subdivision.

SECTION 61. That Section 34-1405, Idaho Code, be, and the same is hereby amended to read as follows:

34-1405. NOTICE OF ELECTION FILING DEADLINE. (1) Not more than fourteen (14) nor less than seven (7) days preceding the candidate filing deadline for an election, the election official of each political subdivision county clerk shall cause to be published a notice of the forthcoming candidate filing deadline for all taxing districts. The notice shall include not less than the name of the political subdivision, the place where filing for each office takes place, and a notice of the availability of declarations of candidacy. The notice shall be published in the official newspaper of the political subdivision.

(2) The secretary of state shall compile an election calendar annually which shall include not less than a listing of the political subdivisions which will be conducting candidate elections in the forthcoming year, the place where filing for each office takes place, and the procedure for a declaration of candidacy. Annually in December, the county clerk shall cause to be published the election calendar for the county for the following calendar year. ~~It shall be the duty of the election official of each political subdivision to notify the county clerk, not later than the last day of November, of any election for that political subdivision to occur during the next calendar year. In the event of failure to so notify the county clerk, the election official of the political subdivision shall cause to be published notice of the omitted election as soon as he is aware of the omission.~~ This publication shall be in addition to the publication required by paragraph (1) of this section. The election calendar for the county shall be published in at least two (2) newspapers published within the county, but if this is not possible, the calendar shall be published in one (1) newspaper which has general circulation within the county. Copies of the election calendar shall be available, without charge, from the office of the secretary of state or the county clerk.

SECTION 62. That Section 34-1406, Idaho Code, be, and the same is hereby amended to read as follows:

34-1406. NOTICE OF ELECTION. The election official of each political subdivision county clerk shall give notice for each political subdivision for any election by publishing such notice in the official newspaper of the political subdivision county. The notice shall state the date of the election, the polling places, and the hours during which the polls shall be open for the purpose of voting. The first publication shall be made not less than twelve (12) days prior to the election, and the last publication of notice shall be made not less than five (5) days prior to the election. For each primary, general and special election, the county clerk shall cause to be published a facsimile, except as to size, of the sample ballot in at least two (2) newspapers published within the county, but if this is not possible, the sample ballot shall be published in one (1) newspaper published within the county or one (1) newspaper that has general circulation within the county. Such publication shall be in conjunction with the second notice of election required by this section. The political subdivision shall notify the county clerk in writing of the county's newspaper.

SECTION 63. That Chapter 14, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-1411, Idaho Code, and to read as follows:

34-1411. PAYMENT OF ELECTION EXPENSES BY COUNTY. (1) On and after January 1, 2011, no county shall charge any taxing district, as defined in section 63-201, Idaho Code, for expenses associated with conducting any election on behalf of any taxing district, with the exception of expenses associated with conducting municipal runoff elections, which shall be paid by the city adopting runoff elections pursuant to the provisions of section 50-612 or 50-707B, Idaho Code. Expenses associated with conducting taxing district elections shall include:

(a) Costs of ballot preparation, distribution, printing and counting, including absentee ballots.

(b) Costs of printing poll books and costs of tally books, stamps, signs and any other voting supplies, publications and equipment.

(c) Wages or other compensation for election judges and clerks or any county employees or officials performing duties associated with conducting taxing district elections.

(d) Costs paid for renting polling facilities.

(e) Acquisition, repair, maintenance or any other costs associated with voting machines or vote tally systems as defined in subsections (9) and (10) of section 34-2401, Idaho Code.

(f) Costs of publishing and printing election notices and ballots.

(2) Counties shall not be responsible for any election expenses prior to the time any taxing district orders an election, such as notice and costs for public hearings and notice and costs for public hearings on ballot measures.

(3) Notwithstanding the provisions of subsection (1) of this section, all ballot questions shall be limited to two hundred fifty (250) words or less. If a ballot question is in excess of two hundred fifty (250) words, the entity proposing a ballot question that is not a state constitutional amendment shall be required to pay the ballot printing costs associated with the ballot question.

SECTION 64. That Section 34-2301, Idaho Code, be, and the same is hereby amended to read as follows:

34-2301. APPLICATION FOR RECOUNT OF BALLOTS. Any candidate for federal, state, ~~or~~ county or municipal office desiring a recount of the ballots cast in any nominating or general election may apply to the attorney general therefor, within twenty (20) days of the canvass of such election, by the state board of canvassers if for federal and state office, or within twenty (20) days of the canvass of such election by the county commissioners if for a county or municipal office.

SECTION 65. That Section 39-1324, Idaho Code, be, and the same is hereby amended to read as follows:

39-1324. ELECTION -- MANNER OF CONDUCTING. Such election shall be held and conducted in accordance with the general election laws of the state, including the provisions of chapter 14, title 33~~4~~, Idaho Code.

The board of county commissioners shall establish as many election precincts within such proposed district as may be necessary, and define the boundaries thereof, ~~which said precincts may thereafter be changed by the hospital board of such district in case such district be organized. Said board of~~ The county commissioners clerk shall also appoint ~~three (3)~~ judges of election, one (1) of whom shall act as clerk for each such election precinct who shall perform the same duties as judges of election under

the general laws of the state, and the result of such election shall be certified, canvassed and declared by the board of county commissioners. The reasonable compensation of said judges and clerks of election, and the expenses of publication of notices, printing of ballots and furnishing of supplies for the election shall be paid by the petitioners, and to this end the board of county commissioners are empowered to require the deposit of all estimated costs in advance of such election.

SECTION 66. That Section 39-1325A, Idaho Code, be, and the same is hereby amended to read as follows:

39-1325A. PETITIONS FOR DISSOLUTION OF HOSPITAL DISTRICTS. (1) Proceedings for the dissolution of a hospital district may be initiated by a petition containing the signatures of qualified electors of the district or owners of property within the district equal in number to ten percent (10%) of the qualified electors and taxpayers of the district, the same percentage required for the organization of the district, but not earlier than four (4) years after the date of its establishment.

(2) The petition, when completed and verified, shall be filed with the clerk of the court of the county or counties if more than one (1) county is involved. The county ~~commissioners~~ clerk shall publish notice and the county commissioners shall hold a hearing on the matter. If necessary, they shall hold an election, subject to the provisions of section 34-106, Idaho Code, on the matter. The hearing and election shall be held in accordance with the terms and provisions of ~~sections 40-1803 through 40-1809~~ title 34, Idaho Code. The disposition of hospital district assets on dissolution and the provision for payment of district indebtedness shall be made in accordance with the provisions of sections 63-4105 and 63-4106, Idaho Code.

(3) If the hospital district embraces territory in more than one (1) county, an election for its dissolution shall be deemed approved only if a majority of the votes cast in each such county were cast in the affirmative. If, upon the canvass of ballots, it be determined that the proposition has been approved, the board of county commissioners of each county shall enter its order to that effect, subject to the provisions of section 39-1325C, Idaho Code, and the order shall by them be made a matter of record.

SECTION 67. That Section 39-1330, Idaho Code, be, and the same is hereby amended to read as follows:

39-1330. BIENNIAL ELECTION OF BOARD MEMBERS -- TERMS OF OFFICE. On the ~~first third~~ first third Tuesday of ~~February~~ May in the ~~second next odd-numbered~~ second next odd-numbered calendar year after the organization of any district, and on the ~~first third~~ first third Tuesday of ~~February~~ May every second year thereafter, an election shall be held which shall be known as the biennial election of the district. ~~Prior to January 1, 1997, a board may, by resolution adopted at a regular meeting of the board, designate the fourth Tuesday in May as the election date of the district.~~

At the first biennial election in any district hereafter organized and each sixth year thereafter there shall be elected by the qualified electors of the district three (3) members of the board to serve for a term of six (6) years; at the second biennial election and each sixth year thereafter there shall be elected two (2) members of the board to serve for a term of six (6) years; at the third biennial election and each sixth year thereafter there shall be elected two (2) members of the board to serve for terms of six (6) years.

~~thirty (-) sixty (-)~~ Nominations may be filed with the secretary of the board not later than the sixth Friday preceding the election for which the nomination is made, and if a nominee does not withdraw his name before the first publication of the notice of election, his name shall be placed on the ballot. The ~~board~~ county clerk shall provide for holding such elections and

shall appoint judges to conduct it; the ~~secretary of the district county clerk~~ shall give notice of election by publication and shall arrange such other details in connection therewith as the board may direct. The returns of the election shall be certified to and shall be canvassed and declared by the board of county commissioners. The candidate or candidates according to the number of directors to be elected, receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as members of the first board qualify.

In any election for director, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that only one (1) qualified candidate has been nominated for a director's position, it shall not be necessary for the candidate to stand for election, and the board of directors of the district shall declare such candidate elected as a director, and the secretary of the board of the district shall immediately make and deliver to such person a certificate of election.

SECTION 68. That Section 39-1339, Idaho Code, be, and the same is hereby amended to read as follows:

39-1339. CREATION OF INDEBTEDNESS FOR WORKS, IMPROVEMENTS OR EQUIPMENT -- ELECTION ON PROPOSED INDEBTEDNESS. Whenever the board of the hospital district shall by resolution, determine that the interest of said district and the public interest or necessity demand, the acquisition, construction, installation, or completion of any works or other improvements of facilities or the construction, installation and maintenance of a hospital, hospital grounds, medical clinic, nursing home, nurses' quarters and other structural components or fixtures, or for the enlargement, improvement and acquisition of existing hospital, hospital grounds, medical clinic, nursing home, nurses' quarters and other structural components or fixtures, or the making of any contract with the United States or other persons or corporations, public or private, municipalities or governmental subdivisions to carry out the said public works, acquisitions, improvements, objects or purposes of said district requiring the creation of an indebtedness of one hundred thousand dollars (\$100,000) or more, and in any event when the indebtedness will exceed the income and revenue provided for the year, the board shall order the submission of the proposition of issuing such obligations or bonds or creating other indebtedness to the qualified electors of the district at an election held, subject to the provisions of section 34-106, Idaho Code, for that purpose; whenever the board of the hospital district shall by resolution determine that the interest of said district and the public interest or necessity demand the acquisition of medical or business equipment for said district requiring the creation of an indebtedness of one hundred thousand dollars (\$100,000) or more and, in any event, when the indebtedness will exceed the income and revenue as provided for the year, the board shall order the submission of the proposition of creating such indebtedness to the qualified electors of the district at an election, subject to the provisions of section 34-106, Idaho Code, held for that purpose; provided, however, that no election shall be required for any lease or other transaction entered into between the hospital district and the Idaho health facilities authority. Notwithstanding any other provision, the hospital district shall be entitled to enter into a lease or other transaction regardless of the amount involved with the Idaho health facilities authority upon determination by the board of the hospital district that it is in the interest of the hospital district and best interests of the public to enter into such lease or other transaction. The declaration of public interest or necessity, herein required, and the provision for the holding of such election may be included within one (1) and the same resolution, which resolution, in addition to such declaration of public interest or necessity shall recite the objects and purposes for which the indebtedness

is proposed to be incurred, the estimated costs of the works, improvements, or medical or business equipment, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness. Such resolutions shall also fix the date upon which such election shall be held, and the manner of holding the same in accordance with the provisions of title 34, Idaho Code, and the method of voting for or against the incurring of the proposed indebtedness; such resolution shall ~~also fix the compensation to be paid the officers of the election and shall~~ designate the polling place or places and the county clerk shall appoint for each polling place, from the qualified electors of the district, the officers of such election, consisting of three (3) judges, one (1) of whom shall act as the clerk, provided, however, that no district shall issue or have outstanding its coupon bonds in excess of two percent (2%) of the market value for assessment purposes of the real and personal property within the said district, according to the assessment of the year preceding any such issuance of such evidence of indebtedness for any or all of the propositions specified in this election, provided, however, that such bonds shall not be issued, nor shall any indebtedness be incurred, at any time that there shall be a bond issue outstanding and unpaid for the construction, acquisition or maintenance of a county hospital in the county in which such district is organized.

SECTION 69. That Section 39-1340, Idaho Code, be, and the same is hereby amended to read as follows:

39-1340. NOTICES OF ELECTION ON PROPOSED INDEBTEDNESS. When such election is ordered to be held, subject to the provisions of section 34-106, Idaho Code, the board shall direct the county clerk as provided in section 34-1406, Idaho Code, to give notice by publication once not less than twelve (12) days prior to the election and a second time not less than five (5) days prior to the election published in one (1) or more newspapers within the district, if a newspaper is published therein. Said notices shall recite the action of the board in deciding to bond the district, the purpose thereof and the amount of the bonds supposed to be issued, the estimated costs of the works or improvements as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness, and shall also specify the date of the election, and the time during which the polls shall be open. Notices shall also name the place holding the election list the polling places.

SECTION 70. That Section 39-1341, Idaho Code, be, and the same is hereby amended to read as follows:

39-1341. CONDUCT OF ELECTION FOR PROPOSED INDEBTEDNESS. The ~~election board or boards~~ county clerk shall conduct the election in a manner prescribed by law ~~for the holding of general elections and shall take their returns to the secretary of the district at any regular or special meeting of the board held within five (5) days following the date of such election in title 34, Idaho Code.~~ The returns thereof shall be canvassed and the results thereof shall be declared by the board of county commissioners.

SECTION 71. That Section 40-206, Idaho Code, be, and the same is hereby amended to read as follows:

40-206. PUBLICATION OF NOTICES. Whenever publication of a notice by a county highway system or highway district is required for an override or bond election, or a hearing, it shall appear in a newspaper printed and published within the district or county, or in some newspaper of general circulation in the county or district, and the notice shall be published as follows:

(1) The publication of notice for an override or bond election shall be published ~~at least three (3) times in a weekly newspaper or at least six (6) consecutive times in a daily newspaper. The last notice shall be published not less than five (5) days prior to an override or bond election, except as otherwise specifically provided in this title~~ as provided for in section 34-1406, Idaho Code.

(2) The publication of notice for a hearing shall be published at least one (1) time in a weekly newspaper or at least two (2) consecutive times in a daily newspaper and remain the responsibility of the political subdivision proposing such hearing. The last notice shall be published not less than five (5) days prior to the hearing, except as otherwise specifically provided in this title.

SECTION 72. That Section 40-819, Idaho Code, be, and the same is hereby amended to read as follows:

40-819. ELECTION TO INCREASE LEVY -- NOTICE. (1) Whenever the levies provided by law to be made by highway district commissioners will not, in the opinion of the highway district commissioners, produce a sufficient amount of money for the use of the highway district for their purposes, the highway district board may by order authorize the holding of an election within the highway district, at which election the voters may determine whether or not any levy for any purpose authorized by law for highway districts shall be increased to produce revenues for those purposes. If at the election the majority of the qualified voters shall vote in favor of increasing any of the levies, the levies may be increased. The increase shall not exceed an additional twenty ~~per cent~~ percent (20%) of the levy authorized by law for that purpose.

(2) The highway district commissioners shall designate the ~~time and place of holding date of~~ the election that is in accordance with the dates authorized in section 34-106, Idaho Code, and which shall be held within the highway district. The election shall be held between the fifteenth of June and the fifteenth of August of the year in which the levy is to be made. Notice of the election shall be given by ~~posting notices in three (3) public places within the highway district at least fifteen (15) days prior to the election and by publishing the notice~~ the county clerk in accordance with the provisions of title 34, Idaho Code, and section 40-206, Idaho Code. The notice shall state:

- (a) The time and place of holding the election;
- (b) The amount of money which the levy authorized by law to be made by the highway district commissioners will produce;
- (c) The amount of money in excess of each of the levies desired to be raised by the highway district commissioners, and generally the purpose for which the additional money is to be used;
- (d) If at the election a majority of the qualified voters voting vote in favor of increasing the levy that the levy may be increased in an amount not exceeding twenty ~~per cent~~ percent (20%) of the levy provided by law; and
- (e) The additional levy, if authorized by a majority vote at the election, will when added to the levy provided by law provide sufficient money for the particular purpose of which the levy is authorized.

SECTION 73. That Section 40-1101, Idaho Code, be, and the same is hereby amended to read as follows:

40-1101. BONDS -- FUNDING. Every highway district is granted the authority under article VIII of the Idaho constitution to issue negotiable coupon bonds for construction, improvements or repairs of any highways or structures in the district; for the purchase of material and machinery;

for contracting highway engineering and construction; for the necessary expenses of the district in connection with these purposes; or for any or all of these or connected purposes. Every highway district is also granted the authority by resolution of its board of commissioners, without election, to issue negotiable coupon bonds for the purposes of funding or refunding any existing indebtedness, whether the indebtedness exists as warrant indebtedness or otherwise. Where an election is required under the provisions of article VIII of the Idaho constitution to authorize a bond issue, the election may be ~~a special election or it may be~~ held with other elections. Elections shall be conducted, ~~as nearly as possible,~~ by the county clerk in the same manner as county elections pursuant to title 34, Idaho Code. Authorization for the issuance, sale and redemption of bonds other than funding or refunding existing indebtedness, shall be as provided by chapter 2, title 57, Idaho Code. The total amount of bonds any district has issued and outstanding at any time shall not exceed two ~~per cent~~ percent (2%) of the market value for assessment purposes of all the taxable property in the district as shown by the last preceding assessment list.

SECTION 74. That Section 40-1304, Idaho Code, be, and the same is hereby amended to read as follows:

40-1304. DIVISION OF DISTRICTS INTO SUBDISTRICTS -- VACANCY IN OFFICE OF HIGHWAY COMMISSIONER. (1) At the meeting of the county commissioners at which the highway district is declared organized, the commissioners shall divide the highway district into three (3) subdistricts, as nearly equal in population, area and mileage as practicable, to be known as highway commissioners subdistricts one, two and three. Subdistricts may be revised or modified by the highway district commissioners as changes in conditions demand. Not more than one (1) of the highway district commissioners shall be an elector of the same highway subdistrict. The first highway district commissioners appointed by the governor shall serve until the next highway district election, at which their successors shall be elected. The highway commissioners shall take office on ~~October 1~~ the date specified in the certificate of election but not more than sixty (60) days following their election.

(2) Any vacancy occurring in the office of highway commissioner, other than by expiration of the term of office, shall be determined by the remaining highway district commissioners using the criteria established in section 59-901, Idaho Code. If it is determined that a vacancy has occurred, the commissioners shall declare there is a vacancy and such vacancy shall be filled by the highway district board and be for the balance of the term of the person replaced. If the remaining highway district commissioners are unable to agree on a person to fill the vacancy within ten (10) days after the vacancy occurs, the chairman of the county commissioners of the county with the largest number of electors in the highway district shall then become a member of the highway district board for the purpose of filling the vacancy only. If a majority of the highway district board so constituted shall be unable to agree upon a person to fill the vacancy within ten (10) days, or if two (2) or more vacancies shall occur in the board of highway commissioners at one (1) time, a special election to fill the vacancy shall be called and held in the same manner provided by law for the holding of elections for highway commissioners, except that the date of the election shall be as soon as possible, and all duties imposed by law upon the highway district board in connection with elections shall be performed by the county commissioners.

(3) When there are two (2) or more vacancies on the highway district board at the same time, the chairman of the county commissioners along with the additional county commissioners that the county commissioner chairman appoints, and with the remaining highway district commissioner, if applicable, shall constitute a temporary board of highway district commissioners. The temporary board of highway district commissioners shall perform the du-

ties required by law of a highway district board of commissioners until the newly elected highway commissioners take office.

SECTION 75. That Section 40-1305, Idaho Code, be, and the same is hereby amended to read as follows:

40-1305. ELECTION OF HIGHWAY COMMISSIONERS -- TERM OF OFFICE. (1) On the ~~first~~ third Tuesday of ~~August~~ May of the next odd-numbered year following the appointment of the first highway district commissioners, commissioners from subdistricts one and two shall be elected for a term of two (2) years. Thereafter the term of office of all commissioners shall be four (4) years. ~~Highway district commissioners elected prior to January 1, 1994, for a term to expire on January 1, 1996, shall continue in office until October 1, 1995. Highway district commissioners elected prior to January 1, 1994, for a term to expire on January 1, 1998, shall continue in office until October 1, 1997. Elections for commissioners of each of the subdistricts shall continue on the schedule previously established.~~

(2) Alternative election of highway commissioners -- Term of office.

(a) Notwithstanding subsection (1) of this section, highway district commissioners may, upon the unanimous agreement of the existing board of highway district commissioners, adopt an alternative term of office, whereby a single highway district commissioner shall be elected each year for three (3) years and in the fourth year no election shall be held.

(b) An election pursuant to paragraph (a) of this subsection shall be conducted in the following manner:

(i) The commissioner representing subdistrict one shall be elected for a term of four (4) years upon the expiration of the existing term;

(ii) The commissioner representing subdistrict two shall be elected for a term of five (5) years upon the expiration of the existing term; and

(iii) Each year thereafter, one (1) commissioner shall be elected, except for the fourth year when no election shall be held.

(c) If an alternative election is held pursuant to this subsection, the highway district shall not revert to the former manner of elections and terms of office until eight (8) years after such election.

Each highway commissioner shall be elected on a ~~district wide~~ districtwide basis.

SECTION 76. That Section 40-1305A, Idaho Code, be, and the same is hereby amended to read as follows:

40-1305A. ELECTION ADMINISTRATION. Highway district elections shall be conducted in accordance with the general laws of the state, including the provisions of chapter 14, title 34, Idaho Code. The county commissioners shall select polling places and the county clerk shall appoint an election official and election judges and clerks and set their compensation.

~~Highway districts may contract with t~~The county clerk to shall conduct all or part of the elections for a highway district. ~~In the event of such a contract, the county clerk and shall perform all necessary duties of the election official of a highway district including, but not limited to, notice of the filing deadline, notice of the election, and preparation of the election calendar.~~

SECTION 77. That Section 40-1402, Idaho Code, be, and the same is hereby repealed.

SECTION 78. That Section 40-1409, Idaho Code, be, and the same is hereby amended to read as follows:

40-1409. EXPENSES OF ELECTION ~~— PRORATION TO EXISTING SYSTEMS AND DISTRICTS — APPEALS~~. In all counties where elections are held under the provisions of this chapter, county commissioners shall pay expenses of the elections from the general election fund of the county. ~~The expense shall be prorated by the commissioners according to the mileage, market value for assessment purposes, and the population to city highway systems, highway districts, and the county, and upon certification of this pro rata share by the commissioners, that share shall be paid to the county. Any appeals shall follow the appeals procedure set forth in section 40-1705, Idaho Code, for appeals from readjustment of district borders.~~

SECTION 79. That Section 40-1416, Idaho Code, be, and the same is hereby amended to read as follows:

40-1416. AUTHORIZATION FOR VOTERS TO APPROVE VEHICLE REGISTRATION FEE. (1) Notwithstanding the provisions of section 49-207, Idaho Code, the voters of any county in which a ~~county-wide~~ countywide highway district is organized pursuant to chapter 14, title 40, Idaho Code, may authorize the ~~county-wide~~ countywide highway district to adopt a resolution by a majority vote of the ~~county-wide~~ countywide highway district commissioners to implement and collect a motor vehicle registration fee not to exceed two (2) times the amount established in section 49-402, Idaho Code. The authorization to adopt, implement, and collect a vehicle registration fee may be made by the registered voters of the county only at a general election held in even-numbered years, and a simple majority of the votes cast on the question shall be necessary to authorize the fee.

(2) In any election, the resolution submitted to the county voters shall:

- (a) State the exact rate of the fee; and
- (b) State the duration of the fee.

No rate shall be increased and no duration shall be extended without the approval of the voters, by the same simple majority of the votes cast.

An election to approve or disapprove the adoption of a vehicle registration fee may be called for by the adoption of a resolution by a majority vote of the ~~county-wide~~ countywide highway district commissioners. Any costs incurred to conduct the election for the district ~~shall be a charge against the district, and shall be paid by the district county.~~

(3) Any ~~county-wide~~ countywide highway district authorized to adopt a resolution for a vehicle registration fee shall contract with the department for the collection, distribution, and administration of the fee in like manner, and under the definitions, and rules, ~~and regulations~~ for the collection and administration of other registration fees as set forth in chapter 4, title 49, Idaho Code. Monthly, following receipt by the department of revenues from the implementation of a vehicle registration fee, the department shall remit the same to the ~~county-wide~~ countywide highway district implementing such fee, less a deduction for such amount as may be agreed upon between the department and the commissioners of the ~~county-wide~~ countywide highway district, for the department's actual costs for collection and administration of the fee. The vehicle registration fee shall not become part of the state highway account or state highway distribution account.

(4) The ~~county-wide~~ countywide highway district must use the funds generated by a vehicle registration fee exclusively for the construction, repair, maintenance, and traffic supervision of the highways within its jurisdiction, and the payment of interest and principal of obligations incurred for said purposes.

(5) Sections 49-405, 49-408, 49-416, 49-404, 49-409, 49-415, ~~and 49-410~~, Idaho Code, shall be subject to the provisions of this ~~code~~ section.

SECTION 80. That Section 40-1418, Idaho Code, be, and the same is hereby amended to read as follows:

40-1418. PROCEEDINGS FOR DISSOLUTION OF EXISTING SINGLE COUNTYWIDE HIGHWAY DISTRICT. All proceedings for the dissolution of single countywide highway districts shall be initiated by a petition of ten percent (10%) or more of the qualified electors residing in each of the county commissioner subdistricts, addressed to the commissioners of the county in which the single countywide highway district is situate, and which shall concisely state the grounds or reasons for the dissolution and contain a request for a hearing of the petition. A hearing on the petition shall be conducted pursuant to sections 40-1803 through 40-1805, Idaho Code. Following the hearing on the petition, the election and process for dissolution shall be conducted as provided in ~~sections 40-1806 through 40-1821~~ title 34, Idaho Code. The election shall be held at the next general election and in the event a majority of the qualified electors at the election vote in favor of dissolution, the commission shall immediately make and enter an order declaring the single countywide highway district dissolved.

SECTION 81. That Section 40-1506, Idaho Code, be, and the same is hereby amended to read as follows:

40-1506. POLLING PLACES -- ELECTION OFFICERS. The commissioners of each county concerned shall meet within thirty (30) days, in either special or regular session and, by order, enter in their minutes and designate the polling places in each of the concerned highway districts situated in the county, and the county clerk shall appoint ~~two (2) or more~~ judges and ~~one (1) or more clerks for each polling place, who shall possess the qualifications necessary to entitle them to vote at an election of highway district commissioners in the highway district proposed for consolidation.~~

SECTION 82. That Section 40-1507, Idaho Code, be, and the same is hereby amended to read as follows:

40-1507. NOTICE OF ELECTION -- PUBLICATION AND CONTENTS. The commissioners of each county shall require its county clerk to give notice of the election ~~by causing notices to be posted in at least three (3) public places within each of the highway districts situated within the county and concerned in the proposed consolidation for at least twenty-one (21) days prior to the date of election, and in addition to the posting, shall cause a copy of the notice to be published~~ in accordance with the provisions of ~~section 40-206~~ title 34, Idaho Code. ~~The~~ In addition, the notice shall state the purpose and date of the election, the hours during which the polls shall be open and list the polling places ~~and the qualifications required of voters~~, in addition to the following: the name and general description of the respective highway districts proposed to be consolidated; the market value for assessment purposes of all the property situated in each of the concerned highway districts, as shown by the last county assessment rolls; the total bonded and current warrant and other indebtedness of each of the highway districts; the preceding ~~ad valorem~~ property highway tax levy of each of the highway districts; and the total bonded and current warrant and other indebtedness of the proposed consolidated highway district.

SECTION 83. That Section 40-1508, Idaho Code, be, and the same is hereby amended to read as follows:

40-1508. ~~SEPARATE~~ ELECTIONS -- TIME OF HOLDING. An election held under the provisions of this chapter shall be ~~separate and distinct~~ held in each of the highway districts and counties affected by the proposed consolidation

and shall be held on the same day and ~~between the hours of 8:00 a.m. and 8:00 p.m.~~ conducted in accordance with the provisions of title 34, Idaho Code.

SECTION 84. That Section 40-1511, Idaho Code, be, and the same is hereby amended to read as follows:

40-1511. COUNT OF VOTES -- ~~RETURN OF ELECTION~~ -- CANVASS -- ORDER FOR CONSOLIDATION. Immediately following the close of the polls ~~the boards of election shall compute the result of the election making the count in public view, and upon completion shall make a return of the election to the clerk of the commissioners of their respective counties, upon forms to be supplied by the clerk, and shall transmit with the returns all ballots cast at the election, whether or not the ballots were counted by the election board or rejected by them. At the earliest possible date thereafter, the votes shall be counted in accordance with the provisions of title 34, Idaho Code. The board of county commissioners shall meet separately at their respective county seats and pursuant to chapter 12, title 34, Idaho Code, and canvass the returns of the election boards within their counties each county.~~ Within fifteen (15) days after the canvass, the commissioners shall meet in joint session at a location as shall be agreed upon by them and compile the total votes cast in their respective counties for or against the proposal to consolidate the highway districts concerned. If the proposal carried in each of the highway districts concerned, the county commissioners in the joint meeting shall make and enter an order declaring the districts consolidated in one (1) highway district of a name or designation as may be ordered by them, and at that time the consolidation shall be effective. The highway districts having been consolidated shall remain in operation, with all legal authority of a highway district, until the newly appointed highway commissioners of the consolidated highway district meet and organize as provided in this chapter.

SECTION 85. That Section 40-1519, Idaho Code, be, and the same is hereby amended to read as follows:

40-1519. EXPENSES OF ELECTION -- ~~PRORATION TO HIGHWAY DISTRICTS~~ -- ~~APPEALS~~. In all counties where highway district consolidation elections are held under the provisions of this chapter, county commissioners shall pay expenses of the elections from the general election fund of the county. ~~The expenses shall be prorated by the commissioners according to the mileage and market value for assessment purposes of each of the highway districts involved, and upon certification of this pro rata share by the county commissioners, that share shall be paid to the county from funds of the appropriate highway district. Any appeals shall follow the appeals procedure set forth in section 40-1706, Idaho Code.~~

SECTION 86. That Section 40-1605, Idaho Code, be, and the same is hereby amended to read as follows:

40-1605. HEARING -- ORDER FOR ELECTION. At the time and place specified in the notice, the commissioners shall proceed to consider the petition and all written objections filed with them and shall hear all persons in relation to it. Upon the conclusion of the hearing, which may be continued from day to day, if the commissioners shall determine that the detachment from the highway district of the territory described in the petition is practicable and to the best interests of the territory and of the highway district, they shall enter an order directing that the question of the detachment of the territory be submitted to the qualified electors of the district at an election to be held within the district ~~at~~ on a date authorized in section

34-106, Idaho Code, which is not less than thirty (30) nor more than sixty (60) days from and after the date of the order.

SECTION 87. That Section 40-1606, Idaho Code, be, and the same is hereby amended to read as follows:

40-1606. ELECTION OFFICERS AND POLLING DISTRICTS -- NOTICE OF ELECTION. The ~~commissioners at the same time~~ county clerk shall appoint ~~two (2) or more judges and one (1) or more clerks~~ for the election ~~who shall be chosen from the electors of the district;~~ the commissioners shall also by order establish polling places; and the county clerk shall direct their clerk to cause provide notice of the election ~~to be given by posting notices in at least three (3) public places within the district, one of which shall be on the front door of the office of the district; and in addition shall publish a copy of the notice in accordance with the provisions of section 40-206 34-1406, Idaho Code. The notice shall state the date and purpose of the election, the boundaries of the territory proposed to be detached from the highway district, the places of holding the election, the various polling districts if the election is to be held in more than one (1) place, the qualifications required of voters, and the hours during which the polls shall be open, ~~which shall be between the hours of 1:00 p.m. and 7:00 p.m.~~~~

SECTION 88. That Section 40-1607, Idaho Code, be, and the same is hereby amended to read as follows:

40-1607. ELECTION PROCEDURE. The qualifications of voters at the elections, the conduct of elections, the counting of the votes, the return of the ballots, and the payment of expenses of the election shall be as prescribed in ~~sections 40-1808 through 40-1810~~ title 34, Idaho Code.

SECTION 89. That Section 40-1624, Idaho Code, be, and the same is hereby amended to read as follows:

40-1624. ANNEXATION OF CONTIGUOUS TERRITORY. Additional territory adjoining a highway district and lying contiguous with and within one (1) or more counties may be added to and be included in the district, by the affirmative vote of a majority of the qualified electors of the additional territory voting on the question at an election held for that purpose, which vote may shall be taken ~~either at an general or a special election on a date authorized in section 34-106,~~ Idaho Code. Additional territory shall not be annexed to or included in the district unless annexation and inclusion shall be first approved by the commissioners of the county in which the area proposed to be annexed is located if it shall be deemed to be in the best public interest, and by the highway district commissioners of the existing district by resolution, entered on their minutes prior to the election on the question of annexation.

SECTION 90. That Section 40-1625, Idaho Code, be, and the same is hereby amended to read as follows:

40-1625. ELECTION DATE WHERE TERRITORY LIES IN MORE THAN ONE COUNTY. Where territory to be annexed lies in more than one (1) county the election shall be held on the same day as it is mutually determined by agreement between the commissioners of both counties concerned on a date authorized in section 34-106, Idaho Code.

SECTION 91. That Section 40-1626, Idaho Code, be, and the same is hereby amended to read as follows:

40-1626. PETITION FOR ~~SPECIAL~~ ELECTION -- ELECTION. The election shall be conducted in accordance with the general election laws of the state. A petition for the election shall be initiated by not less than twenty-five (25) property owners, or all property owners if there are less than twenty-five (25) in the proposed area to be annexed. The proposed area to be annexed shall be set forth with clarity as to be specifically identified by a map of the area. The petition upon being signed shall be submitted to the commissioners of the highway district and to the commissioners concerned. The petition shall, within thirty (30) days after presentment, be either approved or rejected by the recorded motion of the commissioners in their minutes. Upon the petition being approved by the commissioners of the county in which the territory or a part is situated and the commissioners of the highway district, a certified copy of the petition, together with a certified copy of the resolution of the highway commissioners approving the petition for annexation and with the proposed election precinct boundaries and polling place, shall within ten (10) days be transmitted by the highway commissioners to the county clerk of the county or counties, in which the territory to be annexed lies. The commissioners in the county in which the territory lies shall then within sixty (60) days fix a time for the election ~~by giving notice as required for special elections by publication in accordance with the provisions of section 40-206~~ on a date authorized in section 34-106, Idaho Code. The commissioners and county clerk shall do all things necessary for the holding of an election in conformity with the general election laws of the state ~~as shall be applicable.~~ Upon the election being had the result shall be canvassed, declared and the result certified by the commissioners.

SECTION 92. That Section 40-1630, Idaho Code, be, and the same is hereby amended to read as follows:

40-1630. PAYMENT OF COSTS OF ELECTION. The costs of the election shall be paid by the ~~highway district annexing the territory~~ county or counties conducting the election.

SECTION 93. That Section 40-1702, Idaho Code, be, and the same is hereby amended to read as follows:

40-1702. COUNTYWIDE ELECTION TO ADOPT METHOD OF SECONDARY HIGHWAY ADMINISTRATION -- PROCEDURE. (1) In any county where there is a petition for an election to adopt a new method of administration of the secondary highways in the county, the procedure outlined in this chapter shall be followed.

(2) The petitions signed by five percent (5%) of the qualified voters or twenty-five (25) persons, whichever is greater, of each highway district and the area served by a county road department, where applicable, within the county may be filed with the county clerk and upon the commissioners finding that the petitions have been properly signed and filed, cause the formation of a local highway study commission as provided in section 40-1712, Idaho Code, prior to submitting the matter to vote of the entire county at the next general election, providing that the next general election is not less than one hundred eighty (180) days from the filing of the petitions. All of the laws of the state relating to holding of elections at the county level shall apply to the holding of the election, ~~except as may be specifically modified in this chapter. In addition to the other requirements of law,~~ and the notice of election shall notify the electors of the issues to be voted upon at the election, and publication of a notice shall be in accordance with the provisions of ~~section 40-206~~ title 34, Idaho Code. Public hearings within the county shall be held, as deemed advisable, by the highway study commission.

(3) The election shall be conducted in such a manner that the vote is canvassed separately in each of the existing highway districts and the area served by a county road department, where applicable.

(4) The ~~commissioners~~ county clerk in the notice of election shall ~~designate~~ indicate polling places ~~in as designated by the county commissioners~~ for each precinct and/or district, as appropriate, to adequately provide for the vote at the election. Every qualified elector of the county may vote.

(5) The vote shall be canvassed by the ~~commissioners~~ county board of canvassers within ~~five (5) days of the election~~ the time specified in chapter 12, title 34, Idaho Code.

SECTION 94. That Section 40-1714, Idaho Code, be, and the same is hereby amended to read as follows:

40-1714. ~~EXPENSES OF ELECTION — PRORATION TO SYSTEMS — APPEALS.~~ In all counties where elections are held under the provisions of this chapter, commissioners shall pay expenses of the elections from the general election fund of the county. ~~The expense shall be prorated by the commissioners according to the mileage and market value for assessment purposes of the highway districts and the county, excluding area served by highway districts, and upon certification of this pro rata share by the commissioners, that share shall be paid to the county. Any appeals shall follow the appeals procedure set forth in section 40-1706, Idaho Code, for appeals from readjustment of district borders.~~

SECTION 95. That Section 40-1805, Idaho Code, be, and the same is hereby amended to read as follows:

40-1805. HEARING -- ORDER FOR ELECTION. At the time and place specified in the notice, the commissioners shall proceed to consider the petition and all written objections to it, and shall hear all persons in relation to it, and shall hear or take testimony as may be offered or as they desire. Upon the conclusion of the hearing which may be continued from day to day, if the commissioners determine that the district ought to be dissolved and that the dissolution would be to the best interest of the district, it shall enter an order directing that the question of dissolution of the district be submitted to the qualified electors of the district at an election to be held on the date authorized in section 34-106, Idaho Code, which is not less than thirty (30) nor more than sixty (60) days from and after the order.

SECTION 96. That Section 40-1806, Idaho Code, be, and the same is hereby amended to read as follows:

40-1806. ~~ELECTION OFFICERS AND POLLING DISTRICTS--~~ NOTICE OF ELECTION. The ~~commissioners~~ county clerk shall ~~at the time of making the order~~ appoint ~~two (2) or more~~ judges and ~~one (1) or more~~ clerks for the election, to be chosen from the electors of the district ~~for each of the polling districts in the highway district,~~ and the county commissioners shall by order establish ~~polling districts and polling places.~~ The ~~commissioners~~ shall direct their county clerk to cause shall publish notice of the election ~~to be given by posting notices in at least three (3) public places within the district, one (1) of which shall be on the front door of the office of the district, and in addition to that posting, shall cause a copy of the notice to be published~~ in accordance with the provisions of section ~~40-206~~ 34-1406, Idaho Code. The notice shall state the purpose of the election, ~~the places of holding it,~~ and the polling districts, ~~if an election be held in more than one (1) place,~~ ~~the qualifications required of voters,~~ and the hours during which the polls shall be opened, which shall be between the hours of 1:00 p.m. and 7:00 p.m. places.

SECTION 97. That Section 40-1808, Idaho Code, be, and the same is hereby amended to read as follows:

40-1808. CONDUCT OF ELECTIONS. (1) The polls in all elections shall be presided over by the judges and clerks appointed by the ~~commissioners who must take an oath, to be administered by a qualified elector of the district, and which oath shall obligate the judges and clerks to faithfully perform the duties of the board of election~~ county clerk.

(2) All elections shall be ~~by secret and separate ballot, each ballot in type, print or legible writing, stating in the affirmative and negative the proposition to be voted upon, and all ballots shall be in a form that the voters may express a choice by the marking of a cross (X).~~

~~(3) In all elections it is intended that no informalities in conducting the elections shall invalidate the election, if the election shall have been otherwise fairly conducted. The clerk of the commissioners shall prepare the necessary ballots for use in each of the districts~~ conducted in accordance with the provisions of title 34, Idaho Code.

SECTION 98. That Section 40-1809, Idaho Code, be, and the same is hereby amended to read as follows:

40-1809. COUNTING VOTES -- ~~RETURN OF ELECTION~~ -- CANVASS -- ORDER OF DISSOLUTION. Immediately following the close of the polls at the time specified in the notices of election the ~~board of election shall tally the result of the election, making the count in public view and shall immediately make return of the election to the clerk of the commissioners upon forms to be supplied by him, and shall transmit all ballots cast at the election, whether the ballots were counted or rejected by the election board~~ votes shall be counted in accordance with the provisions of title 34, Idaho Code. The board of county commissioners shall immediately canvass the returns as provided in chapter 12, title 34, Idaho Code, and in the event a majority of the votes cast in the district are in favor of dissolution, the county commissioners shall immediately make and enter an order declaring the district dissolved.

SECTION 99. That Section 40-1810, Idaho Code, be, and the same is hereby amended to read as follows:

40-1810. EXPENSES OF DISSOLUTION -- HOW BORNE AND PAID. All expenses of proceedings to dissolve highway districts, including the posting and publication of notices of hearings on the petitions and of the election, the printing of ballots and compensation of judges and clerks of election, shall be borne by the highway district county. ~~In cases where the proposal to dissolve shall be defeated, either by order of the commissioners upon hearing the petitions, or at the election, the expense shall be paid by the appropriate district treasurer out of any current funds on hand on an order presented by the clerk of the commissioners; and, when the proposal to dissolve shall have been adopted at an election, the expense of all proceedings shall be paid by the county treasurer out of the first moneys received from or on account of the respective district.~~

SECTION 100. That Section 42-3211, Idaho Code, be, and the same is hereby amended to read as follows:

42-3211. ELECTIONS -- TERMS OF OFFICE. (1) ~~Except as provided in subsection (2), of this section,~~ On the first third Tuesday in February May, in the second calendar year after the organization of any district, and on the first third Tuesday in February May every second year thereafter an election shall be held, which shall be known as the biennial election of the district.

(2) In districts created under section 42-3202B, Idaho Code, biennial elections shall be held on the ~~first~~ third Tuesday in ~~August~~ May.

(3) At the first biennial election in any district hereafter organized, and each sixth year thereafter, there shall be elected by the qualified electors of the district, one (1) member of the board to serve for a term of six (6) years; at the second biennial election and each sixth year thereafter, there shall be elected two (2) members of the board to serve for terms of six (6) years, and at the third biennial election, and each sixth year thereafter, there shall be elected two (2) members of the board to serve for terms of six (6) years.

Not later than 5:00 p.m. on the sixth Friday preceding the election, nominations may be filed with the secretary of the board and if a nominee does not withdraw his name before the first publication of the notice of election, his name shall be placed on the ballot. ~~The board county clerk shall provide for holding such~~ conduct the election and shall appoint judges to conduct it. ~~The secretary of the district shall give notice of election by publication, and shall arrange such other details in connection therewith as the board may direct.~~ The returns of the election shall be certified to and shall be canvassed and declared ~~by the board~~ as provided in chapter 14, title 34, Idaho Code. The candidate or candidates, according to the number of directors to be elected, receiving the most votes, shall be elected. Any new member of the board shall qualify in the same manner as members of the first board qualify.

In any election for director, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that the number of qualified candidates who have been nominated is equal to the number of directors to be elected, it shall not be necessary for the candidates to stand for election, and the board of directors shall declare such candidates elected as directors, and the secretary of the district shall immediately make and deliver to such persons certificates of election signed by him and bearing the seal of the district.

SECTION 101. That Section 50-211, Idaho Code, be, and the same is hereby repealed.

SECTION 102. That Section 50-402, Idaho Code, be, and the same is hereby amended to read as follows:

50-402. DEFINITIONS. The following words and phrases when used in this chapter, have the meanings respectively given herein.

(a) General election. "General election" means the election held on the first Tuesday succeeding the first Monday in November in each odd-numbered year at which there shall be chosen all mayors and councilmen as are by law to be elected in such years.

(b) Special election. "Special election" means any election other than a general election held at any time for any purpose provided by law.

(c) Qualified elector. A "qualified elector" means any person who is at least eighteen (18) years of age, is a United States citizen and who has resided in the city at least thirty (30) days next preceding the election at which he desires to vote and who is registered within the time period provided by law. A "qualified elector" shall also mean any person who is at least eighteen (18) years of age, is a United States citizen, who is a registered voter, and who resides in an area that the city has annexed pursuant to chapter 2, title 50, Idaho Code, within thirty (30) days of a city election.

(d) Residence.

(1) "Residence" for voting purposes, shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of re-

turning after a departure or absence therefrom, regardless of the duration of absence. In determining what is a principal or primary place of abode of a person the following circumstances relating to such person may be taken into account: business pursuits, employment, income sources, residence for income or other tax pursuits, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, and motor vehicle registration.

(2) A qualified elector shall not be considered to have gained residence in any city of this state into which he comes for temporary purposes only without the intention of making it his home but with the intention of leaving it when he has accomplished the purpose that brought him there.

(3) A qualified elector who has left his home and gone to another area outside the city, for a temporary purpose only shall not be considered to have lost his residence.

(4) If a qualified elector moves outside the city, with the intentions of making it his permanent home, he shall be considered to have lost his residence in the city.

(e) Election official. "Election official" means the city clerk, registrar, judge of election, clerk of election, or ~~constable county clerk~~ engaged in the performance of election duties ~~as required by this act~~.

~~(f) Election register. The "election register" means the voter registration cards of all electors who are qualified to appear and vote at the designated polling places.~~

~~(g) Combination election record and poll book. "Combination election record and poll book" is the book containing a listing of registered electors who are qualified to appear and vote at the designated polling places.~~

~~(h) Tally book. The "tally book" or "tally list" means the forms in which the votes cast for any candidate or special question are counted and totaled at the polling precinct.~~

~~(i) Reference to male. All references to the male elector and male city officials include the female elector and female city officials and the masculine pronoun includes the feminine.~~

~~(j) Computation of time. Calendar days shall be used in all computations of time made under the provisions of this act chapter. In computing time for any act to be done before any election, the first day shall be included and the last, or election day, shall be excluded. Saturdays, Sundays and legal holidays shall be included, but if the time for any act to be done shall fall on Saturday, Sunday or a legal holiday, such act shall be done upon the day following each Saturday, Sunday or legal holiday.~~

SECTION 103. That Section 50-403, Idaho Code, be, and the same is hereby amended to read as follows:

50-403. SUPERVISION OF ADMINISTRATION OF ELECTION LAWS BY ~~CITY~~ COUNTY CLERK. ~~For each city clerk, the county clerk of the county is the chief elections officer and shall exercise general supervision of the administration of the election laws in his the city for the purpose of achieving and maintaining a maximum degree of correctness, impartiality, efficiency and uniformity. The city county clerk shall meet with and issue instructions to election judges and clerks prior to the opening of the polls to ensure uniformity in the application, operation and interpretation of the election laws during the election.~~

~~If a national or local emergency or other situation arises which makes substantial compliance with the provisions of this chapter impossible or unreasonable, the city clerk may prescribe, by directive, such special procedures or requirements as may be necessary to facilitate absentee voting by those citizens directly affected who otherwise are eligible to vote in city elections.~~

SECTION 104. That Sections 50-404, 50-405, 50-406, 50-407, 50-408, 50-409, 50-410, 50-411 and 50-412, Idaho Code, be, and the same are hereby repealed.

SECTION 105. That Section 50-414, Idaho Code, be, and the same is hereby amended to read as follows:

~~50-4104.~~ REGISTRATION OF ELECTORS. All electors must register before being able to vote at any municipal election. The county clerk shall be the registrar for all city elections and shall conduct voter registration for each city pursuant to the provisions of ~~section 34-1402~~ chapter 4, title 34, Idaho Code. To be eligible to register to vote in city elections, a person shall be at least eighteen (18) years of age, a citizen of the United States and a resident of the city for at least thirty (30) days next preceding the election at which he desires to vote, or a resident of an area annexed by a city pursuant to the provisions of chapter 2, title 50, Idaho Code.

SECTION 106. That Sections 50-415, 50-427 and 50-428, Idaho Code, be, and the same are hereby repealed.

SECTION 107. That Section 50-429, Idaho Code, be, and the same is hereby amended to read as follows:

~~50-42905.~~ GENERAL AND SPECIAL CITY ELECTIONS. (1) A general election shall be held in each city governed by this title, for officials as in this title provided, on the Tuesday following the first Monday of November in each odd-numbered year. All such officials shall be elected and hold their respective offices for the term specified and until their successors are elected and qualified. All other city elections that may be held under authority of general law shall be known as special city elections.

(2) On and after January 1, ~~1994~~ 2011, notwithstanding any other provisions of law to the contrary, there shall be no more than ~~four~~ two (42) elections conducted in any city in any calendar year, except as provided in this section.

(3) The dates on which elections may be conducted are:

(a) ~~The first Tuesday in February of each year; and~~

~~(b) The fourth third Tuesday in May of each year; and~~

~~(c) The first Tuesday in August of each year; and~~

~~(d)~~ (d) The Tuesday following the first Monday in November of each year.

(e) In addition to the elections specified in ~~subsections~~ paragraphs (a) ~~through~~ and (d) of this subsection (3), an emergency election may be called upon motion of the city council of a city. An emergency exists when there is a great public calamity, such as an extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emergency work to prepare for a national or local defense, or it is necessary to do emergency work to safeguard life, health or property. ~~Such a special election, if conducted by the city clerk, shall be conducted at the expense of the political subdivision submitting the question.~~

(4) Pursuant to section 34-1401, Idaho Code, all municipal elections shall be conducted by the county clerk of the county wherein the city lies, and elections shall be administered in accordance with the provisions of title 34, Idaho Code, except as those provisions are specifically modified by the provisions of this chapter. After an election has been ordered, all expenses associated with conducting municipal general and special elections shall be paid from the county election fund as provided by section 34-1411, Idaho Code. Expenses associated with conducting runoff elections shall be paid by the city adopting runoff elections pursuant to the provisions of section 50-612 or 50-707B, Idaho Code, or both.

(5) The secretary of state is authorized to provide such assistance as necessary, and to prescribe any needed rules or interpretations for the conduct of elections authorized under the provisions of this section.

SECTION 108. That Section 50-430, Idaho Code, be, and the same is hereby amended to read as follows:

50-43006. METHOD OF NOMINATION -- CLERK TO FURNISH PRINTED FORMS. Candidates for elective city offices shall be nominated by declaration. The declaration shall contain the name and address of the person and the office and the term for which he is being nominated. There shall be no mention relating to party or principal of the nominee. The completed declaration of candidacy shall be accompanied by: (1) a petition of candidacy signed by not less than five (5) registered qualified electors; or (2) a nonrefundable filing fee of forty dollars (\$40.00) which shall be deposited in the city treasury.

It shall be the duty of the city clerk to furnish upon application a reasonable number of regular printed forms, as herein set forth, to any person or persons applying therefor. The forms shall be of uniform size as determined by the clerk.

SECTION 109. That Section 50-431, Idaho Code, be, and the same is hereby amended to read as follows:

50-43107. FORM OF DECLARATION OF CANDIDACY. Declarations of candidacy and petitions of candidacy shall read substantially as herein set forth. Any number of separate petitions of candidacy may be circulated at the same time for any candidate and all petitions for each candidate shall be considered one (1) petition when filed with the city clerk. Each signer of a petition shall be a registered qualified elector.

DECLARATION OF CANDIDACY

I, the undersigned, affirm that I am a qualified elector of the City of, State of Idaho, and that I have resided in the city for at least thirty (30) days. I hereby declare myself to be a candidate for the office of, for a term of years, to be voted for at the election to be held on the day of,, and certify that I possess the legal qualifications to fill said office, and that my residence address is

(Signed)

Subscribed and sworn to before me this day of,

Notary Public

State of Idaho
County of ss.
City of

PETITION OF CANDIDACY

OF
(NAME OF CANDIDATE)

FOR OFFICE OF

This petition must be filed in the office of the City Clerk not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday immediately preceding election day. The submitted petition must have affixed thereto the names of at least five (5) qualified electors who reside within the appropriate city.

I, the undersigned, being a qualified elector of the City of, in the State of Idaho, do hereby certify and declare that I reside at the place set opposite my name and that I do hereby join in the

petition of, a candidate for the office of
to be voted at the election to be held on the day of,

Signature of Petitioner	Printed Name	Residence Address	Date Signed
.....
.....
.....
.....
.....
.....
.....

Signature of Petitioner	Printed Name	Residence Address	Date Signed
.....
.....
.....

STATE OF IDAHO

County of

I,, being first duly sworn, say: That I am a resident of the State of Idaho and at least eighteen (18) years of age; that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence; I believe that each has stated his or her name and residence address correctly; and that each signer is a qualified elector of the State of Idaho, and the City of

Signed

Address

Subscribed and sworn to before me this day of,

Signed Notary Public

Residing at

Commission expires

(Notary Seal)

SECTION 110. That Section 50-432, Idaho Code, be, and the same is hereby amended to read as follows:

50-43210. TIME AND MANNER OF FILING DECLARATIONS. All declarations of candidacy for elective city offices shall be filed with the clerk of the respective city wherein the elections are to be held, not earlier than 8:00 a.m. on the eleventh Monday nor later than 5:00 p.m. on the ninth Friday, immediately preceding election day. Before a candidate files a petition of candidacy with the city clerk, the petition signatures shall be verified by the county clerk in the manner described in section 34-1807, Idaho Code, except that the city clerk shall stand in place of the secretary of state. Before any declaration of candidacy and filing fee or petition of candidacy mentioned in section ~~50-43107~~, Idaho Code, can be filed, the city clerk shall ascertain that it conforms to the provisions of chapter 4, title 50, Idaho Code. The city clerk shall not accept any declarations of candidacy after 5:00 p.m. on the ninth Friday immediately preceding election day. Write-in candidates shall be governed by section 34-702A, Idaho Code, but shall file the declarations required in that section with the city clerk.

SECTION 111. That Section 50-435, Idaho Code, be, and the same is hereby amended to read as follows:

50-43511. NOTICE OF CANDIDATE FILING DEADLINE. Not more than fourteen (14) nor less than seven (7) days preceding the candidate filing deadline for an election, the city clerk shall cause to be published in the official newspaper a notice of the forthcoming candidate filing deadline. The notice

shall state the name of the city, the date of the election, the offices up for election, that declarations of candidacy are available from the city clerk, and the deadline for filing such declarations with the city clerk.

SECTION 112. That Sections 50-436, 50-437, 50-438, 50-439, 50-440, 50-441, 50-442, 50-443, 50-445, 50-446, 50-447, 50-448, 50-449, 50-450, 50-451, 50-452, 50-453, 50-454, 50-455, 50-456, 50-457, 50-458, 50-459, 50-460, 50-461, 50-462, 50-463, 50-464, 50-465 and 50-466, Idaho Code, be, and the same are hereby repealed.

SECTION 113. That Section 50-467, Idaho Code, be, and the same is hereby amended to read as follows:

~~50-467~~12. CANVASSING VOTES -- DETERMINING RESULTS OF ELECTION. The ~~mayor and the council~~ county commissioners, within ~~six (6)~~ ten (10) days following any election, shall meet for the purpose of canvassing the results of the election. Upon acceptance of tabulation of votes prepared by the election judges and clerks, and the canvass as herein provided, the results of both shall be entered in the minutes of city council proceedings and proclaimed as final. Results of election shall be determined as follows: in the case of a single office to be filled, the candidate with the highest number of votes shall be declared elected; in the case where more than one (1) office is to be filled, that number of candidates receiving the highest number of votes, equal to the number of offices to be filled, shall be declared elected.

SECTION 114. That Section 50-468, Idaho Code, be, and the same is hereby amended to read as follows:

~~50-468~~13. TIE VOTES. In case of a tie vote between candidates, the city clerk shall give notice to the interested candidates to appear before the council at a meeting to be called within six (6) days at which time the city clerk shall determine the tie by a toss of a coin.

SECTION 115. That Section 50-469, Idaho Code, be, and the same is hereby amended to read as follows:

~~50-469~~14. FAILURE TO QUALIFY CREATES VACANCY. If a person elected fails to qualify, a vacancy shall be declared to exist, which vacancy shall be filled by the mayor and the council.

SECTION 116. That Section 50-470, Idaho Code, be, and the same is hereby amended to read as follows:

~~50-470~~15. CERTIFICATES OF ELECTIONS. A certificate of election for each elected city official or appointee to fill such position shall be made under the corporate seal by the city clerk, signed by the mayor and clerk, and presented to such officials at the time of subscribing to the oath of office.

SECTION 117. That Section 50-471, Idaho Code, be, and the same is hereby amended to read as follows:

~~50-471~~16. APPLICATION FOR RECOUNT OF BALLOTS. Any candidate desiring a recount of the ballots cast in any general city election may apply to the attorney general therefor, within twenty (20) days of the canvass of such election by the ~~city council~~ county board of canvassers. The provisions of chapter 23, title 34, Idaho Code, shall govern recounts of elections held under this chapter.

SECTION 118. That Section 50-472, Idaho Code, be, and the same is hereby amended to read as follows:

50-47217. RECALL ELECTIONS. Recall elections shall be governed by the provisions of chapter 17, title 34, Idaho Code, except as those provisions may be specifically modified by the provisions of this chapter.

SECTION 119. That Section 50-473, Idaho Code, be, and the same is hereby amended to read as follows:

50-47318. INITIATIVE AND REFERENDUM ELECTIONS. Initiative and referendum elections shall be governed by the provisions of chapter 18, title 34, Idaho Code, and chapter 5, title 50, Idaho Code, except as those provisions are specifically modified by this chapter.

SECTION 120. That Section 50-474, Idaho Code, be, and the same is hereby repealed.

SECTION 121. That Section 50-475, Idaho Code, be, and the same is hereby amended to read as follows:

50-47519. ELECTION LAW VIOLATIONS. The provisions of chapter 23, title 18, Idaho Code, pertaining to crimes and punishments for election law violations are ~~hereby incorporated in this chapter~~ applicable to all municipal elections.

SECTION 122. That Section 50-477, Idaho Code, be, and the same is hereby amended to read as follows:

50-47720. APPLICATION OF CAMPAIGN REPORTING LAW TO ELECTIONS IN CERTAIN CITIES. The provisions of sections 67-6601 through 67-6616 and 67-6623 through 67-6630, Idaho Code, are hereby made applicable to all elections for mayor, councilman and citywide measures in cities of five thousand (5,000) or more population, except that the city clerk shall stand in place of the secretary of state, and the city attorney shall stand in place of the attorney general.

SECTION 123. That Section 50-612, Idaho Code, be, and the same is hereby amended to read as follows:

50-612. MAJORITY REQUIRED FOR ELECTION -- RUNOFF ELECTION. A city may, by ordinance, provide that a majority of the votes for any candidate running for the office of mayor shall be required for election to that office. In the event no candidate receives a majority of the votes cast, there shall be a runoff election between the two (2) candidates receiving the highest number of votes cast. Such runoff election shall be conducted by the county clerk as in the general election in a manner consistent with chapter 14, title 34, Idaho Code, and at such time, within thirty (30) days of the general election, as prescribed by the city and shall be exempt from the limitation upon elections provided in sections 34-106 and 50-42905, Idaho Code. The ballot shall be prepared by the ~~city~~ county clerk not less than twenty-two (22) days preceding the runoff election. The designation of polling places shall be made by the ~~city clerk~~ county commissioners not less than twenty (20) days preceding any runoff election and sample ballots shall be printed not less than eighteen (18) days preceding the runoff election.

SECTION 124. That Section 50-707B, Idaho Code, be, and the same is hereby amended to read as follows:

50-707B. MAJORITY MAY BE REQUIRED FOR ELECTION -- RUNOFF ELECTION. A city may, by ordinance, provide that a majority of the votes for any candidate running for a council seat adopted by a city in accordance with section 50-707 or 50-707A, Idaho Code, shall be required for election to that office. In the event no candidate receives a majority of the votes cast, there shall be a runoff election between the two (2) candidates receiving the highest number of votes cast. Such runoff election shall be conducted by the county clerk as in the general election in a manner consistent with chapter 14, title 34, Idaho Code, and at such time within thirty (30) days of the general election, as prescribed by the city and shall be exempt from the limitation upon elections provided in sections 34-106 and 50-42905, Idaho Code. The ballot shall be prepared by the city county clerk not less than twenty-two (22) days preceding the runoff election. The designation of polling places shall be made by the city clerk county commissioners not less than twenty (20) days preceding any runoff election, and sample ballots shall be printed not less than eighteen (18) days preceding the runoff election.

SECTION 125. That Section 50-803, Idaho Code, be, and the same is hereby amended to read as follows:

50-803. TIME FOR HOLDING SPECIAL ELECTION ON PROPOSITION. Within ten (10) days after the filing of such petition or resolution with the city clerk, the mayor shall, by proclamation, establish a date for holding a special election on the question of adopting the council-manager plan, such date to be determined as follows:

(1) ~~When~~ the petition or resolution is filed with the city clerk during a year when no general city election is to be held, such election shall be held within on the date authorized in section 34-106, Idaho Code, that is nearest to but not less than sixty (60) days following filing of such petition or resolution;

(2) ~~When~~ the petition or resolution is filed with the city clerk during a year when a general city election is to be held, such election shall be held ~~not less than sixty (60) days prior to~~ on the date for holding general city elections.

SECTION 126. That Section 50-806, Idaho Code, be, and the same is hereby amended to read as follows:

50-806. ELECTION OF OFFICIALS FOLLOWING ADOPTION -- DETERMINING SUCCESSFUL CANDIDATES -- DESIGNATION OF SEATS. (1) When the proposition is submitted to the electors under section 50-803, ~~subsection (1), Idaho Code, received a favorable vote,~~ officials shall be elected at a special the same election, called for that purpose, to be held not more than sixty (60) days following the date on during which the proposition ~~was~~ is submitted to the voters; when the proposition submitted to the electors under subsection (2) ~~received a favorable vote~~ of section 50-803, Idaho Code, officials shall be elected at the succeeding same general city election. If any proposition submitted to the electors under section 50-803, Idaho Code, fails to receive a favorable vote, the election of officials at the same election shall be declared null and void.

Determination of successful candidates at either a special or general election shall be as herein provided: A. When the council is to consist of five (5) members, the three (3) receiving the largest number of votes shall be declared elected to serve four (4) year terms or so much thereof as remains, and two (2) to serve two (2) year terms or so much thereof as remains; B. When the council is to consist of seven (7) members, the four (4) receiving the largest number of votes shall be declared elected to serve four (4) year terms or so much thereof as remains, and three (3) to serve two (2) year terms or so much thereof as remains.

At each general city election thereafter, councilmen shall be elected to fill the unexpired terms.

(2) By ordinance, the city may assign a number to each council seat. In that event candidates will file for a designated seat and the candidate receiving the largest number of votes for the seat he has filed for shall be declared elected.

SECTION 127. That Section 50-1026, Idaho Code, be, and the same is hereby amended to read as follows:

50-1026. CITY BONDS -- ORDINANCE -- ELECTION. Whenever the city council of a city shall deem it advisable to issue the coupon bonds of such city, the mayor and council shall provide therefor by ordinance, which shall specify and set forth all the purposes, objects, matters and things required by section 57-203, Idaho Code, and make provision for the collection of an annual tax sufficient to pay the interest on such proposed bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within thirty (30) years from the time of contracting the same as required by the constitution and laws of the state of Idaho.

The ordinance shall also provide the date for holding an election that is in accordance with the dates authorized in section 50-405, Idaho Code, of which thirty (30) days notice shall be given in the official newspaper of the city by the county clerk in accordance with election law in title 34, Idaho Code. Such election shall be conducted as other city elections. The voting at such elections must be by ballot, and the ballot used shall be substantially as follows: "In favor of issuing bonds to the amount of . . . dollars for the purpose stated in Ordinance No. . . .," and "Against issuing bonds to the amount of . . . dollars for the purpose stated in Ordinance No." If at such election, held as provided in this chapter, two-thirds (2/3) of the qualified electors voting at such election, assent to the issuing of such bonds and the incurring of the indebtedness thereby created for the purpose aforesaid, such bonds shall be issued in the manner provided by the laws of the state of Idaho.

SECTION 128. That Section 50-1035, Idaho Code, be, and the same is hereby amended to read as follows:

50-1035. ORDINANCE PRIOR TO CONSTRUCTION -- ELECTION. Before any city shall construct or acquire any works or rehabilitated existing electrical generating facilities under this ~~act~~ chapter, the council of such city shall enact an ordinance or ordinances which shall, (a) set forth a brief and general description of the works or rehabilitated existing electrical generating facilities, and if the same are to be constructed, a reference to the preliminary report or plans and specifications which shall theretofore have been prepared and filed by an engineer chosen for that purpose; (b) set forth the cost thereof estimated by the engineer chosen as aforesaid; (c) order the construction or acquisition of such works or the rehabilitation of such existing electrical generating facilities; (d) direct that revenue bonds of the city shall be issued pursuant to this ~~act~~ chapter in such amount as may be necessary to pay the cost of the works or rehabilitated existing electrical generating facilities; and (e) contain such other provisions as may be necessary in the proposal.

Such ordinance shall be passed, approved and published as provided by law for the enactment of general ordinances, but such city shall not incur or authorize in any year any indebtedness or liability under said ordinance exceeding in that year, the income and revenue provided for it for such year, without the assent of two-thirds (2/3) of the qualified electors of such city voting at an election held for the purpose of authorizing or refusing to authorize the indebtedness or liability provided for in said ordinance; pro-

vided, that any city may, with the assent of a majority of the qualified electors voting at an election to be held for such purpose, issue revenue bonds for the purpose of providing funds to own, purchase, construct, extend or equip, within and without the corporate limits of such city, water systems, sewerage systems, water treatment plants, sewerage treatment plants, or to rehabilitate existing electrical generating facilities, the principal and interest of which to be paid solely from the revenue derived from rates and charges for the use of, and the service rendered by such systems, plants and facilities.

Said ordinances shall provide for the holding of said election ~~and the giving of notice thereof by publication in the official newspaper of the city, said publication to be once a week for two (2) successive weeks prior to such election~~ in accordance with the dates authorized in section 50-405, Idaho Code, by the county clerk in accordance with the provisions of title 34, Idaho Code. The notice of election shall set forth the purpose of said ordinance, the amount of bonds authorized by it, the maximum number of years from their respective dates for which such bonds may run, the voting places, the hours between which the polls will be open and the qualifications of voters who may vote thereat. In all other respects such election shall be conducted as are other city elections. The voting at such elections must be by ballot, and the ballots used shall be substantially as follows:

"In favor of issuing revenue bonds for the purposes provided by Ordinance No."

"Against the issuance of revenue bonds for the purposes provided by Ordinance No."

If, at such election, the required vote is in favor of issuing such revenue bonds, then such city may issue such bonds and create such indebtedness or liability in the manner and for the purpose specified in said ordinance.

SECTION 129. Section 50-2104, Idaho Code, be, and the same is hereby amended to read as follows:

50-2104. JOINT SESSION -- RESOLUTION SPECIFYING TIME OF ELECTION. When a majority of the governing bodies of each of the cities desires consolidation, or petitions signed by the requisite number of qualified electors in each city have been duly received and recorded by each city, a joint resolution signed by the respective mayors, shall set a time for a special election to be held in each of the cities desiring consolidation, ~~which dates shall be not less than sixty (60) days nor more than ninety (90) days following such joint meeting and which resolution shall be recorded in the record of proceeding of each of the cities.~~ The election shall be held on the next date authorized by section 50-405, Idaho Code, which is more than forty-five (45) days after final adoption, of the joint resolution.

SECTION 130. That Section 50-2105, Idaho Code, be, and the same is hereby amended to read as follows:

50-2105. SUBMISSION OF QUESTION TO ELECTORS -- ~~SPECIAL~~ ELECTION. In each of the cities proposed to be consolidated, on the date fixed by resolution, there shall be held ~~an special~~ election for the purpose of submitting to the qualified electors of each of said cities, the question whether such cities shall become consolidated into one (1) city. ~~Such election in each city shall be conducted according to the provisions of chapter 4, title 50, Idaho Code.~~

SECTION 131. That Section 50-2106, Idaho Code, be, and the same is hereby amended to read as follows:

50-2106. RESULTS OF ELECTION CERTIFIED TO SECRETARY OF STATE. ~~When upon canvassing of the votes, it is determined that a majority of the qualified electors in each of the cities favor consolidation, the clerks of such cities shall, by abstract of results of election, certify that fact to the board of county commissioners. The clerk of such board shall thereupon record the same and transmit the said original abstract of the result of said election to the office of the secretary of state. Said original abstract shall be filed by the secretary of state in his office immediately upon receiving the same and certificates of the filing of such original abstract in his office shall be transmitted forthwith to the clerk of such board of county commissioners and to the clerks of each of the cities in which such election was held.~~ If a majority of the qualified electors of each city vote in favor of consolidation, the county clerk shall certify the results of the election to the board of county commissioners. The county clerk shall transmit the original abstract of the results of the election to the board of county commissioners. The county clerk shall thereupon transmit the original abstract of the results of the election to the office of the secretary of state. Upon receipt of the original abstract, the secretary of state shall transmit to the county clerk a certificate indicating that the original abstract has been received and filed in his office.

SECTION 132. That Section 50-2107, Idaho Code, be, and the same is hereby amended to read as follows:

50-2107. ELECTION OF OFFICERS OF CONSOLIDATED CORPORATIONS. In the event that the majority of the votes cast by the electors of each and all such cities proposed to be consolidated shall favor consolidation, ~~and all other acts and proceedings for consolidation of such cities into one (1) consolidated corporation shall have been severally, duly and regularly done and performed as hereinbefore provided, thereupon such the city shall proceed to call an special election to be held in all the cities so proposed to be consolidated for the election of officers of the new corporation. Such election shall be held not less than sixty (60) days nor more than ninety (90) days after the filing of such original abstract in the office of the secretary of state, provided, that should the time for holding general city elections be within one hundred twenty (120) days of the time as herein provided for holding said special election, officials of the newly consolidated city shall be elected at said general election on the next date authorized by section 50-405, Idaho Code, which is more than forty-five (45) days after receipt of the original abstract by the secretary of state.~~

SECTION 133. That Section 50-2114, Idaho Code, be, and the same is hereby amended to read as follows:

50-2114. EXPENSES OF CONSOLIDATION. All proper expenses of proceedings for consolidation shall, if such the consolidation be is made and completed, be paid by the consolidated city; with the exception of costs of conducting the election, which shall be paid by the county. and if such If consolidation is not completed, each city shall pay the expenses of calling and holding its election its respective share of the expenses of the proposed consolidation, with the exception of the costs of conducting the election, which shall be paid by the county.

SECTION 134. That Section 50-2201, Idaho Code, be, and the same is hereby amended to read as follows:

50-2201. PETITION FOR DISINCORPORATION. A city existing under the laws of this state may disincorporate after proceedings had as required by sections 50-2201 through 50-2213, Idaho Code. The council shall, upon

receiving a petition therefor, signed by not less than one-half (1/2) of the qualified electors thereof as shown by the vote cast at the last general city election held therein, submit the question of whether such city shall disincorporate to the electors of such corporation. In case such council shall cease to exist or fail to function for a period of two (2) years or more, the petition for said disincorporation of such city signed by a majority of the residents living within said city, shall be filed with the board of county commissioners of the county in which said city is situated. Upon the filing of such petition, showing that the council has failed to function for at least two (2) years prior thereto or has ceased to exist, such board of county commissioners shall have full power and authority to take all proceedings therein as it is authorized by sections 50-2201 through 50-2213, Idaho Code, to disincorporate said city.

SECTION 135. That Section 50-2202, Idaho Code, be, and the same is hereby amended to read as follows:

50-2202. ELECTION TO DETERMINE QUESTION. ~~Such question shall be submitted at a special election to be held for that purpose, and the governing body of the city or county, as the case may be, shall give notice thereof by publication in a newspaper of general circulation for a period of four (4) weeks prior to such election. Such notice shall state that the question of disincorporating the said city shall be submitted to the qualified electors of the same at the time appointed for such election, and the electors shall be invited to vote upon such proposition by placing upon their ballots the cross as provided by law, after the words, "For disincorporation" or "Against disincorporation."~~ Such governing body of the city or county, as the case may be, shall also designate in such notice, the place or places at which the polls will be open in said city and shall also appoint and designate in such notice the names of the officers of election The question of disincorporation shall be submitted at an election on the next date authorized by section 50-405, Idaho Code, which is more than forty-five (45) days after the election called by the city council or board of county commissioners. Notice of the election shall be published pursuant to the requirements of section 34-1406, Idaho Code, along with two (2) additional notices published weekly.

SECTION 136. That Section 50-2203, Idaho Code, be, and the same is hereby amended to read as follows:

50-2203. CANVASS OF VOTE. The vote at such election shall be taken, canvassed and returned in the same manner as in other elections. ~~Such governing body of the city or county, as the case may be,~~ The county board of canvassers shall meet on the Monday next succeeding the day of within ten (10) days of such election and proceed to canvass the votes cast thereat.

SECTION 137. That Section 50-2204, Idaho Code, be, and the same is hereby amended to read as follows:

50-2204. EFFECT OF NEGATIVE VOTE. If it is found by the canvass of said votes that less than two-thirds (2/3) of the votes cast were in favor of disincorporation, ~~such governing body of the city or the county, as the case may be,~~ board of canvassers shall declare the petition for disincorporation denied, in which case no other election shall be held on the question of disincorporating said city until after the expiration of two (2) years from the date of the election so held.

SECTION 138. That Section 50-2302, Idaho Code, be, and the same is hereby amended to read as follows:

50-2302. PETITION FOR ORGANIZATION UNDER GENERAL LAWS -- ELECTION. Upon receipt of a petition signed by registered qualified electors equal in number to twenty-five ~~per cent~~ percent (25%) of the total number of voters casting ballots at the last preceding general city election, the governing body shall by resolution issued within ten (10) days after filing of said petition, submit to the qualified electors of the city the question of organizing as a city, under this ~~act~~ chapter, and the general laws of the state of Idaho, ~~at a special election to be held at the time specified therein, and within sixty (60) days after said petition is filed.~~ The election shall be held on the next date authorized by section 50-405, Idaho Code, which is more than forty-five (45) days after adoption of the resolution by the city council.

SECTION 139. That Section 50-2303, Idaho Code, be, and the same is hereby amended to read as follows:

50-2303. SUBMISSION OF PROPOSITION TO ELECTORATE -- FILING OF CERTIFICATES -- PROCLAMATION OF GOVERNOR. At such election, conducted under this ~~act~~ chapter, the proposition to be submitted to the electors shall be substantially: "Shall the proposition to organize the City of (name of city) as a city under this ~~act~~ chapter, and the general laws of the state of Idaho be adopted?". An election thereupon shall be conducted, the vote canvassed, and the result declared in the same manner as provided by law in respect to other city elections. Immediately after, if such proposition be adopted, the county clerk ~~of said city~~ shall transmit a certified statement with the date on which such proposition was adopted: to the governor; to the secretary of state; and to the county auditor of the county in which such city is located.

Upon receipt of said statement, the governor shall thereupon by public proclamation declare that such city shall cease to function under its previous organization, and shall henceforth be governed by this ~~act~~ chapter, and the general laws of the state of Idaho.

SECTION 140. That Section 50-2308, Idaho Code, be, and the same is hereby amended to read as follows:

50-2308. ELECTION OF OFFICERS. If a majority of the votes cast shall be in favor of the city becoming organized under the general laws of the state of Idaho, the next general city election succeeding the issuance of said proclamation by the governor shall in all respects be conducted in the manner required for conducting elections in cities ~~as provided in sections 50-401 through 50-422, and under~~ the general laws of the state of Idaho. The officers elected at such election shall be the same as are provided in this ~~act~~ chapter, and the governing body of the city, holding office at the time of issuance of such proclamation, shall have full power to prescribe such rules and regulations not in conflict ~~with sections 50-401 through 50-422, and~~ with the general laws of the state for the holding of such election as may be necessary for carrying into effect the provisions of sections 50-2301 through 50-2308, Idaho Code. ~~In all matters pertaining to such election, the officers of said city shall have the same powers, except as herein otherwise provided, as are conferred upon like officers of cities under this act, in the performance of like duties.~~

SECTION 141. That Section 63-316, Idaho Code, be, and the same is hereby amended to read as follows:

63-316. ADJUSTMENT OF ASSESSED VALUE -- COMPLETION OF ASSESSMENT PROGRAM BY STATE TAX COMMISSION -- PAYMENT OF COSTS. (1) Whenever the state tax commission, after a hearing, determines that any county assessor or the

county commissioners in assessing property in the county subject to taxation have failed to abide by, adhere to and conform with the laws of the state of Idaho and the rules of the state tax commission in determining market value for assessment purposes, the state tax commission shall order the county assessor and county commissioners of such county to make the necessary changes or corrections in such assessments and if the county assessor and the county commissioners refuse or neglect to comply with such order, the state tax commission is authorized to and shall forthwith adjust or change the property roll in such county.

(2) In lieu of the hearings and actions permitted in subsection (1) of this section, the state tax commission shall monitor each county's implementation of the continuing appraisal required in section 63-314, Idaho Code, and may require each county to file such reports of its progress at implementation of such continuing appraisals as the commission may find necessary. In the event that the commission finds that any county is failing to meet the requirements of section 63-314, Idaho Code, the commission may order that county's indexing or appraisal or reappraisal programs be conducted under the exclusive and complete control of the state tax commission and the results of such programs shall be binding upon the county officers of the county for which ordered. Payments for the actual cost of such programs shall be made from the sales tax distribution created in section 63-3638, Idaho Code, and the amount of such payments shall be withheld from the payments otherwise made under the provisions of section 63-3638(910)(c) and (910)(d), Idaho Code, to the county for which indexing, appraisal or reappraisal has been ordered, and this subsection shall constitute the necessary appropriation to accomplish such payments, any other provision of law notwithstanding.

SECTION 142. That Section 63-802, Idaho Code, be, and the same is hereby amended to read as follows:

63-802. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES -- EXCEPTIONS. (1) Except as provided in subsection (3) of this section for tax year 1995, and each year thereafter, no taxing district shall certify a budget request for an amount of property tax revenues to finance an annual budget that exceeds the greater of:

(a) The dollar amount of property taxes certified for its annual budget for any one (1) of the three (3) tax years preceding the current tax year, whichever is greater, plus the dollar amount of moneys received pursuant to section 63-3638(123), Idaho Code, for the past tax year, which amount may be increased by a growth factor of not to exceed three percent (3%) plus the amount of revenue that would have been generated by applying the levy of the previous year, not including any levy described in subsection (4) of this section, or any school district levy reduction resulting from a distribution of state funds pursuant to section 63-3638(101), Idaho Code, to any increase in market value subject to taxation resulting from new construction or change of land use classification as evidenced by the value shown on the new construction roll compiled pursuant to section 63-301A, Idaho Code; and by the value of annexation during the previous calendar year, as certified by the state tax commission for market values of operating property of public utilities and by the county assessor; or

(b) The dollar amount of property taxes certified for its annual budget during the last year in which a levy was made; or

(c) The dollar amount of the actual budget request, if the taxing district is newly created except as may be provided in subsection (1)(h) of this section; or

(d) In the case of school districts, the restriction imposed in section 33-802, Idaho Code; or

(e) In the case of a nonschool district for which less than the maximum allowable increase in the dollar amount of property taxes is certified for annual budget purposes in any one (1) year, such a district may, in any following year, recover the foregone increase by certifying, in addition to any increase otherwise allowed, an amount not to exceed one hundred percent (100%) of the increase originally foregone. Said additional amount shall be included in future calculations for increases as allowed; or

(f) In the case of cities, if the immediately preceding year's levy subject to the limitation provided by this section, is less than 0.004, the city may increase its budget by an amount not to exceed the difference between 0.004 and actual prior year's levy multiplied by the prior year's market value for assessment purposes. The additional amount must be approved by sixty percent (60%) of the voters voting on the question at an election called for that purpose and held on the date in May or November provided by law, and may be included in the annual budget of the city for purposes of this section; or

(g) A taxing district may submit to the electors within the district the question of whether the budget from property tax revenues may be increased beyond the amount authorized in this section, but not beyond the levy authorized by statute. The additional amount must be approved by sixty-six and two-thirds percent (66 2/3%) or more of the voters voting on the question at an election called for that purpose and held on the May or November dates provided by section 34-106, Idaho Code. If approved by the required minimum sixty-six and two-thirds percent (66 2/3%) of the voters voting at the election, the new budget amount shall be the base budget for the purposes of this section; or

(h) When a nonschool district consolidates with another nonschool district or dissolves and a new district performing similar governmental functions as the dissolved district forms with the same boundaries within three (3) years, the maximum amount of a budget of the district from property tax revenues shall not be greater than the sum of the amounts that would have been authorized by this section for the district itself or for the districts that were consolidated or dissolved and incorporated into a new district; or

(i) In the instance or case of cooperative service agencies, the restrictions imposed in sections 33-315 through 33-318, Idaho Code.

(2) In the case of fire districts, during the year immediately following the election of a public utility or public utilities to consent to be provided fire protection pursuant to section 31-1425, Idaho Code, the maximum amount of property tax revenues permitted in subsection (1) of this section may be increased by an amount equal to the current year's taxable value of the consenting public utility or public utilities multiplied by that portion of the prior year's levy subject to the limitation provided by subsection (1) of this section.

(3) No board of county commissioners shall set a levy, nor shall the state tax commission approve a levy for annual budget purposes which exceeds the limitation imposed in subsection (1) of this section, unless authority to exceed such limitation has been approved by a majority of the taxing district's electors voting on the question at an election called for that purpose and held pursuant to section 34-106, Idaho Code, provided however, that such voter approval shall be for a period of not to exceed two (2) years.

(4) The amount of property tax revenues to finance an annual budget does not include revenues from nonproperty tax sources, and does not include revenue from levies that are voter approved for bonds, override levies or supplemental levies, plant facilities reserve fund levies, school emergency fund levies or for levies applicable to newly annexed property or for levies applicable to new construction as evidenced by the value of property

subject to the occupancy tax pursuant to section 63-317, Idaho Code, for the preceding tax year.

SECTION 143. That Section 63-802C, Idaho Code, be, and the same is hereby amended to read as follows:

63-802C. ELECTION TO CREATE A NEW TAXING DISTRICT. (1) In the case of an election to create a new taxing district, the county clerk, of the county or counties where the proposed taxing district is proposed to be located, shall mail a notice of the election to all residences within the proposed taxing district or to residents in the proposed taxing district who are eligible to vote in this election. The notice shall be mailed not less than fourteen (14) calendar days prior to the day of the election and shall state with specificity: the purpose of the election, the date of the election, which shall be on a date authorized in section 34-106, Idaho Code, the polling places, the time the polls will be open, the aggregate amount of taxes that will be raised in the proposed taxing district if the election is successful and the increase that will occur per one hundred thousand dollars (\$100,000) of taxable value of property, above any exemptions, of residential property, commercial property, industrial property, land actively devoted to agriculture and operating property.

(2) ~~The county clerk may bill the proposed taxing district for reimbursement of costs of administering~~ shall, within ten (10) days after the filing of the petition to create the new taxing district, estimate the cost of advertising and holding the election provided in this section and notify in writing the person or any of the persons filing the petition as to the amount of the estimate. The person or persons shall within twenty (20) days after receipt of the written notice deposit the estimated amount with the county clerk in cash, or the petition shall be deemed withdrawn. If the deposit is made and the proposed new taxing district is formed, the person or persons so depositing the sum shall be reimbursed from the first moneys collected by the county from the taxes authorized to be levied by this section.

(3) Compliance with this section shall satisfy any notice or publication requirement as may be provided by law.

SECTION 144. That Section 63-1309, Idaho Code, be, and the same is hereby amended to read as follows:

63-1309. SPECIAL TAXING DISTRICT OR BOND PROPOSAL DEFEATED IN ELECTION BARS SUBSEQUENT ELECTIONS FOR SPECIFIED TIME -- EXCEPTION -- BOARD OF EDUCATION MAY CONDUCT ELECTION -- MUNICIPALITIES, WATER OR SEWER DISTRICTS MAY CONDUCT BOND ELECTION. If any election has been held for the formation of any special taxing district, or for the approval of any bond issue or other proposal which would have resulted in a property tax levy, and the proposal submitted at such election was defeated, no subsequent election shall be held within ~~six~~ two (62) months from and after the date of such prior election for the same or a similar purpose in any district which includes any part of the area which was affected by the prior election. In the event any school building is destroyed or rendered unusable for school purposes by reason of fire, flood or other catastrophe, and a school bond election for the purpose of the replacement of such building is prohibited by the provisions of this section or by the provisions of section 34-106, Idaho Code, the state board of education shall have the power to authorize an election for such purpose by order based upon a finding of such facts. The provisions of this section shall not apply to school elections held solely for determining property tax levies for general school purposes not involving the issuance of bonds. This time requirement between elections shall not apply to municipalities or water and/or sewer districts when bond issues are being proposed for the installation or improvement of water supply systems or public sewerage sys-

tems which have been deemed necessary by the Idaho state board of health and welfare to bring such system or systems in conformance with state statutes or rules of the state board of health and welfare.

SECTION 145. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter, except as may otherwise be required in sections 63-3203 and 63-3709, Idaho Code, shall be distributed by the tax commission as follows:

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(2) Five million dollars (\$5,000,000) per year is continuously appropriated and shall be distributed to the permanent building fund, provided by section 57-1108, Idaho Code.

(3) Four million eight hundred thousand dollars (\$4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control account established by section 39-360528, Idaho Code.

(4) An amount equal to the sum required to be certified by the chairman of the Idaho housing and finance association to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is continuously appropriated and shall be paid to any capital reserve fund, established by the Idaho housing and finance association pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to the capital reserve fund of the Idaho housing and finance association shall be repaid for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing and finance association, as soon as possible, from any moneys available therefor and in excess of the amounts which the association determines will keep it self-supporting.

(5) An amount equal to the sum required by the provisions of sections 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated by section 63-718(3), Idaho Code, is continuously appropriated and shall be paid as provided by sections 63-709 and 63-717, Idaho Code.

(6) An amount required by the provisions of chapter 53, title 33, Idaho Code.

(7) An amount required by the provisions of chapter 87, title 67, Idaho Code.

(8) For fiscal year 2011, and each fiscal year thereafter, four million one hundred thousand dollars (\$4,100,000), of which two million two hundred thousand dollars (\$2,200,000) shall be distributed to each of the forty-four (44) counties in equal amounts, and one million nine hundred thousand dollars (\$1,900,000) of which shall be distributed to the forty-four (44) counties in the proportion that the population of the county bears to the population of the state. For fiscal year 2012, and for each fiscal year thereafter, the amount distributed pursuant to this subsection (8), shall be adjusted annually by the tax commission in accordance with the consumer price index for all urban consumers (CPI-U) as published by the U.S. department of labor, bureau of labor statistics, but in no fiscal year shall the total amount allocated for counties under this subsection (8), be less than four million one hundred thousand dollars (\$4,100,000). Each county shall establish a special election fund to which shall be deposited all revenues received from the distribution pursuant to this subsection (8). All such revenues shall be used exclusively to defray the costs associated with conducting elections as required of county clerks by the provisions of section 34-1401, Idaho Code.

(9) One dollar (\$1.00) on each application for certificate of title or initial application for registration of a motor vehicle, snowmobile,

all-terrain vehicle or other vehicle processed by the county assessor or the Idaho transportation department excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county or the Idaho transportation department in collecting such taxes, and shall be paid into the current expense fund of the county or state highway account established in section 40-702, Idaho Code.

(910) Eleven and five-tenths percent (11.5%) is continuously appropriated and shall be distributed to the revenue sharing account which is created in the state treasury, and the moneys in the revenue sharing account will be paid in installments each calendar quarter by the tax commission as follows:

(a) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various cities as follows:

(i) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the population of that city bears to the population of all cities within the state; and

(ii) Fifty percent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the preceding year's market value for assessment purposes for that city bears to the preceding year's market value for assessment purposes for all cities within the state.

(b) Twenty-eight and two-tenths percent (28.2%) shall be paid to the various counties as follows:

(i) One million three hundred twenty thousand dollars (\$1,320,000) annually shall be distributed one forty-fourth (1/44) to each of the various counties; and

(ii) The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state;

(c) Thirty-five and nine-tenths percent (35.9%) of the amount appropriated in this subsection (910) shall be paid to the several counties for distribution to the cities and counties as follows:

(i) Each city and county which received a payment under the provisions of section 63-3638(e), Idaho Code, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (910) (c) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each city's and county's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (910) (c) in any quarter exceeds the amount paid in the fourth quarter of calendar year 1999, each city and county shall be entitled to a proportionately increased payment, but such increase shall not exceed one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999.

(iv) If the dollar amount of money available under this subsection (910) (c) in any quarter exceeds one hundred five percent (105%) of the total payment made in the fourth quarter of calendar year 1999, any amount over and above such one hundred five percent (105%) shall be paid fifty percent (50%) to the various cities in the proportion that the population of the city bears to the population of all cities within the state, and fifty percent (50%) to the various counties in the proportion that the population of a county bears to the population of the state; and

(d) Seven and seven-tenths percent (7.7%) of the amount appropriated in this subsection (910) shall be paid to the several counties for distribution to special purpose taxing districts as follows:

(i) Each such district which received a payment under the provisions of section 63-3638(e), Idaho Code, during the fourth quarter of calendar year 1999, shall be entitled to a like amount during succeeding calendar quarters.

(ii) If the dollar amount of money available under this subsection (910) (d) in any quarter does not equal the amount paid in the fourth quarter of calendar year 1999, each special purpose taxing district's payment shall be reduced proportionately.

(iii) If the dollar amount of money available under this subsection (910) (d) in any quarter exceeds the amount distributed under paragraph (i) of this subsection (910) (d), each special purpose taxing district shall be entitled to a share of the excess based on the proportion each such district's current property tax budget bears to the sum of the current property tax budgets of all such districts in the state. The state tax commission shall calculate district current property tax budgets to include any unrecovered foregone amounts as determined under section 63-802(1)(e), Idaho Code. When a special purpose taxing district is situated in more than one (1) county, the tax commission shall determine the portion attributable to the special purpose taxing district from each county in which it is situated.

(iv) If special purpose taxing districts are consolidated, the resulting district is entitled to a base amount equal to the sum of the base amounts which were received in the last calendar quarter by each district prior to the consolidation.

(v) If a special purpose taxing district is dissolved or discontinued, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or discontinuation. The board of county commissioners shall determine any redistribution of moneys so received.

(vi) Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection (910) (d).

(vii) For purposes of this subsection (910) (d), a special purpose taxing district is any taxing district which is not a city, a county or a school district.

(~~101~~) Amounts calculated in accordance with section 2, chapter 356, laws of 2001, for annual distribution to counties and other taxing districts beginning in October 2001 for replacement of property tax on farm machinery and equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool districts, the state tax commission shall distribute one-fourth (1/4) of this amount certified quarterly to each county. For school districts, the state tax commission shall distribute one-fourth (1/4) of the amount certified quarterly to each school district. For nonschool districts, the county auditor shall distribute to each district within thirty (30) calendar days from receipt of moneys from the tax commission. Moneys received by each taxing district for replacement shall be utilized in the same manner and in the same proportions as revenues from property taxation. The moneys remitted to the county treasurer for replacement of property exempt from taxation pursuant to section 63-602EE, Idaho Code, may be considered by the counties and other taxing districts and budgeted at the same time, in the same manner and in the same year as revenues from taxation on personal property which these moneys replace. If taxing districts are consolidated, the resulting district is entitled to an amount equal to the sum of the amounts which were received in the last calendar quarter by each

district pursuant to this subsection prior to the consolidation. If a taxing district is dissolved or disincorporated, the state tax commission shall continuously distribute to the board of county commissioners an amount equal to the last quarter's distribution prior to dissolution or disincorporation. The board of county commissioners shall determine any redistribution of moneys so received. If a taxing district annexes territory, the distribution of moneys received pursuant to this subsection shall be unaffected. Taxing districts formed after January 1, 2001, are not entitled to a payment under the provisions of this subsection. School districts shall receive an amount determined by multiplying the sum of the year 2000 school district levy minus .004 times the market value on December 31, 2000, in the district of the property exempt from taxation pursuant to section 63-602EE, Idaho Code, provided that the result of these calculations shall not be less than zero (0). The result of these school district calculations shall be further increased by six percent (6%). For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this section as property tax replacement for property exempt from taxation pursuant to section 63-602EE, Idaho Code, shall be treated as property tax revenues.

(112) Amounts necessary to pay refunds as provided in subsection (3) of section 63-3641, Idaho Code, to a developer of a retail commercial complex whose stores sell tangible personal property or taxable services subject to the sales and use tax up to an aggregate total of thirty-five million dollars (\$35,000,000) per project shall be remitted to the demonstration pilot project fund created in subsection (3) of section 63-3641, Idaho Code, and shall be specific to and accounted for by each project.

(123) Amounts calculated in accordance with subsection (4) of section 63-602KK, Idaho Code, for annual distribution to counties and other taxing districts for replacement of property tax on personal property tax exemptions pursuant to subsection (1) of section 63-602KK, Idaho Code, which amounts are continuously appropriated unless the legislature enacts a different appropriation for a particular fiscal year.

(134) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general fund.

SECTION 146. That Section 63-3641, Idaho Code, be, and the same is hereby amended to read as follows:

63-3641. TANGIBLE PERSONAL PROPERTY SOLD BY CERTAIN RETAILERS. (1) A developer of a retail commercial complex whose stores sell tangible personal property or taxable services and collected sales or use tax from customers at the location of the developer's retail commercial complex may qualify for a rebate of taxes paid on such purchases, but only if the developer of a retail commercial complex whose stores sell tangible personal property or taxable services has built a complex in Idaho that is of a minimum cost as provided in subsection (2) of this section and has incurred costs in excess of eight million dollars (\$8,000,000) for the installation of an interchange from an interstate highway or a highway enumerated in section 40-201, Idaho Code, by the Idaho transportation department or a political subdivision or a contractor of the transportation department or political subdivision and/or freeway interchange improvements on land owned by the state of Idaho or a political subdivision and/or auxiliary lanes necessitated by the design and construction of interchanges.

(2) To qualify for the rebate, the developer of a retail commercial complex whose stores sell tangible personal property or taxable services shall have those stores collect sales and use taxes on sales of tangible personal property or taxable services from the retail commercial complex. Any improvement or alteration to a public highway must be bonded in accordance with the public contracts bond act in chapter 19, title 54, Idaho

Code. Once the developer of a retail commercial complex whose stores sell tangible personal property or taxable services certifies that the retail commercial complex has cost a minimum of four million dollars (\$4,000,000) and the developer of a retail commercial complex whose stores sell tangible personal property or taxable services has expended in excess of eight million dollars (\$8,000,000) for the installation of an interchange and/or related interchange improvements from an interstate highway by the Idaho transportation department or a political subdivision or a contractor of the transportation department or political subdivision and/or freeway interchange improvements, the developer may file with the state tax commission a refund request of sixty percent (60%) of the sales and use taxes collected for the sale of tangible personal property or taxable services from stores in the retail commercial complex. The refund request shall state that the developer of a retail commercial complex whose stores sell tangible personal property or taxable services has constructed a retail facility that meets the minimum expenditure requirements and also meets the minimum expenditure requirements for an interchange and/or related freeway interchange improvements and/or highway improvements to be eligible for the rebate, and that the developer is entitled to receive a rebate of sixty percent (60%) of all sales and use taxes collected by the stores in the retail commercial complex that qualifies for the rebate created by this section. The state tax commission may require that sufficient documentation be provided by the developer of a retail commercial complex whose stores sell tangible personal property or taxable services regarding expenditures and shall require an attestation from the Idaho transportation department or a political subdivision that the minimum requirements of this section have been met. The transportation department or the political subdivision shall verify to the state tax commission the amount of expenditures the developer has expended on the interchange and/or related freeway interchange improvements and/or highway improvements.

(3) Upon filing of a written refund claim by the developer of a retail commercial complex whose stores sell tangible personal property or taxable services entitled to the rebate, and subject to such reasonable documentation and verification as the state tax commission may require, the rebate shall be paid by the state tax commission from the demonstration pilot project fund, which is hereby created in the state treasury, in a timely manner not to exceed sixty (60) calendar days after receipt as funds are available. To qualify for the rebate, stores in an eligible complex shall report their sales to the state tax commission separately from other stores they own in the state. Nothing in this section shall be deemed to hold the state of Idaho or any political subdivision liable for any and all liens filed on a project subject to rebate pursuant to this section. All sales and use tax information remitted by retailers shall be deemed a trade secret, shall be confidential and shall not be disclosed by the state tax commission. A developer of a retail commercial complex whose stores sell tangible personal property or taxable services must submit a claim for refund pursuant to this section within two (2) years of the developer's last expenditure on the interchange and/or related freeway interchange improvements and/or highway improvements. No interest shall be paid by the state on moneys refunded and all moneys refunded shall be paid from the sales tax account pursuant to subsection (142) of section 63-3638, Idaho Code, and shall be limited to a total aggregate of thirty-five million dollars (\$35,000,000) or lesser amount if that is what was expended.

(4) Once the developer of a retail commercial complex whose stores sell tangible personal property or taxable services has recouped its costs of funding the interchange and/or related freeway interchange improvements and/or highway improvements and/or related transportation infrastructure, the developer shall be ineligible to receive the rebate pursuant to this section.

(5) As used in this section:

(a) "Development of a retail commercial complex whose stores sell tangible personal property or taxable services" includes all buildings, the parking lot, sidewalks and all accessory equipment including, but not limited to, lighting and traffic signs. Retail stores in the retail commercial complex shall sell tangible personal property or taxable services that are subject to the sales and use tax.

(b) "Freeway interchange improvements" includes on and off ramps, overpass and underpass improvements and signalization to facilitate the effective access from the interstate highway system.

(c) "Highway improvements" shall be improvements or upgrades to highways enumerated in section 40-201, Idaho Code.

SECTION 147. That Section 63-4103, Idaho Code, be, and the same is hereby amended to read as follows:

63-4103. PETITIONS FOR DISSOLUTION OF SPECIAL DISTRICTS. Proceedings for the dissolution of a special district may be initiated by a petition containing the signatures of qualified electors of the district or owners of property within the district equal in number to twenty-five percent (25%) of the largest number of persons who voted for any director in the last election of directors or if no election has been held within two (2) years then a petition may be initiated by twenty-five (25) or more qualified electors or property owners of the district.

The petition, when completed and verified, shall be filed with the clerk of ~~the court of~~ the county or counties if more than one (1) county is involved. The county ~~commissioners~~ clerk shall publish notice and ~~the county commissioners shall~~ hold a hearing on the matter. If necessary, they shall hold an election, subject to the provisions of section 34-106, Idaho Code, on the matter. The hearing and election shall be held in accordance with the terms and provisions of ~~sections 40-1801 through 40-1809, and~~ chapter 14, title 34, Idaho Code.

SECTION 148. That Section 67-4907, Idaho Code, be, and the same is hereby amended to read as follows:

67-4907. HEARINGS ON PETITIONS -- ELECTION FOR ORGANIZATION AND OFFICERS. On the day fixed for such hearing or at an adjournment thereof the court shall, if the petition proposes a property tax, ascertain from the tax rolls of the county or counties in which the district is located or into which it extends, the total number of taxpayers within the proposed district, who pay a general tax on real property owned by him or her within the district.

If the court finds that no petition has been signed and presented in conformity with this chapter, or that the material facts are not as set forth in the petition filed, it shall dismiss said proceedings and adjudge the costs against the signers of the petition in such proportion as it shall deem just and equitable. No appeal or writ of error shall lie from an order dismissing said proceedings; but nothing herein shall be construed to prevent the filing of a subsequent petition or petitions for similar improvements or for a similar district, and the right so to renew such proceedings is hereby expressly granted and authorized.

Any time after the filing of the petition for the organization of a district and before the day fixed for the hearing thereon, the owner or owners of any real property within the proposed district may file a petition with the district court stating reasons why said property should not be included therein, why his land or any part thereof will not be benefited directly or indirectly by the proposed district, or should not be embraced in said district and made liable to taxation therefor, and praying that said property be excluded therefrom. Such petition shall be duly verified and shall de-

scribe the property sought to be excluded. The court shall conduct a hearing on said petition and shall hear all objections to the inclusion in the district of any lands described in said petition. In case any owner of real estate included in said proposed district shall satisfy the court that his real estate, or any part thereof, has been wrongfully included therein or will not be benefited thereby then the court shall exclude such real estate as will not be benefited.

Upon said hearing, if it shall appear that a petition for the organization of a district has been signed and presented as hereinabove provided, in conformity with this chapter, and that the allegations of the petition are true, the court shall, by order duly entered of record, direct that the question of the organization of the district shall be submitted to the qualified electors of the district at an election to be held, subject to the provisions of section 34-106, Idaho Code, for that purpose, and such order shall direct the county clerk to appoint three (3) qualified electors of the district as judges of said election officials of the election. The county clerk of the court county having jurisdiction shall give published notice of the time and place of an election to be held in the district.

Such election shall be held and conducted in ~~the same manner as general elections in this state~~ accordance with the provisions of title 34, Idaho Code.

At any time after the filing of the petition herein referred to and before the day fixed for hearing, nominees for the board of directors of the district may be nominated by the filing of a petition designating the name or names of the nominee or nominees, signed by at least five (5) qualified electors of the district. If upon the hearing as herein provided the court shall order an election for the creation of the district, the court shall also ascertain the names of persons nominated by the board of directors, and shall order that the names of persons whom the court finds to have been properly nominated shall be listed upon a ballot submitted to the electors at such election. In the event the court makes its order providing for such election, it shall prescribe the form of the question and ballot relating to the election of the directors, provided that all matters may be contained upon one (1) ballot to be submitted to the voters.

At such election the voters shall vote for or against the organization of the district, and for five (5) qualified electors, who shall constitute the board of directors of the district, if organized, one (1) director to act until the first biennial election, two (2) until the second, and two (2) until the third biennial election.

The ~~judges of election~~ county board of canvassers shall certify the returns of the election to the district court having jurisdiction. If a majority of the votes cast at said election are in favor of the organization, the district court shall declare the district organized and give it a corporate name by which, in all proceedings, it shall thereafter be known, and designated the first board of directors elected, and thereupon the district shall be a governmental subdivision of the state of Idaho and a body corporate with all the powers of a public or quasi-municipal corporation except that districts formed prior to January 1, 1987, or districts with twenty-five thousand (25,000) or more population shall have no power to levy and collect property taxes.

If an order be entered establishing the district, such order shall be deemed final and no appeal or writ of error shall lie therefrom, and the entry of such order shall finally and conclusively establish the regular organization of the said district against all persons except the state of Idaho, in an action in the nature of a writ of quo warranto, commenced by the attorney general within thirty (30) days after said decree declaring such district organized as herein provided, and not otherwise. The organization of said district shall not be directly or collaterally questioned in any suit, action or proceeding except as herein expressly authorized.

SECTION 149. That Section 67-4911, Idaho Code, be, and the same is hereby amended to read as follows:

67-4911. ELECTIONS -- TERMS OF OFFICE. On an election date as provided for in section 34-106(1), Idaho Code, in November of the second calendar first odd-numbered year after the organization of any district, and every second year thereafter, an election shall be held, which shall be known as the biennial election of the district.

At the first biennial election in any district hereafter organized, and each sixth year thereafter, there shall be elected by the qualified electors of the district, one (1) member of the board to serve for a term of six (6) years; at the second biennial election and each sixth year thereafter, there shall be elected two (2) members of the board to serve for terms of six (6) years, and at the third biennial election, and each sixth year thereafter, there shall be elected two (2) members of the board to serve for terms of six (6) years. Provided, a member of the board once in office shall serve until his successor is elected, qualified and takes office.

Not later than 5:00 p.m. on the sixth Friday before any such election, nominations may be filed with the secretary of the board and if a nominee does not withdraw his name before the first publication of the notice of election, his name shall be placed on the ballot. The ~~board~~ county clerk shall provide for holding such election and shall appoint judges to conduct it. The ~~secretary of the district~~ county clerk shall give notice of election by publication, and shall arrange such other details in connection therewith ~~as the board may direct~~. Adequate polling places shall be provided throughout the district boundaries for all elections. The returns of the election shall be certified to and shall be canvassed and declared by the board of county commissioners which shall report the results to the district. The candidate or candidates, according to the number of directors to be elected, receiving the most votes, shall be elected. Any new member of the board shall qualify in the same manner as members of the first board qualify.

In any election for director, if after the deadline for filing a declaration of intent as a write-in candidate, it appears that the number of qualified candidates who have been nominated is equal to the number of directors to be elected, it shall not be necessary for the candidates to stand for election, and the board shall declare such candidates elected as directors, and the secretary of the board shall immediately make and deliver to such persons certificates of election signed by him and bearing the seal of the district.

SECTION 150. That Section 67-4922, Idaho Code, be, and the same is hereby amended to read as follows:

67-4922. SUBMISSION OF PROPOSITION TO ELECTORATE. Whenever any board authorized to levy and collect ~~ad valorem~~ property taxes shall, by resolution, determine that the interest of said district and the public interest or necessity demand the acquisition, construction, installation or completion of any works or other improvements or facilities, or the making of any contract with the United States or other persons or corporations, public or private, municipalities, or governmental subdivisions, to carry out the objects or purposes of said district, requiring the creation of an indebtedness of seventy-five thousand dollars (\$75,000) or more, and in any event when the indebtedness will exceed the income and revenue provided for the year, said board shall order the submission of the proposition of issuing such obligations or bonds, or creating other indebtedness to the qualified electors of the district at an election held for that purpose. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same resolution, which resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebted-

ness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness. Such resolution shall also fix the date upon which such election shall be held, subject to the provisions of section 34-106, Idaho Code, and the manner of holding the same in accordance with the provisions of title 34, Idaho Code, and the method of voting for or against the incurring of the proposed indebtedness. Such resolution shall ~~also fix the compensation to be paid the officers of the election and shall~~ direct the county clerk to designate the polling place or places, and shall appoint, for each polling place from the electors of the district, the officers of such election, consisting of three (3) judges of each polling place, one (1) of whom shall act as clerk.

SECTION 151. That Section 67-4923, Idaho Code, be, and the same is hereby amended to read as follows:

67-4923. NOTICE OF ELECTION. The board of a district authorized to levy and collect ~~ad valorem~~ property taxes shall prescribe the form of the notice of election, and direct the publication of the same, the first publication of said notice to be ~~not less than twelve (12) days prior to the election and the second notice shall be not less than five (5) days prior to the election~~ as prescribed in chapter 14, title 34, Idaho Code.

SECTION 152. That Section 67-4924, Idaho Code, be, and the same is hereby amended to read as follows:

67-4924. CONDUCT OF ELECTION -- CANVASS OF RETURNS. ~~The election board or boards of a district authorized to levy and collect ad valorem taxes~~ county clerk shall conduct the election in the manner prescribed by law ~~for the holding of general elections, including the provisions of chapter 14, title 34, Idaho Code, and shall make their returns to the secretary of the district. At any regular or special meeting of the board held within ten (10) days following the date of such election,~~ the returns thereof shall be canvassed and the results thereof declared certified by the county clerk who shall report the results to the district.

SECTION 153. That Section 67-4929, Idaho Code, be, and the same is hereby amended to read as follows:

67-4929. INCLUSION OR EXCLUSION -- ELECTION PROCEDURE. Whenever under the provisions of sections 67-4918 and 67-4919, Idaho Code, owners or owners in fee of any real property have petitioned for inclusion or exclusion of property within the district, and the petition has been denied, the petitioners shall be entitled to an election as provided in this section:

(a) A petition may be filed with the county commissioners and shall be signed by not less than eighty ~~per cent~~ percent (80%) of the qualified electors resident within the boundaries of the area proposed to be included or excluded.

(b) Within thirty (30) days after the filing of such petition, the county commissioners shall determine whether or not the same substantially complies with the requirements of this section. If the county commissioners find that there has not been substantial compliance with such requirements, they shall enter an order to that effect specifying the particular deficiencies and dismissing the petition. If the county commissioners find that there has been substantial compliance with such requirements, the county commissioners shall forthwith enter an order to the effect that the question of the inclusion or exclusion of property within the district be placed on the ballot at the next county general election.

(c) If the county commissioners order a question to be placed on the ballot as provided in this section, such election shall be conducted and notice thereof given ~~as nearly as practicable in accordance with the manner of general elections in this state~~ by the county clerk in accordance with the provisions of title 34, Idaho Code.

(d) ~~Immediately after such election, the judges at such election shall forward the ballots and results of such election to the clerk. The county commissioners shall canvass the vote within ten (10) days after such election~~ as provided in chapter 12, title 34, Idaho Code. If one-half (1/2) or more of the votes cast at such election within the district are in favor of allowing the inclusion or exclusion, the county commissioners shall enter an order so finding and declaring that the boundaries of such district are revised as provided by the election. The county commissioners shall cause one (1) certified copy of such order to be filed in the office of the county recorder of such county. Immediately upon the entry of such order, the change in boundaries so ordered shall be complete.

(e) After such election, the validity of the proceedings hereunder shall not be affected by any defect in the petition or in the number or qualifications of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of the inclusion or exclusion of such property after six (6) months has expired from the date of entering the order declaring the change in boundaries of such district.

(f) The provisions of section 67-4920, Idaho Code, relating to liability for indebtedness of included or excluded property of a district authorized to levy and collect ~~ad valorem~~ property taxes shall apply to property included or excluded as provided in this section.

SECTION 154. That Section 67-4930, Idaho Code, be, and the same is hereby amended to read as follows:

67-4930. DISSOLUTION OF DISTRICT -- PROCEDURE. An auditorium district may be dissolved as follows:

(a) Any person or persons may file a petition for the dissolution of an auditorium district with the clerk. Such petition which may be in one (1) or more papers, shall state the name of the district and shall be signed by not less than three thousand (3,000) qualified electors resident within the boundaries of the district.

(b) Within thirty (30) days after the filing of such petition, the county commissioners shall determine whether or not the same substantially complies with the requirements of this section. If the county commissioners find that there has not been substantial compliance with such requirements, they shall enter an order to that effect specifying the particular deficiencies and dismissing the petition. If the county commissioners find that there has been substantial compliance with such requirements, the county commissioners shall forthwith enter an order to that effect and calling an election upon the dissolution of such district to be held at the same time as the next county general election, as provided in this section.

(c) If the county commissioners order an election as provided in this section, such election shall be conducted and notice thereof given ~~as nearly as practicable in accordance with the manner of general elections in this state~~ by the county clerk in accordance with the provisions of title 34, Idaho Code.

(d) ~~Immediately after such election, the judges at such election shall forward the ballots and results of such election to the clerk. The county commissioners shall canvass the vote within ten (10) days after such election~~ as provided in chapter 12, title 34, Idaho Code. If one-half (1/2) or more of the votes cast at such election are against the dissolution of such district, the county commissioners shall enter an order so finding and

declaring that such district shall not be dissolved. If more than one-half (1/2) of the votes cast at such election are in favor of dissolving such district, the county commissioners shall enter an order so finding and declaring such district duly dissolved. The county commissioners shall cause one (1) certified copy of such order to be filed in the office of the county recorder of such county. Immediately upon the entry of such order, the dissolution of such district shall be complete.

(e) Upon such dissolution being complete, title ~~of~~ to all property of the dissolved district shall vest in the county where such property is situated. The county commissioners shall then: sell and dispose thereof in the manner provided by law for the sale or disposition of county property; apply the proceeds thereof to pay any lawful claims against the dissolved district, if any; and apply the balance remaining, if any, to any public purpose within the county.

(f) When the boundaries of the district lie in two (2) or more counties, the county commissioners of each county shall act separately in the election and dissolution of that part of the district contained in their county but the county commissioners of each such county shall meet together before calling such election and provide for uniform proceedings in each county. If there is any balance remaining after sale and disposition of the property of such dissolved district, it shall be prorated among such counties in proportion to each county's share of the total assessed valuation of such dissolved district for the preceding calendar year.

(g) After such election, the validity of the proceedings hereunder shall not be affected by any defect in the petition or in the number or qualifications of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of the dissolution of such district after six (6) months has expired from the date of entering the order declaring the dissolution of such district.

SECTION 155. That Section 70-1210, Idaho Code, be, and the same is hereby amended to read as follows:

70-1210. ELECTION PROCEDURE -- SUPPLIES. Such general election shall be conducted ~~in the same manner as, and under the laws relating to, the conduct of general county elections including by the county clerk according to the provisions of chapter 14, title 34, Idaho Code. The port commission may, with the consent of the county commissioners, elect to use, with the county, joint election supplies such as tally books, joint ballots, election stamps and the like or so much thereof as the commission may determine.~~

SECTION 156. That Section 70-1215, Idaho Code, be, and the same is hereby amended to read as follows:

70-1215. ADDITIONAL ELECTIONS. Additional elections within any port district may be held at such times and for the submission of such propositions or proposals as the port commission may by resolution prescribe, subject to the limitations provided in section 34-106, Idaho Code. Such elections shall be conducted by the county clerk in accordance with the general election laws of the state, including chapter 14, title 34, Idaho Code.

SECTION 157. That Section 70-1217, Idaho Code, be, and the same is hereby amended to read as follows:

70-1217. ADDITIONAL ELECTIONS -- POLLING PLACES. For such additional elections, there shall be not less than one (1) polling place within each port commissioner district. It shall be the duty of the ~~port~~ county commissioners at least twenty (20) days before all special elections, to designate

by resolution the polling places for such special election, and ~~to~~ the county clerk shall appoint three (3) election officials for each polling place.

SECTION 158. That Section 70-1219, Idaho Code, be, and the same is hereby amended to read as follows:

70-1219. ELECTIONS -- CANVASS OF VOTE. The returns of all port district elections, ~~except formation and annexation elections,~~ shall be canvassed by the ~~port commission, which~~ county commissioners, who shall meet ~~within fifteen (15) days following such selection~~ and proceed to canvass the same in accordance with the provisions of chapter 12, title 34, Idaho Code, and shall thereupon declare the results.

SECTION 159. That Section 70-1220, Idaho Code, be, and the same is hereby amended to read as follows:

70-1220. ELECTIONS -- EXPENSES. All expenses of elections for the formation of a port district and annexations thereto, and any other port district elections, shall be paid by the county or counties holding such election, and such expenditure is hereby declared to be for a county purpose. ~~The port district shall bear the expenses, or the proportional share of the expense, if held in conjunction with other elections, of all other port district elections.~~

SECTION 160. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this act.

SECTION 161. Section 1 of this act shall be in full force and effect on and after July 1, 2009. Section 145 of this act shall be in full force and effect on and after January 1, 2010. Sections 2 through 144 and Sections 146 through 160 of this act shall be in full force and effect on and after January 1, 2011. The Secretary of State and the Idaho Association of Counties shall concurrently submit a report to the Legislature of the actual costs incurred in operating the elections for calendar years 2011 and 2012, by March 1, 2013.

Approved May 18, 2009.

CHAPTER 342
(H.B. No. 374)

AN ACT

RELATING TO EDUCATION; REPEALING SECTION 4, HOUSE BILL NO. 303, AS AMENDED IN THE SENATE, AS AMENDED IN THE SENATE, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE; REPEALING SECTION 33-1004, IDAHO CODE, AS ENACTED BY SECTION 5, HOUSE BILL NO. 303, AS AMENDED IN THE SENATE, AS AMENDED IN THE SENATE, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE; AND AMENDING SECTION 6, HOUSE BILL NO. 303, AS AMENDED IN THE SENATE, AS AMENDED IN THE SENATE, AS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE.

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

SECTION 1. Repealing Section 4, House Bill No. 303, As Amended in the Senate, As Amended in the Senate, as enacted by the First Regular Session of the Sixtieth Idaho Legislature.

SECTION 2. Repealing Section 33-1004, Idaho Code, as enacted by Section 5, House Bill No. 303, As Amended in the Senate, As Amended in the Senate, as enacted by the First Regular Session of the Sixtieth Idaho Legislature.

SECTION 3. Amending Section 6, House Bill No. 303, As Amended in the Senate, As Amended in the Senate, as enacted by the First Regular Session of the Sixtieth Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 6. Sections 1 and 2 of this act shall be in full force and effect on and after July 1, 2009. ~~Sections 4 and 5 of this act shall be in full force and effect on and after July 1, 2011.~~

Approved May 18, 2009.

CHAPTER 343
(S.B. No. 1246)

AN ACT

RELATING TO ACTS OR SECTIONS OF ACTS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE; PROVIDING CLARIFICATION FOR EFFECTIVE DATES FOR CERTAIN ACTS OR SECTIONS OF ACTS ENACTED BY THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. If the First Regular Session of the Sixtieth Idaho Legislature has not adjourned sine die on or before May 2, 2009, all acts or sections of acts enacted by the First Regular Session of the Sixtieth Idaho Legislature and signed into law or allowed to become law by the Governor without his signature in which the entire act or sections of those acts would have been effective on July 1, 2009, had the Legislature adjourned sine die on or before May 2, 2009, shall be amended to have the act or the section of the act become effective on July 1, 2009, and an emergency is declared to exist and shall be deemed incorporated in the title of the bill and the preamble or the body of the law, as applicable. The provisions of this section shall not affect any act or section of an act signed into law or allowed to become law by the Governor without his signature, in which any effective date other than July 1, 2009, has been incorporated in the title of the bill and the preamble or the body of the law, as applicable.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved May 20, 2009.

CHAPTER 344
(H.B. No. 275)

AN ACT

RELATING TO THE LOTTERY; AMENDING SECTION 67-7434, IDAHO CODE, TO PROVIDE FOR SPECIFIED TRANSFERS OF NET INCOME FROM THE LOTTERY, TO REQUIRE THE LOTTERY TO ENSURE SPECIFIED CONDITIONS, TO PROVIDE FOR A CONTINGENCY, TO PROVIDE FOR ADJUSTMENTS TO CERTAIN TRANSFERS AND TO PROVIDE A SUNSET DATE; AND AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE FOR THE

CONSIDERATION OF CERTAIN LOTTERY MONEYS DISTRIBUTED IN CALCULATING AMOUNTS TO BE DISTRIBUTED BY THE TAX COMMISSION AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 67-7434, Idaho Code, be, and the same is hereby amended to read as follows:

67-7434. LOTTERY DIVIDENDS. (1) Annually, on July 1, the lottery shall transfer one-half (1/2) of its net income to the permanent building account and one-half (1/2) of its net income to the school district building account, after reserving sufficient moneys to ensure the continuation of the lottery, as determined by the director and commission.

~~A one (1) time allotment of two hundred thousand dollars (\$200,000) of the lottery's first year dividends shall be allocated and used by the permanent building fund advisory council for the construction of a Vietnam veterans memorial in the state.~~

(2) Beginning on July 1, 2009, the distribution of net income provided for in subsection (1) of this section, shall be superseded by the provisions of this subsection (2).

(a) Annually, on July 1, the lottery shall transfer three-eighths (3/8) of its net income to the permanent building account; three-eighths (3/8) of its net income to the school district building account; and one-fourth (1/4) of its net income to the bond levy equalization fund after reserving sufficient moneys to ensure the continuation of the lottery, as determined by the director and commission.

(b) The lottery shall ensure that the distributions made to the permanent building account and the school district building account, pursuant to the provisions of paragraph (a) of this subsection, shall not be less than the amount those accounts received for fiscal year 2008, provided funds are available at the fiscal year 2008 level. Provided however, in the event the level of available funds is less than the fiscal year 2008 level, one-half (1/2) of the available funds shall be transferred to the permanent building account and one-half (1/2) of the available funds shall be transferred to the school district building account.

(c) In the event the lottery determines that an adjustment to an annual transfer as provided in paragraph (a) of this subsection must be made pursuant to the provisions of paragraph (b) of this subsection, the difference shall be deducted from the one-fourth (1/4) net income transfer that was to be made to the bond levy equalization fund, and the bond levy equalization fund shall receive the remainder, if any.

(d) The provisions of this subsection (2) shall be null, void and of no force and effect on and after September 30, 2014.

SECTION 2. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this chapter, and any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be distributed by the tax commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(b) On and after July 1, 2005, the balance remaining with the state treasurer after deducting the amount described in subsection (a) of this section shall be distributed as follows:

(1) 17.3% of such balance shall be distributed to the permanent building fund created by section 57-1108, Idaho Code.

(2) 0.4% of such balance shall be distributed to the central ~~tumor~~ cancer registry account fund. The amount of money so distributed to the central ~~tumor~~ cancer registry account fund shall not exceed the fiscal year's appropriation, and at such time as the appropriation has been distributed to the central ~~tumor~~ cancer registry account fund during any fiscal year, all such distributions in excess of the appropriation shall be made instead to the general fund of the state of Idaho.

(3) 1% of such balance shall be distributed to the cancer control account created by section 57-1702, Idaho Code. Revenues received in the cancer control account shall be paid over to the state treasurer by the state tax commission to be distributed as follows:

(i) Such amounts as are appropriated for purposes specified in section 57-1702, Idaho Code, shall be expended as appropriated;

(ii) Any balance remaining in the cancer control account on June 30 of any fiscal year after the amounts withdrawn by appropriation have been deducted, shall be reserved for transfer to the general fund on July 1 and the state controller shall order such transfer.

(4) An amount equal to the annual general fund appropriation for bond levy equalization, less the amount distributed under section 67-7434(2), Idaho Code, if applicable, pursuant to section 33-906, Idaho Code, shall be annually distributed to the general fund.

(5) All remaining moneys shall be distributed as follows: For the fiscal year commencing July 1, 2005, and ending June 30, 2006, all moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code. For fiscal years on and after July 1, 2006, all moneys shall be distributed to the permanent building fund with the moneys to be used for the repair, remodel and restoration of the state capitol building and state facilities pertaining to the capitol restoration until such time as the capitol restoration is adequately funded as certified by the director of the department of administration. Thereafter all moneys shall be distributed to the economic recovery reserve fund created by section 67-3520, Idaho Code.

Law without signature.

SENATE JOINT RESOLUTIONS

(S.J.R. No. 101)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 10, ARTICLE IX, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE UNIVERSITY OF IDAHO TO PERMIT THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO TO IMPOSE RATES OF TUITION AND FEES ON ALL STUDENTS ENROLLED IN THE UNIVERSITY OF IDAHO AS AUTHORIZED BY LAW; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 2. That Section 10, Article IX, of the Constitution of the State of Idaho be amended to read as follows:

Section 10. STATE UNIVERSITY -- LOCATION, REGENTS, TUITION, FEES AND LANDS. The location of the University of Idaho, as established by existing laws, is hereby confirmed. All the rights, immunities, franchises, and endowments, heretofore granted thereto by the territory of Idaho are hereby perpetuated unto the said university. The regents shall have the general supervision of the university, and the control and direction of all the funds of, and appropriations to, the university, under such regulations as may be prescribed by law. The regents may impose rates of tuition and fees on all students enrolled in the university as authorized by law. No university lands shall be sold for less than ten dollars per acre, and in subdivisions not to exceed one hundred and sixty acres, to any one person, company or corporation.

SECTION 3. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 10, Article IX, of the Constitution of the State of Idaho be amended to permit the Board of Regents of the University of Idaho to impose rates of tuition and fees on all students enrolled in the University of Idaho as authorized by law?"

SECTION 4. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 5. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Adopted by the Senate March 3, 2009

Adopted by the House April 8, 2009

SENATE JOINT MEMORIALS

(S.J.M. No. 101)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF EDUCATION, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, there is a growing need to increase the number of medical residency positions available to meet a growing need in Idaho; and

WHEREAS, Idaho ranks 49th out of the 50 states in the number of practicing physicians per capita; and

WHEREAS, Idaho currently ranks 49th out of the 50 states for the number of resident physicians per capita; and

WHEREAS, there is currently an increase in the number of medical students graduating each year in the United States to help meet a projected physician workforce shortage, but there has not been an equal increase in the number of residency positions available; and

WHEREAS, it is currently projected that by the year 2013, the number of United States medical school graduates will exceed the number of first year residency positions available; and

WHEREAS, Idaho ranks 8th out of the 50 states in retention of resident physicians as practicing physicians within the state; and

WHEREAS, Centers for Medicare and Medicaid Services (CMS) moneys help finance residency programs through sponsoring hospitals based upon the number of residents, the number of Medicare patients and the complexity of patients' conditions; and

WHEREAS, the United States Congress through the 1997 Balanced Budget Act, froze the amount of CMS moneys used for Graduate Medical Education.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the United States Congress is urged to provide additional financial opportunities to fund medical residency programs to meet a growing and underfunded need.

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

Adopted by the Senate March 12, 2009

Adopted by the House April 9, 2009

(S.J.M. No. 102)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, the right of Idaho employees to freely choose representation by a labor organization by way of a federally supervised private ballot election is among the most important protections afforded under federal labor law and is at the heart of Idaho democratic tradition; and

WHEREAS, for over 70 years, it has been the fundamental tenet of collective bargaining that parties be required to honor an agreement only when each party has agreed to its terms. The use of arbitration to establish contractual terms will only serve to undermine the industrial stability that collective bargaining was designed to enhance; and

WHEREAS, the passage of the Employee Free Choice Act would eliminate the current federal rights of Idaho employees, as well as employees across the nation, to recognize union representation by a private ballot election and would put in place a card check union organizing system through which employees openly sign authorization cards in front of union organizers, leaving employees vulnerable to coercion, harassment and abuse; and

WHEREAS, the recognition of a labor organization by the card check system threatens the freedom of Idaho employees and severely limits the ability of the National Labor Relations Board to ensure the protection of Idaho workers; and

WHEREAS, the private ballot election process established and refined through decades of experience carefully balances the interests of employees, unions and employers and ensures that workers are well informed and are given the opportunity to make an educated decision, in private, without intimidation or coercion; and

WHEREAS, the mandatory arbitration provisions in the Employee Free Choice Act would remove any incentive for the employer or the union to adopt realistic bargaining positions, as each would be posturing for the arbitration panel, which would have control of the most basic business decisions; and

WHEREAS, the "card check" bill, if passed, would increase penalties against employers, but not against labor organizations, for violations of the National Labor Relations Act, requiring employers to pay triple back pay, as well as a civil penalty of up to \$20,000 for each violation; and

WHEREAS, the vast majority of American voters oppose the Employee Free Choice Act, while 82% favor having a federally supervised secret ballot election as a means to protect the individual rights of workers.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the members of Congress representing the state of Idaho to oppose final passage of the Employee Free Choice Act.

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

Adopted by the Senate March 30, 2009

Adopted by the House April 13, 2009

HOUSE JOINT MEMORIALS

(H.J.M. No. 1)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF THE INTERIOR, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, gray wolves were introduced into Idaho in 1995 by the United States over the objections of the Idaho Legislature upon the premise that the population would be fully recovered upon the establishment of 100 wolves and ten breeding pairs in Central Idaho, with similar populations in Northwestern Montana and the Greater Yellowstone area for three consecutive years, with dispersal and genetic connectivity among the three populations; and

WHEREAS, in 2002, the United States Fish and Wildlife Service affirmed that numeric recovery goals for the gray wolf in the Northern Rocky Mountains had been achieved upon the establishment of 100 wolves and ten breeding pairs each in Idaho, Montana and Wyoming for three consecutive years; and

WHEREAS, the state of Idaho has in good faith cooperated to achieve wolf recovery in accordance with the standards established by the federal government, with the understanding that Idaho would regain its authority to manage wolves in the same fashion it manages its other wildlife; and

WHEREAS, the wolf population in Idaho, Montana and Wyoming has surpassed the numeric recovery goal every year since 2000 and there is now proof of dispersal, genetic connectivity, and interbreeding of wolf populations among all three states; and

WHEREAS, the current wolf population in Idaho includes an estimated minimum of 800 to 850 individuals, comprising at least 88 packs and 38 breeding pairs; and

WHEREAS, the United States Department of Agriculture Wildlife Services estimated that in 2008, 26 of these packs were chronically depredating packs and predation by the growing population of gray wolves is having an increasing impact on the livestock industry in Idaho; and

WHEREAS, unchecked predation by wolves has also reduced elk populations in portions of Idaho to a point where hunting opportunities must be reduced, with economic impacts to businesses and communities dependent on hunting, and the continued growth of the gray wolf population far beyond recovery levels will have profound economic consequences for people and communities in Idaho; and

WHEREAS, the United States Fish and Wildlife Service approved the state of Idaho's wolf population management plan, thereby supporting Idaho's ex-

ercise of authorities for certain control and management actions for listed species pursuant to section 10(j) of the Endangered Species Act and supporting full state management following delisting; and

WHEREAS, in his July 18, 2008, decision overturning a previous version of the delisting rule on other grounds, U.S. District Court Judge Donald Molloy indicated that the state of Idaho's legislative framework and state wolf population management plan were not likely to threaten the continued existence of the wolf in Idaho; and

WHEREAS, the United States, in the draft final rule announced by the U.S. Fish and Wildlife Service on January 14, 2009, confirmed that the best available science proves that the gray wolf population in Idaho is fully recovered; and

WHEREAS, for purely administrative purposes, the incoming Administration of President Barack Obama ordered that the draft final rule removing Northern Rocky Mountain gray wolves from the list of endangered and threatened species be indefinitely withheld from publication in the Federal Register.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the United States is urged to honor the commitment made to Idaho that wolves would be delisted upon fulfillment of the 1994 recovery standards.

BE IT FURTHER RESOLVED that the Idaho Legislature expresses its support for the draft final rule submitted by the United States Fish and Wildlife Service to delist the gray wolf population in Idaho.

BE IT FURTHER RESOLVED that the President be urged to withdraw the directive suspending publication of the rule removing Northern Rocky Mountain gray wolves from the list of endangered and threatened species and that the President and his Administration be urged to allow that rule to take effect and defend the rule against any legal challenges.

BE IT FURTHER RESOLVED that the Idaho Department of Fish and Game and the Governor's Office of Species Conservation are requested to support and defend the delisting of gray wolves in Idaho.

BE IT FURTHER RESOLVED that the Idaho Department of Fish and Game and the Governor's Office of Species Conservation are requested to take all appropriate lawful actions, both pending and following delisting, to control wolf-caused depredation on domestic animals and to control wolves in areas with unacceptable impacts to Idaho's big game species, to support the responsible management of all of Idaho's wildlife and to provide for the public welfare, economic well-being and security of Idaho citizens.

BE IT FURTHER RESOLVED that, so long as wolf populations in Idaho are listed under the Endangered Species Act, the Idaho Department of Fish and Game and the Governor's Office of Species Conservation are requested to annually determine, and report to the Legislature, the amount of monetary damages caused to Idaho's economic interests by wolf predation on domestic animals and wildlife for the time period when inaction by the federal government has prevented Idaho from fully managing wolves located in the state.

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

Adopted by the House March 2, 2009

Adopted by the Senate March 10, 2009

(H.J.M. No. 2)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF ENERGY OF THE UNITED STATES, TO THE LEADERSHIP OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully request that you join us in congratulating the Idaho National Laboratory on the occasion of its 60th anniversary, and represent that:

WHEREAS, at the direction of the United States Government, the Idaho National Laboratory (INL), since 1949, has fulfilled a leadership role and made key contributions in nuclear energy research, development, demonstration and deployment; and

WHEREAS, just two years following establishment of the Idaho facility, Experimental Breeder Reactor No. 1, now a National Historic Landmark, produced the world's first usable amount of electricity from a nuclear chain reaction and later proved the principle that reactors could create more fuel than they use; and

WHEREAS, INL's strategic location within today's Western Inland Energy Corridor enables its researchers to most effectively and efficiently identify, assess and integrate the region's unmatched wind, biomass, hydropower, geothermal, conventional and unconventional fossil and uranium resources; and

WHEREAS, it is in the best interests of Idaho and the United States to increase energy self-sufficiency and supply diversity, while moderating the environmental impacts of energy exploration, production, distribution and end use; and

WHEREAS, INL is a key national energy research and development center wherein the federal government has invested significant funds to establish such unique and globally important assets as the Advanced Test Reactor, the Safety and Tritium Applied Research fusion facility, the Control Systems Security and Test Center, and others, all of which demand continued, or even expanded, use to assure maximum return on tax dollar investment; and

WHEREAS, the state of Idaho appreciates the effective, expedited cleanup of legacy Cold War wastes that has occurred to this point across the INL site as guided by the Department of Energy's landmark 1995 Settlement Agreement, anxiously anticipates completion of the broader cleanup mission, and is committed to hosting continued broad-spectrum, national-priority nuclear research in Idaho as fully allowed by that agreement.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature supports and encourages the Department of Energy, the Administration and the Congress in this 60th anniversary year of the decision of the federal government to create the nation's reactor testing center in Idaho, and to identify, commit and sustain the funding necessary to allow design, development, testing and demonstration in Idaho at INL of highly efficient, state of the art, advanced nuclear energy technologies, processes and systems that can, ultimately, be commercially replicated in other locations throughout the United States and throughout the world.

BE IT FURTHER RESOLVED that the Legislature supports execution of an enhanced portfolio of bioenergy, advanced energy storage, fuel reforming, hybrid energy island and related alternative and renewable energy research in

Idaho at INL, and hereby requests that the Department of Energy, the Administration and the Congress identify, commit and sustain the funding necessary to allow continued performance of this and other multiprogram energy and national-security-enhancing work so critical to the economic prosperity and long-term well-being of these United States.

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

Adopted by the House February 17, 2009

Adopted by the Senate February 20, 2009

(H.J.M. No. 3)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, the Second Amendment of the United States Constitution does not simply provide for a collective right or a right for the states to establish militias; rather it provides for the right of the people to keep and bear arms; and

WHEREAS, the primary purpose of the right to keep and bear arms is to protect one's self, family and possessions from either the private lawlessness of other persons or the tyranny of government; and

WHEREAS, the right to keep and bear arms is also meant to protect the general private uses of firearms in activities such as hunting and other sporting activities; and

WHEREAS, the United States Supreme Court in *District of Columbia v. Heller*, 128 S.Ct. 2783 (2008), recently struck down a firearms ban in the District of Columbia, explicitly ruling that the Second Amendment protects the right of the people to possess firearms for private use; and

WHEREAS, despite this ruling, legislation has been introduced in the United States House of Representatives calling for a system of mandatory federal licensing of all firearm owners; and

WHEREAS, the legislation introduced would require all firearm owners to apply for and carry a federally issued picture identification in order to keep any firearm in their homes; and

WHEREAS, the legislation introduced would make it a federal crime to keep a loaded firearm or an unloaded firearm and ammunition within any premises including, under certain circumstances, American homes where a child may be present; and

WHEREAS, the legislation introduced specifically purports to preempt any state or local law inconsistent with it; and

WHEREAS, the introduced legislation, Blair Holt's Firearm Licensing and Record of Sale Act of 2009, is a direct imposition on each American's individual right to keep and bear arms in their homes and for their protection.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that members of the United States Congress cease

and desist attempting to enact federal legislation impinging on the individual right of every American to keep and bear arms in any manner. Specifically, that members of Congress oppose the passage of the Firearm Licensing and Record of Sale Act of 2009, and any similar legislation.

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

Adopted by the House March 9, 2009

Adopted by the Senate March 27, 2009

(H.J.M. No. 4)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, Section 2, Article I, of the Constitution of the State of Idaho, sets forth the Declaration of Rights and reads as follows: "All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform or abolish the same whenever they may deem it necessary; and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the legislature."; and

WHEREAS, the Tenth Amendment to the Constitution of the United States reads as follows: The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.; and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

WHEREAS, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, today, in 2009, the states are demonstrably treated as agents of the federal government; and

WHEREAS, many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States; and

WHEREAS, the United States Supreme Court has ruled in *New York v. United States*, 505 U.S. 144 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states; and

WHEREAS, Congress has inappropriately delegated its monetary authority to the private federal reserve bank, thus failing to protect and provide a sound monetary system as defined and mandated by the Constitution of the United States, forcing an unstable currency on us resulting in the past, and the current, economic perils; and

WHEREAS, a number of proposals from past and present Administrations and Congress may violate the Constitution of the United States.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the

Senate concurring therein, that the state of Idaho hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States.

BE IT FURTHER RESOLVED that this serves as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers.

BE IT FURTHER RESOLVED that all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions, or requires states to pass legislation or lose federal funding, be prohibited.

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

Adopted by the House March 23, 2009

Adopted by the Senate April 7, 2009

(H.J.M. No. 6)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, federal legislation was introduced as H.R. 2421 in the United States House of Representatives by Congressman James Oberstar. The legislation was known as the Clean Water Restoration Act of 2007, and was proposed to clarify which waters are subject to the jurisdiction of the United States under the Federal Water Pollution Control Act, 33 U.S.C. 1251, et seq.; and

WHEREAS, the federal legislation sought to clarify jurisdiction by striking the term "navigable waters" and replacing it with "waters of the United States" defined as "all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing..."; and

WHEREAS, the bill, having not come up for debate, never became law and at the end of the congressional session all proposed bills and resolutions that have not passed are cleared from the books. There is, however, a strong likelihood that the bill will be reintroduced in this new congressional session; and

WHEREAS, striking the term "navigable waters" would potentially expand the federal government's reach beyond that which was intended and thereby blur jurisdictional authority to manage and regulate water resources within state and local government jurisdictions; and

WHEREAS, given the ambiguity of the legislation's jurisdictional reach, the implementation of the proposal may lead to increased litigation and uncertainty among public and private stakeholders, including homeowners, farmers, water districts and state and federal agencies, among others.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature adamantly opposes any proposed federal legislation, similar to the Clean Water Restoration Act of 2007, introduced as H.R. 2421 in the United States House of Representatives in May, 2007, and urges congress not to enact any similar legislation.

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

Adopted by the House March 23, 2009

Adopted by the Senate April 1, 2009

(H.J.M. No. 7)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE SECRETARY OF HEALTH AND HUMAN SERVICES, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

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

WHEREAS, Idaho ranks 49th out of the 50 states for physicians in patient care per 100,000 population; and

WHEREAS, 27 of Idaho's 44 counties have less than one physician in patient care per 1,000 population; and

WHEREAS, approximately 31% of Idaho's primary care physicians are 55 or older; and

WHEREAS, Idaho ranks 47th out of the 50 states for medical school seats per 100,000 population; and

WHEREAS, Idaho residents who make application to medical school regularly exceed national averages for Medical College Admissions Test scores and GPA; and

WHEREAS, of 156 Idaho residents who applied to medical school in 2008, only 58 (or 37%) matriculated; and

WHEREAS, Idaho is the largest state in the nation without a medical school, and only one of six states in the nation that does not have an allopathic medical school; and

WHEREAS, an independent national study has shown that on average for every dollar directly spent by medical schools and teaching hospitals, the indirect economic impact is multiplied by a factor of 1.3 for a total impact of \$2.30; and

WHEREAS, the American Academy of Family Physicians estimates that each family physician in Idaho has an economic impact of \$812,189 per year; and

WHEREAS, the 2008 Legislative Council Interim Committee on Medical Education recommended, inter alia, the development of an Idaho-based four-year medical education program.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that federal funding be identified and made available for the delivery of the doctor of medicine (MD) degree in the state of Idaho.

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

Adopted by the House March 25, 2009

Adopted by the Senate April 2, 2009

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 101)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND HONORING THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES AND THE IDAHO OPTOMETRIC PHYSICIANS WHO WILL PARTICIPATE IN THE VISUAL SCREEN FOR THE 2009 SPECIAL OLYMPICS WORLD WINTER GAMES.

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

WHEREAS, after a successful bid for the 2009 Special Olympics World Winter Games, the host site was awarded to Boise, Idaho, for the 2009 Special Olympics World Winter Games to be held February 7 through 13, 2009; and

WHEREAS, more than three thousand athletes from eighty-five countries and regions of the world are expected to compete in seven Olympic-type winter events; and

WHEREAS, the 2009 Special Olympics World Winter Games will be the largest multi-sport event ever held in the state of Idaho; and

WHEREAS, the Idaho Optometric Physicians have volunteered hundreds of hours to participate in the visual screen for the 2009 Special Olympics World Winter Games Special Olympians.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that a welcome be extended to all the participating athletes and guests who have come to Idaho for the 2009 Special Olympics World Winter Games, and a thank you be extended to all the Idaho Optometric Physicians that have taken time from their practices to help with the 2009 Special Olympics World Winter Games.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby directed to send a copy of this resolution to the head of the Idaho Optometric Physicians who will be doing the visual screen for the 2009 Special Olympics World Winter Games.

Adopted by the Senate January 26, 2009

Adopted by the House February 2, 2009

(S.C.R. No. 102)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND PROVIDING THAT ABRAHAM LINCOLN OF ILLINOIS IS HEREBY DECLARED TO BE THE HONORARY GOVERNOR OF THE FORMER TERRITORY OF IDAHO FOR THE DAY OF FEBRUARY 12, 2009.

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

WHEREAS, the northwest states of Idaho, Oregon, Washington and Montana wish to collectively celebrate their unique heritage and collective historic relationships with Abraham Lincoln; and

WHEREAS, Abraham Lincoln embodies the essence of the American spirit, guided his country through a period that preserved the nation and planned for peace "with malice toward none and charity for all"; and

WHEREAS, Abraham Lincoln, in 1849, was offered a presidential appointment to the governorship of the Oregon Territory, but declined that honor upon the recommendation of his wife Mary, so he could pursue his law practice; and

WHEREAS, the Oregon Territory in 1849, consisted of what are now the states of Oregon, Idaho, Montana and Washington; and

WHEREAS, Abraham Lincoln, perhaps by not taking the position of governor of the Oregon Territory and remaining involved in national issues in Illinois, did become the sixteenth President of the United States; and

WHEREAS, the Washington Territory was divided during the Lincoln administration in 1863, to create the Idaho Territory and the Idaho Territory was divided in 1864, to create the Montana Territory; and

WHEREAS, Abraham Lincoln as president attended the meeting at which the name "Idaho" was chosen for a new territory, lobbied congress to accomplish passage of the Idaho Act, signed the bill creating the Idaho Territory on March 4, 1863, and appointed the first two territorial governors and thirteen other men to judicial and federal office in Idaho prior to April 14, 1865; and

WHEREAS, among Lincoln's last official acts in the White House on the final day of his life was the authorizing of additional appointments to fill vacancies in office for the Idaho Territory; and

WHEREAS, President Lincoln also contributed to the development of the states of Oregon, Idaho, Montana and Washington by his support of the Homestead Act, the establishment of land grant colleges and the launching of a transcontinental railway; and

WHEREAS, the legislative assemblies of these four northwestern states wish to honor President Abraham Lincoln on his 200th anniversary of his birth and bestow upon him the honor which he was unable to take in 1849.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Abraham Lincoln of Illinois is hereby declared to be the Honorary Governor of the former Idaho Territory for the day of February 12, 2009, with the thanks and appreciation, posthumously bestowed, by the citizens of the great state of Idaho for the attainments of his public service career, which could have, but did not include presiding as Territorial Governor over the landmass and then inhabitants of this area.

Adopted by the Senate February 4, 2009

Adopted by the House February 12, 2009

(S.C.R. No. 103)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULEMAKING DOCKET OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY RELATING TO INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL RULES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the

event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rulemaking docket of the Department of Environmental Quality relating to Individual/Subsurface Sewage Disposal Rules is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 58.01.03, rules governing Individual/Subsurface Sewage Disposal Rules, Rules of the Department of Environmental Quality, adopted as a pending rule under Docket Number 58-0103-0801, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 17, 2009

Adopted by the House April 9, 2009

(S.C.R. No. 104)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE FISH AND GAME COMMISSION RELATING TO RULES GOVERNING LICENSING.

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

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

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Fish and Game Commission relating to Rules Governing Licensing is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 13.01.04, Rules Governing Licensing, Rules of the Fish and Game Commission, adopted as a pending rule under Docket Number 13-0104-0803, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 23, 2009

Adopted by the House April 9, 2009

(S.C.R. No. 105)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE FISH AND GAME COMMISSION RELATING TO RULES GOVERNING THE TAKING OF BIG GAME ANIMALS IN THE STATE OF IDAHO.

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

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

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Fish and Game Commission relating to Rules Governing the Taking of Big

Game Animals in the state of Idaho is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 13.01.08, Rules Governing the Taking of Big Game Animals in the state of Idaho, Rules of the Fish and Game Commission, adopted as a pending rule under Docket Number 13-0108-0801, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 23, 2009

Adopted by the House April 9, 2009

(S.C.R. No. 106)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE DEPARTMENT OF PARKS AND RECREATION RELATING TO RULES GOVERNING THE ADMINISTRATION OF PARK AND RECREATION AREAS AND FACILITIES.

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

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

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Department of Parks and Recreation relating to Rules Governing the Administration of Park and Recreation Areas and Facilities is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 26.01.20, Rules Governing the Administration of Park and Recreation Areas and Facilities, Rules of the Department of Parks and Recreation, adopted as a pending rule under Docket Number 26-0120-0802, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 23, 2009

Adopted by the House April 9, 2009

(S.C.R. No. 107)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH STATED EXCEPTIONS, REJECTING CERTAIN AGENCY RULES THAT ARE NOT APPROVED AND PROVIDING AN EFFECTIVE DATE FOR A CERTAIN RULE.

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

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

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

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Bureau of Occupational Licenses governing Rules of the Board of Naturopathic Medical Examiners is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Health and Welfare governing the Idaho Child Care Program (ICCP) is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Idaho State Lottery, Rules Governing Operations of the Idaho State Lottery is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Certified Shorthand Reporters, Rules of Procedure of the Idaho Certified Shorthand Reporters Board is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Department of Environmental Quality, Ground Water Quality Rule shall become final and effective on July 1, 2009; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2009 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 24.24.01, Rules of the Bureau of Occupational Licenses, Rules of the Board of Naturopathic Medical Examiners, adopted as pending fee rules under Docket Number 24-2401-0801, the entire rulemaking docket;

IDAPA 16.06.12, Rules of the Department of Health and Welfare, Idaho Child Care Program (ICCP), Section 009, Criminal History and Background Check Requirements, Subsection 03, Individual in the Home, only, adopted as a pending fee rule under Docket Number 16-0612-0802;

IDAPA 52.01.03, Rules of the Idaho State Lottery, Rules Governing Operations of the Idaho State Lottery, adopted as pending fee rules under Docket Number 52-0103-0802, the entire rulemaking docket; and

IDAPA 49.01.01, Rules of the Certified Shorthand Reporters, Rules of Procedure of the Idaho Certified Shorthand Reporters Board, Section 500, Disciplinary Penalty, Subsection 01, Civil Fine, only, adopted as a pending fee rule under Docket Number 49-0101-0801.

BE IT FURTHER RESOLVED that IDAPA 24.24.01, Rules of the Bureau of Occupational Licenses, Rules of the Board of Naturopathic Medical Examiners, adopted as pending fee rules under Docket Number 24-2401-0801, the entire rulemaking docket; IDAPA 16.06.12, Rules of the Department of Health and Welfare, Idaho Child Care Program (ICCP), Section 009, Criminal History and Background Check Requirements, Subsection 03, Individual in the Home, only, adopted as a pending fee rule under Docket Number 16-0612-0802; IDAPA 52.01.03, Rules of the Idaho State Lottery, Rules Governing Operations of the Idaho State Lottery, adopted as pending fee rules under Docket Number 52-0103-0802, the entire rulemaking docket; and IDAPA 49.01.01, Rules of

the Certified Shorthand Reporters, Rules of Procedure of the Idaho Certified Shorthand Reporters Board, Section 500, Disciplinary Penalty, Subsection 01, Civil Fine, only, adopted as a pending fee rule under Docket Number 49-0101-0801 are hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

BE IT FURTHER RESOLVED that IDAPA 58.01.11, Rules of the Department of Environmental Quality, Ground Water Quality Rule, adopted as a pending rule docket under Docket Number 58-0111-0801, the entire rulemaking docket, shall become effective on July 1, 2009.

Adopted by the Senate March 10, 2009

Adopted by the House April 9, 2009

(S.C.R. No. 108)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE.

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

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2009 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the Second Regular Session of the Sixtieth Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which were not submitted to the Legislature for review during the 2009 legislative session shall expire by operation of statute upon adjournment of the First Regular Session of the Sixtieth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Adopted by the Senate March 10, 2009

Adopted by the House April 9, 2009

(S.C.R. No. 109)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE RESOLVING THAT A CONDITION OF EXTREME PERIL EXISTS IN AND AROUND THE WATER BODIES OF THE STATE OF IDAHO, PROCLAIMING THAT A STATE OF EMERGENCY EXISTS WITHIN THE STATE OF IDAHO AND ASKING THAT DEFICIENCY WARRANT FUNDING AUTHORIZED BY THE IDAHO INVASIVE SPECIES ACT OF 2008, BE USED BY THE IDAHO STATE DEPARTMENT OF AGRICULTURE FOR PERSONNEL, EQUIPMENT AND FACILITIES FOR THE PERFORMANCE OF ANY AND ALL ACTIVITIES ASSOCIATED WITH QUAGGA AND ZEBRA MUSSEL PREVENTION, DEVELOPMENT AND IMPLEMENTATION OF INCIDENT RESPONSE PLANS AND INTERAGENCY AGREEMENTS.

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

WHEREAS, invasive species are a real and imminent danger to Idaho. Two nonnative species, quagga and zebra mussels, are moving inexorably toward Idaho; and

WHEREAS, quagga and zebra mussels were introduced to the Great Lakes in the late 1980s and have been a major fouling organism, causing billions of dollars in damage in that region; and

WHEREAS, the mussels were first detected in the West in 2007, and have rapidly expanded from Lake Mead, Nevada to California, Colorado, Arizona and Utah and, although the mussels are not yet established in Idaho, the waters of our state are extremely vulnerable; and

WHEREAS, should quagga and zebra mussels become established in Idaho, the financial impact to the region's extensive hydropower system and irrigated agriculture could exceed \$90 million annually due to the mussel's capacity to clog pipes, pumps and delivery systems; and

WHEREAS, the mussels also damage the hulls, props, and motors of boats and other watercraft, imposing additional costs and burdens on recreational boaters and would diminish the attraction of water-based recreation in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that given the urgency of the situation, and in light of the aforementioned, a condition of extreme peril exists in and around the water bodies of the state of Idaho.

BE IT FURTHER RESOLVED that the ability of the agencies and department of the state of Idaho to effectively prevent and control the spread of these mussels in the state is limited and, accordingly, under the authority of the Invasive Species Act of 2008, we proclaim that a state of emergency exists within the state of Idaho.

BE IT FURTHER RESOLVED that we ask that deficiency warrant funding authorized by the Idaho Invasive Species Act of 2008, be used by the Idaho state department of agriculture for personnel, equipment and facilities for the performance of any and all activities associated with quagga and zebra mussel prevention, development and implementation of incident response plans and interagency agreements.

Adopted by the Senate March 20, 2009

Adopted by the House April 9, 2009

(S.C.R. No. 110)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE; SUPPORTING AND ENCOURAGING ALL GOVERNMENT AND BUSINESS EMPLOYERS IN THE DEVELOPMENT AND IMPLEMENTATION OF TELEWORK POLICIES AND PROGRAMS FOR THEIR EMPLOYEES AND ENCOURAGING THE CONTINUED EXPLORATION AND, TO THE EXTENT FEASIBLE WITHIN AVAILABLE RESOURCES, ASSISTANCE IN THE IMPROVEMENT AND AVAILABILITY OF THE APPROPRIATE TECHNOLOGY INFRASTRUCTURE WHICH WILL AID EMPLOYERS AND THEIR EMPLOYEES IN MAXIMIZING THE FULL POTENTIAL DEPLOYMENT OF TELEWORK WITHIN THE STATE OF IDAHO.

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

WHEREAS, studies show that "work from home," or at work sites geographically convenient to the residence of the employee, also known as "telework," has untapped potential to address the need for significant reductions in energy consumption, carbon dioxide emissions and traffic congestion, and provides a viable alternative to relocation of workforce to facilities outside the United States for businesses seeking to reduce costs; and

WHEREAS, although such studies also show that nearly 30 percent of employees work at home at least one day per month, and nearly 45 percent have worked from home at some time, evidence indicates that more workers want to telework and are even willing to accept less pay to do so; and

WHEREAS, the ability to telework increases leisure time and boosts morale and productivity, as well as enables those who are elderly, disabled or have children in the home to participate more effectively in the workforce; and

WHEREAS, telework also benefits those who choose to, or must, commute or use the roadway system, through the resulting reduction in traffic congestion and less time spent on the road by teleworkers; and

WHEREAS, a workforce that is capable of teleworking on a regular basis is also more capable of maintaining continuity of operations in the face of a natural disaster, terrorist attack, or other emergency situation; and

WHEREAS, increased traffic, increased congestion and reduced air quality are of increasing concern and cost to the commerce of Idaho and the individual lives of Idahoans; and

WHEREAS, if we fail to take positive steps to improve air quality in our communities, it is likely that portions of Idaho will be designated as air quality nonattainment areas by the United States Environmental Protection Agency (EPA); and

WHEREAS, a nonattainment designation for an area has a negative impact on economic development in such areas, and the resultant federally mandated government oversight and imposition of expensive and time consuming requirements to improve air quality to meet federal standards will be very costly to the citizens of Idaho; and

WHEREAS, traditional solutions such as building roads or alternative transportation systems such as light rail are expensive, cannot be done quickly, generally impact only targeted corridor areas and oftentimes require ongoing subsidies; and

WHEREAS, traditional employer-employee relationships, coupled with manufacturing and other location dependent jobs, require use of the transportation system to move the employee to the job. An information based economy coupled with more flexible employer-employee arrangements enables many jobs to be moved to the employee through the use of technology; and

WHEREAS, to achieve the full benefits of telework, it is essential that a strategy be developed to promote and increase its use as a proactive, efficient, widespread and low-cost solution to aid in reducing traffic and congestion, and to achieve necessary improvement of air quality and the result-

ing avoidance of an EPA nonattainment designation, at far greater speed and with far lower cost than other traditional options.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature does hereby support and encourage all government and business employers in the development and implementation of telework policies and programs for their employees.

BE IT FURTHER RESOLVED that the Governor of the State of Idaho and the Idaho Legislature are hereby encouraged to continue the exploration and, to the extent feasible within available resources, assistance in the improvement and availability of the appropriate technology infrastructure which will aid employers and their employees in maximizing the full potential deployment of telework within the state of Idaho.

Adopted by the Senate March 30, 2009

Adopted by the House April 9, 2009

(S.C.R. No. 111)

A CONCURRENT RESOLUTION

HONORING AND COMMENDING M. ALLYN DINGEL FOR HIS YEARS OF SERVICE TO THE LEGISLATURE OF THE STATE OF IDAHO, TO THE IDAHO COURTS AND FOR HIS CHARITABLE AND PHILANTHROPIC ENDEAVORS.

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

WHEREAS, M. Allyn Dingel graduated from the University of Idaho in 1958 going on to receive his L.L.B. from New York University's School of Law in 1961, where he was a John Norton Pomeroy Scholar and associate editor of the NYU Law Review; and

WHEREAS, M. Allyn Dingel's outstanding and exemplary professional law career includes being a founding member of the Idaho Law Foundation, lawyer representative and chairman of the Ninth Circuit Conference of the United States Courts from Idaho, Fellow of the American College of Trial Lawyers, Fellow of the American Bar Foundation, Chairman of the Idaho Code Commission, Idaho State Delegate to the House of Delegates of the American Bar Association and the Idaho State Bar Association Distinguished Lawyer of the Year award in 2004; and

WHEREAS, in the early 1960's, Allyn first initiated his Idaho legislative and executive branch alliances by serving three years with the Idaho Attorney General as counsel for the Department of Insurance and the Department of Finance and was the chief criminal deputy at the ripe old age of twenty-seven. In 1964, he helped litigate the case of *Hearne v. Smylie* before the United States Supreme Court where the landmark cases on legislative apportionment *Baker v. Carr* and *Reynolds v. Sims* were cited in the Court's opinion; and

WHEREAS, following his stint in the Attorney General's Office, Allyn joined the Elam and Burke law firm where he has had a distinguished career spanning more than forty years; and

WHEREAS, M. Allyn Dingel has been recognized by the Idaho judiciary for the outstanding contributions in advancing, promoting and improving the administration of justice in the state of Idaho, including his unwavering support of the judiciary's legislative priorities and innovations to ensure Idaho courts continue as one of the top court systems in the nation; and

WHEREAS, in addition to his distinguished career, M. Allyn "d-d-d-Dingel" has provided invaluable assistance, advice and counsel to Idaho legislators, legislative committees, and the leadership of the Idaho Senate and

House of Representatives--sometimes solicited, sometimes not, for nearly forty years; and

WHEREAS, in his spare time, Allyn has been active in the community, serving on the board of directors of St. Stephen's and St. Michael's Episcopal churches, serving as Chancellor for the Episcopal Diocese of Idaho and serving on the board of directors of the Boise Philharmonic. Allyn has always taken an interest in his children and their respective endeavors, even as coach of his son's softball team, leading them to a come-from-ahead defeat, blowing a twelve-run lead in the bottom of the last inning with eleven runs being scored with two outs--while Allyn was frantically planning defenses and pitching changes; and

WHEREAS, his good humor, his prodigious memory of persons, times and events, and his unfailing courtesy, honesty and integrity have served as a model for us all.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recognize and honor the life and achievements of M. Allyn Dingel and we extend to him the appreciation and gratitude of this Legislature for his service to the state of Idaho, and, in particular, his service to the legislative branch of our state government.

Adopted by the Senate April 1, 2009

Adopted by the House April 17, 2009

(S.C.R. No. 112)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THE DEPARTMENT OF HEALTH AND WELFARE TO REVIEW THE ELIGIBILITY CRITERIA FOR AND THE SERVICES AVAILABLE THROUGH THE ADULT CYSTIC FIBROSIS PROGRAM AND REPORT TO THE LEGISLATIVE HEALTH CARE TASK FORCE REGARDING CERTAIN OPTIONS FOR RESTRUCTURING THAT PROGRAM.

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

WHEREAS, the Adult Cystic Fibrosis Program managed by the Department of Health and Welfare provides assistance to individuals at high risk of economic hardships due to paying for care related to their disease; and

WHEREAS, adult cystic fibrosis patients who don't have access to care are at increased risk of greater medical need and of dying prematurely; and

WHEREAS, Section 56-1019, Idaho Code, requires the Department of Health and Welfare to provide a program of services to persons suffering from cystic fibrosis who are twenty-one years or more of age; and

WHEREAS, the current Cystic Fibrosis Program provided by the Department of Health and Welfare lacks financial eligibility criteria consistent with other programs providing health services to Idahoans; and

WHEREAS, it is the goal of the Idaho Legislature to assure consistent and nondiscriminatory public policy related to the coverage of health services.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Department of Health and Welfare is requested to review the eligibility criteria for and the services available through the Adult Cystic Fibrosis Program and report to the Legislative Health Care Task Force by September 2009, options for restructuring that program to:

(1) Assure individual responsibility for the expenses associated with the medical care those individuals receive for cystic fibrosis;

(2) Establish uniform financial eligibility for patients receiving services from the state of Idaho;

(3) Maximize the use of the Idaho High Risk Reinsurance Pool as a vehicle for covering the costs of care for those individuals who are uninsured or underinsured; and

(4) Align the program eligibility and scope of services with those of other health benefit programs provided by the state of Idaho.

Adopted by the Senate April 13, 2009

Adopted by the House April 21, 2009

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 1)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE FIRST REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

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

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the First Regular Session of the Sixtieth Idaho Legislature in the Special Events Center at Boise State University at 3 p.m. on Monday, January 12, 2009.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session on Monday, January 12, 2009, at 3 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 12, 2009

Adopted by the Senate January 12, 2009

(H.C.R. No. 2)

A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING THE SESSION LAWS, FIXING THE PRICE FOR PRINTING THE SAME, AND THE PRICE WHICH THE PUBLIC SHALL BE CHARGED FOR COPIES OF THE SESSION LAWS.

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

WHEREAS, Section 67-904, Idaho Code, has made provisions for the printing of the Session Laws;

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, in accordance with a written contract duly made and entered into by the Speaker of the House of Representatives and the President Pro Tempore of the Senate and the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho, hereinafter referred to as the Joint Printing Committee, that the contract for the printing of the Session Laws of the First and Second Regular Sessions and any Extraordinary Session of the Sixtieth Idaho Legislature in accordance with the provisions of law and in ac-

cordance with the written contract between the Speaker of the House of Representatives and the President Pro Tempore of the Senate and the Joint Printing Committee as party of the first part, and THE CAXTON PRINTERS, LTD., Caldwell, Idaho, as party of the second part, be, and the same is hereby ratified and confirmed, and is incorporated herein and made a part of the resolution, in words and figures following, to wit:

PRINTING CONTRACT

THIS AGREEMENT, made and entered into the 15th day of January, 2009, by and between the Speaker of the House of Representatives and the President Pro Tempore of the Senate and the Joint Printing Committee, hereinafter referred to as party of the first part, and THE CAXTON PRINTERS, LTD., Caldwell, Idaho, hereinafter referred to as party of the second part:

WITNESSETH:

That pursuant to a resolution of said party of the first part and written quotation submitted to the said party of the first part by the party of the second part, a contract for legislative printing is hereby awarded to said THE CAXTON PRINTERS, LTD., as follows:

SESSION LAWS
FIRST AND SECOND REGULAR SESSIONS
AND ANY EXTRAORDINARY SESSIONS
SIXTIETH LEGISLATURE

As outlined in the December 5, 2008 quote of the party of the second part, the Session Laws will be printed and charged at a price per page not to exceed nineteen dollars and ten cents (\$19.10) based on incremental numbers of copies ordered. The number of copies to be supplied under this contract shall be specified at the time of order. The charge for individually binding the books shall not exceed ten dollars and twenty-five cents (\$10.25) per volume based on the number of copies ordered. The party of the second part shall provide additional copies to be made available for sale to the general public, and based on the number of copies ordered by the party of the first part, the price to the general public shall not exceed forty-seven dollars and fifty cents (\$47.50) for single volumes and sixty dollars and fifty cents (\$60.50) per set of two volumes if a second volume is required. The Session Laws of any Extraordinary Session adjourned prior to June 1, 2009, shall be included in the Session Laws of the First Regular Session, or if adjourned prior to June 1, 2010, shall be included in the Session Laws of the Second Regular Session. No charge shall be made by the party of the second part for proofreading or blank pages.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as submitted in the quote of the party of the second part dated December 5, 2008, in compliance with the statutes of the state of Idaho where not otherwise provided, such statutes shall be controlling.

IT IS FURTHER AGREED that said Session Laws shall be printed, delivered and be ready for distribution by the Secretary of State in conformity with the provisions of Section 67-904, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth herein at length.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper official, and the party of the first part, by Concurrent Resolution, has caused these presents to be executed by its proper officials.

Party of the First Part

By /s/ Lawrence Denney
LAWRENCE DENNEY, Speaker of the House

HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

By /s/ Jim Clark

JIM CLARK, Chairman

By /s/ Robert L. Geddes

ROBERT L. GEDDES, President Pro Tempore

SENATE JUDICIARY AND RULES COMMITTEE

By /s/ Denton Darrington

DENTON DARRINGTON, Chairman

Party of the Second Part

THE CAXTON PRINTERS, LTD.

By /s/ Dave Gipson

DAVE GIPSON, President

Adopted by the House January 26, 2009

Adopted by the Senate February 4, 2009

(H.C.R. No. 3)

A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING THE HOUSE AND SENATE PERMANENT JOURNALS AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, Section 67-509, Idaho Code, has made provisions for the printing of the House and Senate Permanent Journals;

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, in accordance with a written contract duly made and entered into by the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the House Judiciary, Rules, and Administration Committee, and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho, hereinafter referred to as the Joint Printing Committee, that the contract for the printing of the House and Senate Permanent Journals in accordance with the provisions of law and in accordance with the written contract between the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Joint Printing Committee, as party of the first part, and CUSTOM PRINTING, INC., Nampa, Idaho, as party of the second part, be, and the same is hereby ratified and confirmed, and is incorporated herein and made a part of the resolution, in words and figures following, to wit:

PRINTING AGREEMENT

THIS AGREEMENT, made and entered into the 15th day of January, 2009, by and between the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Joint Printing Committee of the First Regular Session of the Sixtieth Idaho Legislature, hereinafter referred to as party of the first part, and CUSTOM PRINTING, INC., Nampa, Idaho, hereinafter referred to as party of the second part:

WITNESSETH:

That pursuant to a resolution of said party of the first part and written quotation submitted to the said party of the first part by the party of the second part, a contract for legislative printing is hereby awarded to the said CUSTOM PRINTING, INC. as follows:

HOUSE AND SENATE PERMANENT JOURNALS
FIRST AND SECOND REGULAR SESSIONS
AND ANY EXTRAORDINARY SESSIONS
SIXTIETH LEGISLATURE

As outlined in the November 11, 2008 quote of the party of the second part, the House and Senate Permanent Journals will be printed and charged at a price per page of thirty-two dollars (\$32.00) not to exceed one hundred and fifty (150) copies of the House Permanent Journal and one hundred and fifty (150) copies of the Senate Permanent Journal. The number of copies to be supplied under this contract shall be specified at the time of order. Included in the price, the party of the second part will print and bind six (6) hard-bound gold lettered volumes for the House and seven (7) hard-bound gold lettered volumes for the Senate. Additional hard-bound gold lettered volumes can be ordered at an additional sixty dollars (\$60.00) per volume.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as included in the bid specifications, in compliance with the statutes of the state of Idaho where not otherwise provided, such statutes shall be controlling. Upon failure to deliver such House and Senate Permanent Journals in the manner and within the time herein specified, this contract may be deemed terminated forthwith at the option of the party of the first part and recourse had against the bond of the party of the second part.

IT IS FURTHER AGREED that said House and Senate Permanent Journals shall be printed, delivered and be ready for distribution in conformity with the provisions of Section 67-509, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth herein at length.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper official, and the party of the first part, by Concurrent Resolution, has caused these presents to be executed by its proper officials.

Party of the First Part

By /s/ Lawrence Denney
LAWRENCE DENNEY, Speaker of the House

HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

By /s/ Jim Clark
JIM CLARK, Chairman

By /s/ Robert L. Geddes
ROBERT L. GEDDES, President Pro Tempore

SENATE JUDICIARY AND RULES COMMITTEE

By /s/ Denton Darrington
DENTON DARRINGTON, Chairman

Party of the Second Part

CUSTOM PRINTING, INC.

By /s/ Michael B. Cutler
MICHAEL B. CUTLER

Adopted by the House January 26, 2009
Adopted by the Senate February 4, 2009

(H.C.R. No. 4)

A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING OF HOUSE AND SENATE BILLS, RESOLUTIONS, MEMORIALS AND AMENDMENTS, AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee have, according to law, made provisions for the printing of the House and Senate bills, resolutions, memorials and amendments;

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, in accordance with a written contract duly made and entered into by the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the House Judiciary, Rules, and Administration Committee, and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho, hereinafter referred to as the Joint Printing Committee, that the contract for the printing of the House and Senate bills, resolutions, memorials and amendments, in accordance with the provisions of law and in accordance with the written contract between the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Joint Printing Committee, as party of the first part, and the BUREAU OF COPY AND RECORDS SERVICES, Boise, Idaho, as party of the second part, be, and the same is hereby ratified and confirmed, and is incorporated herein and made a part of the resolution, in words and figures following, to wit:

PRINTING AGREEMENT

THIS AGREEMENT, made and entered into the 15th day of January, 2009, by and between the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Joint Printing Committee of the First Regular Session of the Sixtieth Idaho Legislature, hereinafter referred to as party of the first part, and, the BUREAU OF COPY AND RECORDS SERVICES, Boise, Idaho, hereinafter referred to as party of the second part:

WITNESSETH:

That pursuant to a resolution of said party of the first part and written quotation submitted to the said party of the first part by the party of the second part, a contract for legislative printing is hereby awarded to the said BUREAU OF COPY AND RECORDS SERVICES as follows:

HOUSE AND SENATE BILLS, RESOLUTIONS, MEMORIALS AND AMENDMENTS
FIRST AND SECOND REGULAR SESSIONS
AND ANY EXTRAORDINARY SESSIONS
SIXTIETH LEGISLATURE

As outlined in the November 18, 2008 quote of the party of the second part, the House and Senate bills, resolutions, memorials and amendments will be printed and charged at a price per page not to exceed eight dollars and fifty cents (\$8.50) based on incremental numbers of copies ordered. The number of copies to be supplied under this contract shall be specified at the time of order, and may be adjusted as required by the party of the first part.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as included in the bid specifications, in compliance with the statutes of the state of Idaho where not otherwise provided, such statutes shall be controlling. Upon failure to deliver such bills, resolutions, memorials and amendments in the manner and within the time herein specified, this contract may be deemed terminated forthwith at the option of the party of the first part and recourse had against the bond of the party of the second part.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper official, and the party of the first part, by Concurrent Resolution, has caused these presents to be executed by its proper officials.

By /s/ Lawrence Denney
LAWRENCE DENNEY, Speaker of the House

HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

By /s/ Jim Clark
JIM CLARK, Chairman

By /s/ Robert L. Geddes
ROBERT L. GEDDES, President Pro Tempore

SENATE JUDICIARY AND RULES COMMITTEE

By /s/ Denton Darrington
DENTON DARRINGTON, Chairman

BUREAU OF COPY AND RECORDS SERVICES

By /s/ Bobbi Eckerle
BOBBI ECKERLE, Supervisor

Adopted by the House January 26, 2009

Adopted by the Senate February 4, 2009

(H.C.R. No. 5)

A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING THE HOUSE AND SENATE DAILY JOURNALS AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, Section 67-509, Idaho Code, has made provisions for the printing of the House and Senate Daily Journals;

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, in accordance with a written contract duly made and entered into by the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the House Judiciary, Rules, and Administration Committee, and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho, hereinafter referred to as the Joint Printing Committee, that the contract for the printing of the House and Senate Daily Journals in accordance with the provisions of law and in accordance with the written contract between the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Joint Printing Committee, as party of the first part, and the BUREAU OF COPY AND RECORDS SERVICES, Boise, Idaho, as party of the second part, be, and the same is hereby ratified and confirmed, and is incorporated herein and made a part of the resolution, in words and figures following, to wit:

PRINTING AGREEMENT

THIS AGREEMENT, made and entered into the 15th day of January, 2009, by and between the Speaker of the House of Representatives, the President Pro

Tempore of the Senate, and the Joint Printing Committee of the First Regular Session of the Sixtieth Idaho Legislature, hereinafter referred to as party of the first part, and the BUREAU OF COPY AND RECORDS SERVICES, Boise, Idaho, hereinafter referred to as party of the second part:

WITNESSETH:

That pursuant to a resolution of said party of the first part and written quotation submitted to the said party of the first part by the party of the second part, a contract for legislative printing is hereby awarded to the said BUREAU OF COPY AND RECORDS SERVICES as follows:

HOUSE AND SENATE DAILY JOURNALS
FIRST AND SECOND REGULAR SESSIONS
AND ANY EXTRAORDINARY SESSIONS
SIXTIETH LEGISLATURE

As outlined in the November 18, 2008 quote of the party of the second part, the House and Senate Daily Journals will be printed and charged at a price per page not to exceed four dollars and fifty cents (\$4.50) based on incremental numbers of copies ordered. The number of copies to be supplied under this contract shall be specified at the time of order, and may be adjusted as required by the party of the first part.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as included in the bid specifications, in compliance with the statutes of the state of Idaho where not otherwise provided, such statutes shall be controlling. Upon failure to deliver such House and Senate Daily Journals in the manner and within the time herein specified, this contract may be deemed terminated forthwith at the option of the party of the first part and recourse had against the bond of the party of the second part.

IT IS FURTHER AGREED that said House and Senate Daily Journals shall be printed, delivered and be ready for distribution in conformity with the provisions of Section 67-509, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth herein at length.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper official, and the party of the first part, by Concurrent Resolution, has caused these presents to be executed by its proper officials.

Party of the First Part

By /s/ Lawrence Denney
LAWRENCE DENNEY, Speaker of the House

HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

By /s/ Jim Clark
JIM CLARK, Chairman

By /s/ Robert L. Geddes
ROBERT L. GEDDES, President Pro Tempore

SENATE JUDICIARY AND RULES COMMITTEE

By /s/ Denton Darrington
DENTON DARRINGTON, Chairman

Party of the Second Part

BUREAU OF COPY AND RECORDS SERVICES

By /s/ Bobbi Eckerle
BOBBI ECKERLE, Supervisor

Adopted by the House January 26, 2009

Adopted by the Senate February 4, 2009

(H.C.R. No. 6)

A CONCURRENT RESOLUTION

REJECTING THE RATES OF COMPENSATION AND EXPENSES FOR MEMBERS OF THE LEGISLATURE FIXED BY THE CITIZENS' COMMITTEE ON LEGISLATIVE COMPENSATION FOR THE TWO YEAR PERIOD COMMENCING DECEMBER 1, 2008, AND PROVIDING THAT THE RATES OF COMPENSATION AND EXPENSES IN EFFECT DURING THE FIFTY-NINTH IDAHO LEGISLATURE ARE CONTINUED IN FULL FORCE AND EFFECT AND PROVIDED THAT COMPENSATION AND EXPENSES THAT WERE IN EFFECT FROM DECEMBER 1, 2008, UNTIL THE EFFECTIVE DATE OF THIS RESOLUTION SHALL HAVE BEEN IN EFFECT FOR THAT PERIOD AND ANY AMOUNTS PAID SHALL HAVE BEEN PAID LAWFULLY AND NEED NOT BE RECOVERED OR REPAID BY MEMBERS OF THE LEGISLATURE.

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

WHEREAS, the Legislature is vested with the authority to reject or reduce rates of compensation and expenses established for service as members of the Legislature by the Citizens' Committee on Legislative Compensation pursuant to the provisions of Article III, Section 23, of the Constitution of the State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the rates of compensation and expenses for services to be rendered by members of the Legislature during the two year period commencing December 1, 2008, that were fixed by the Citizens' Committee on Legislative Compensation on June 20, 2008, be, and the same are hereby rejected, and the rate of compensation and expenses in effect during the Fifty-ninth Idaho Legislature are continued in full force and effect with the exception of the compensation and expenses that were in effect from December 1, 2008, until the effective date of this resolution shall have been in effect for that period and any amounts paid shall have been paid lawfully and need not be recovered from or repaid by members of the Legislature.

Adopted by the House January 22, 2009

Adopted by the Senate January 30, 2009

(H.C.R. No. 9)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DIVISION OF VOCATIONAL REHABILITATION RELATING TO RULES OF THE IDAHO DIVISION OF VOCATIONAL REHABILITATION.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the

event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Division of Vocational Rehabilitation relating to Rules of the Idaho Division of Vocational Rehabilitation are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 47.01.01, rules governing Rules of the Idaho Division of Vocational Rehabilitation, Section 100, relating to Client/Participant Appeals, Subsections 01, 02 and 03, the stricken language only, and Section 301, relating to Transparency, Rules of the Division of Vocational Rehabilitation, adopted as pending rules under Docket Number 47-0101-0801, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 9, 2009

Adopted by the Senate February 17, 2009

(H.C.R. No. 10)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE LOTTERY COMMISSION RELATING TO RULES GOVERNING CHARITABLE GAMING.

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

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

WHEREAS, it is the finding of the Legislature that certain rules of the Lottery Commission relating to Rules Governing Charitable Gaming are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 52.01.02, Gaming Rules of the Idaho State Lottery Commission, Section 303, relating to Limitation of Involvement by For-Profit Businesses, and Section 304, as it is proposed to be deleted, relating to Compensation of Certain Persons and Contracts with Certain Persons Prohibited, under Docket Number 52-0102-0801, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 10, 2009

Adopted by the Senate February 19, 2009

(H.C.R. No. 12)

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND SUPPORTING THE PEOPLE OF LATAH COUNTY AND THE CITY OF MOSCOW IN BRINGING THE COMMUNITY TOGETHER THROUGH THE MOSCOW COMMUNITY WALK, ENDORSING THE ANNUAL CELEBRATION OF THE WALK, AND ENCOURAGING SPONSORSHIP OF SIMILAR EVENTS IN OTHER COMMUNITIES OF OUR GREAT STATE OF IDAHO.

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

WHEREAS, the 2007 Moscow CommUNITY Walk Proclamation issued by Idaho Governor C.L. "Butch" Otter recognized the importance of the Moscow CommUNITY Walk for "the positive impact they can have on our State";

WHEREAS, the 2007 Moscow CommUNITY Walk Proclamation, issued by City of Moscow Mayor Nancy Chaney, stated the purpose of the CommUNITY Walk: "We choose to walk together in a symbolic pilgrimage of our common humanity in the spirit of peace and harmony";

WHEREAS, according to S. "Ghazi" Ghazanfar, Professor Emeritus (2002), the founder of the Moscow CommUNITY Walk, the event "inspires each of us to develop and promote meaningful connections with each other, to gather in the spirit of mutual respect and acceptance, transcending our differences and rising to the unifying inclusiveness of our pluralism";

WHEREAS, Tom Trail, a member of the Moscow CommUNITY Walk's original founding committee, believes, "The Walk brings together a cross section of citizens and allows them for at least one moment and one day to stand together in friendship and to celebrate our spirit of community."

WHEREAS, in addition to the Walk, the event has also included a free potluck-community meal, a student essay contest and various other celebratory activities for the participants;

WHEREAS, the Moscow CommUNITY Walk has enjoyed the support of several prominent sponsors, including: the City of Moscow, the University of Idaho (Office of the President, the Associated Students of the University of Idaho and the Multicultural Affairs Office), the Latah County Human Rights Task Force, the Moscow Interfaith Association, and various other faith groups as well as business and civic organizations.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature supports the people of Latah County and the City of Moscow in bringing the community together through the Moscow CommUNITY Walk, endorses the annual celebration of the Walk, and encourages sponsorship of similar events in other communities of our Great State of Idaho.

Adopted by the House March 12, 2009

Adopted by the Senate March 30, 2009

(H.C.R. No. 13)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF NATURAL RESOURCE ISSUES.

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

WHEREAS, the First Regular Session of the Fifty-ninth Idaho Legislature adopted House Concurrent Resolution No. 12 which authorized the appointment of a committee to undertake and complete a two-year study of natural resource issues, including issues relating to water, throughout the state of Idaho; and

WHEREAS, the committee's official term expired on November 30, 2008, and numerous natural resource-related issues continue to pose concerns for the future of Idaho and the quality of life our citizens enjoy; and

WHEREAS, issues of continued concern include, but are not limited to, stabilization of the water distribution system, the status of aquifers throughout the state, management of wolves in Idaho, and the study of the implementation of the Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of natural resource issues of importance to the state of Idaho. The committee shall consist of ten legislators, with five from the Senate and five from the House of Representatives. The Legislative Council shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the Legislative Council is authorized to also appoint ad hoc legislative members to serve on the committee.

BE IT FURTHER RESOLVED that the cochairmen of the committee are authorized to appoint advisors with technical expertise in the water supply arena and are expected to receive input from stakeholders in the water rights system of Idaho to attempt to stabilize the water delivery system in this state.

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

BE IT FURTHER RESOLVED that the committee shall make a progress report to the Second Regular Session of the Sixtieth Idaho Legislature and shall make a report detailing its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-first Idaho Legislature.

Adopted by the House February 17, 2009

Adopted by the Senate March 3, 2009

(H.C.R. No. 16)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF ENERGY, ENVIRONMENT AND TECHNOLOGY AND TO MONITOR THE INTEGRATED STATE ENERGY PLAN AND OTHER ISSUES.

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

WHEREAS, for the past twelve years, the Legislature has adopted concurrent resolutions that authorized the Legislative Council to appoint a committee to undertake and complete a study of energy, environment and technology related issues from both the statewide perspective and the national perspective and to submit a final report to the Idaho Legislature; and

WHEREAS, in 2006 the Legislature felt the state of Idaho needed to have an integrated state energy plan that provides for the state's power generation needs and protects the health and safety of the citizens of Idaho and the products produced in this state; and

WHEREAS, Idaho has substantial power needs in the near future, and the goal of the 2007 Integrated State Energy Plan is to ensure that those needs will be met; and

WHEREAS, it is the goal of the 2007 Integrated State Energy Plan to maintain the health, safety and welfare of Idaho's citizens, the quality and financial security of existing agricultural businesses and industries, the economic growth of the state of Idaho, and the environmental quality and natural resources of this state; and

WHEREAS, it is the goal that the 2007 Integrated State Energy Plan be a living, vibrant document; and

WHEREAS, the committee met in 2007 and 2008 and monitored the 2007 Integrated State Energy Plan, followed the fluctuation in petroleum prices and heard testimony regarding issues facing regulated utilities, municipal utilities and cooperatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the 2007 Integrated State Energy Plan that provides for the state's power generation needs and protects the health and safety of the citizens of Idaho and the products produced in this state, and make any recommendations for necessary changes in both state law and the plan regarding energy in the state and to monitor other energy, environment and technology related issues. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall make a progress report to the Second Regular Session of the Sixtieth Idaho Legislature and report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-first Idaho Legislature.

Adopted by the House February 24, 2009

Adopted by the Senate March 4, 2009

(H.C.R. No. 17)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULEMAKING DOCKET OF THE TRANSPORTATION DEPARTMENT RELATING TO RULES GOVERNING REGISTRATION AND PERMIT FEE ADMINISTRATION.

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

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

WHEREAS, it is the finding of the Legislature that a certain rulemaking docket of the Transportation Department relating to Rules Governing Registration and Permit Fee Administration is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 39.02.22, Rules Governing Registration and Permit Fee Administration, Rules of the Transportation Department, adopted as a pending rule under Docket Number 39-0222-0801, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 17, 2009

Adopted by the Senate February 23, 2009

(H.C.R. No. 18)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, REQUESTING THE NATURAL RESOURCES INTERIM COMMITTEE APPOINTED BY THE LEGISLATIVE COUNCIL TO GATHER INFORMATION AND TO PRESENT FINDINGS AND RECOMMENDATIONS TO THE LEGISLATURE AND REQUESTING THE DEPARTMENTS OF AGRICULTURE, FISH AND GAME AND LANDS AND THE OFFICE OF SPECIES CONSERVATION TO PROVIDE INFORMATION AND RECOMMENDATIONS TO THE INTERIM COMMITTEE.

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

WHEREAS, Idaho's working forests, ranches and farms provide important benefits to all Idahoans by sustaining Idaho's economy, food and fiber production, the heritage of local communities, habitat for fish and wildlife, intact watersheds for clean water and opportunities to hunt, fish and enjoy the outdoors; and

WHEREAS, working forests, ranches and farms, and the benefits they provide, have been lost to other uses over the past several decades and are expected to continue to do so at a rapid rate; and

WHEREAS, many of Idaho's rural landowners are deeply committed to maintaining agriculture and forestry traditions and to serving as stewards of natural resources and wildlife; and

WHEREAS, Idahoans support protecting working forests, ranches and farms as well as the wildlife, access and other benefits these lands provide.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Natural Resources Interim Committee appointed by the Legislative Council is requested to gather information from interested groups and existing resources regarding:

- (1) The extent of conversion of working forests, ranches and farms to other uses;
- (2) The effects of such conversions on local economies, agricultural heritage, timber resources, wildlife habitat and recreational opportunities;
- (3) The strengths and shortcomings of existing programs designed to keep forests, ranches and farms working; and
- (4) The need and opportunity for a suite of state policy tools to:
 - (i) Address the loss of working forests, ranches and farms and to protect the health of fish and wildlife populations;
 - (ii) Provide programs for voluntary enrollment to access forest lands;
 - (iii) Sustain economic contributions of working lands;
 - (iv) Maintain opportunities for outdoor recreation; and
 - (v) Reward good land stewardship.

BE IT FURTHER RESOLVED that the Natural Resources Interim Committee is requested to seek the view of representatives from forestry, ranching, farming, sporting, conservation, business organizations and the public in gathering the information.

BE IT FURTHER RESOLVED that the Natural Resources Interim Committee is requested to present its findings and recommendations to the Second Regular Session of the Sixtieth Idaho Legislature.

BE IT FURTHER RESOLVED that the Department of Agriculture, the Department of Fish and Game, the Department of Lands and the Office of Species Conservation are encouraged to provide information and recommendations relevant to the Natural Resources Interim Committee's study.

Adopted by the House March 2, 2009

Adopted by the Senate March 10, 2009

(H.C.R. No. 21)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND SUPPORTING THE PLANNING AND CONSTRUCTION OF NEW FIBER COMMUNICATIONS FACILITIES BETWEEN THE CITIES OF RIGGINS AND GRANGEVILLE, IDAHO.

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

WHEREAS, the Legislature recognizes that modern advanced broadband telecommunications services are critical to the needs of the citizens of Idaho; and

WHEREAS, advanced fiber transport facilities are necessary for the provision of such services; and

WHEREAS, the communications facilities currently in place between the cities of Riggins and Grangeville are vital to the connectivity and communications of citizens in rural, North Central Idaho with the outside world; and

WHEREAS, public safety in Idaho County is hampered because of a lack of fiber connectivity; and

WHEREAS, the current communications facilities are inadequate or nonexistent; and

WHEREAS, the expedited construction of new modern fiber communications facilities is in the best interests of the citizens of Idaho; and

WHEREAS, the representatives of numerous affected local communities, as well as the Governor of the state of Idaho, strongly support such an effort; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we strongly support the planning and construction of new fiber communications facilities between the cities of Riggins and Grangeville, Idaho.

BE IT FURTHER RESOLVED that state and other government agencies provide such support as is available to this endeavor including, expedited review and processing of any needed permits and licenses.

Adopted by the House March 2, 2009

Adopted by the Senate March 12, 2009

(H.C.R. No. 22)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING THE DIRECTORS OF ALL STATE AGENCIES TO USE ALL CARE AND VIGILANCE TO PROTECT THE PERSONAL DATA AND PRIVATE INFORMATION OF THEIR EMPLOYEES, AND ALL CITIZENS OF THE STATE OF IDAHO THAT THEY SERVE, FOR THE PURPOSE OF PROTECTING AGAINST IDENTITY THEFT, WHICH SHOULD INCLUDE BUT NOT BE LIMITED TO THE PROTECTION OF SOCIAL SECURITY INFORMATION, BANK ACCOUNT INFORMATION, AND INFORMATION RELATING TO STATE AND FEDERAL INCOME TAXES.

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

WHEREAS, in September of 2008, the publication "Consumer Reports" published results of an investigation revealing that government is among the biggest sources of identity leaks; and

WHEREAS, the report was based on an analysis by the publication of publicly reported data breaches compiled by the nonprofit Privacy Rights Clear-

inghouse and found that more than 230 security lapses by federal, state and local government from 2005 through June, 2008 resulted in the loss or exposure of at least 44 million consumer records containing social security or driver's license numbers and other personal data; and

WHEREAS, the report also noted that a 2006 investigation by the House Committee on Oversight and Government Reform found that 788 breaches had occurred between January, 2003 and July, 2006 at 17 federal departments and agencies and that few of the incidents were publicly disclosed; and

WHEREAS, recently, it was discovered that the Idaho Soil Conservation Commission, which administers, among other things, Resource Conservation and Rangeland Development Program loans, included in meeting minutes that were published on the internet, credit scores, bank information, bank balances, income levels, and debt-to-income ratios of certain applicants while considering applications for loans from the program; and

WHEREAS, the Idaho Attorney General's Office determined in an October 2, 2008, opinion, that this disclosure did not violate the Idaho Public Records Act, or the federal Fair Credit Reporting Act, but opined that the better practice would be to refrain from including credit scores, bank information, bank balances, and debt-to-income ratio information in the official minutes of the Commission.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the directors of all state agencies are urged and encouraged to use all care and vigilance to protect the personal data and private information of their employees, and all citizens of the state of Idaho that they serve, for the purpose of protecting against identity theft, which should include but not be limited to the protection of social security information, bank account information, and information relating to state and federal income taxes.

Adopted by the House March 12, 2009

Adopted by the Senate March 30, 2009

(H.C.R. No. 23)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING THE IMPORTANCE OF WOMEN'S PAY EQUITY AND RECOGNIZING EQUAL PAY DAY.

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

WHEREAS, the integrity, well-being and prosperity of Idaho families is a basic and precious value of this state; and

WHEREAS, the financial soundness of Idaho families is key to their success and ability to advance all Idaho values; and

WHEREAS, disparities in women's pay compared to that of men, and consequently, their annual incomes, hinder the ability of women of all ages, races and educational levels to participate in and contribute to a full family life and to build a better state; and

WHEREAS, in Idaho, women's pay has improved only 5 percent since 1992; and since women's pay is 60 percent of pay for men across all industries, according to the United States Bureau of the Census; and this rate places Idaho among the lowest four states with Utah, Wyoming and Louisiana, in regard to women's pay compared to men; and

WHEREAS, as a result of pay disparity, working families nationally lose \$200 billion in annual income due to this wage gap between women and men; and if this gap were closed, married women would see a rise in annual income of 6 percent and would account for a fall in the rate of poverty from 2.1 percent

to 0.8 percent; and single women, if the gap were closed, would see their annual incomes rise 17 percent and their poverty rate cut in half; and

WHEREAS, women of color - African American, Latina and Native American - tend to receive even less than the overall average annual income of all women compared to men; and

WHEREAS, improvements in pay equity are closely related to the elimination of poverty and cycles of poverty that persist from generation to generation; and

WHEREAS, the wage gap results in long-term impacts on family well-being, in that women entering retirement years are more likely to enter poverty because they have had insufficient incomes to save for retirement, to maximize pension and Social Security benefits, and to provide for their longer life span as survivors of predeceased spouses; and this circumstance means that the median income of older women is \$15,615, about half that of older men whose median income is \$29,171; and

WHEREAS, pay inequity places women on a path of requiring public benefits that they would not otherwise need.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, to recognize the importance of women's pay equity to the well-being of Idaho families and to recognize April 28, 2009, as Equal Pay Day.

Adopted by the House March 23, 2009

Adopted by the Senate April 7, 2009

(H.C.R. No. 25)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF STATUTORY PROVISIONS OF THE IDAHO CODE AND ANY APPLICABLE RULES RELATING TO THE SOIL CONSERVATION COMMISSION AND SOIL CONSERVATION DISTRICTS.

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

WHEREAS, beginning in 1940, Soil Conservation Districts were being established in Idaho. Since that time, districts have been dedicated to conserving renewable resources and using sound management practices. Districts promote clean water and productive soils and strive to ensure that decisions on conservation problems are made at the local level by local people. There are fifty-one Soil Conservation Districts within the state of Idaho; and

WHEREAS, the Soil Conservation Commission was originally established in Idaho in 1939 as an independent commission, with three members, all appointed by the governor, to help form and coordinate Soil Conservation Districts. In 1967, the members were increased to five; and

WHEREAS, in 1974, Idaho underwent a large-scale Executive Branch reorganization, and during this reorganization, the Soil Conservation Commission was placed within the Department of Lands; and

WHEREAS, in 1997, the commission was placed under the Department of Agriculture but the authority of the commission was left largely intact; and

WHEREAS, a full-scale review of all statutory provisions of the Idaho Code, and any applicable rules, relating to the Soil Conservation Commission and Soil Conservation Districts will serve to inform the Legislature of whether the provisions are sufficient to provide the authority, in relation to funding, management and all other powers and duties, upon which the commission and districts may operate as intended by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of statutory provisions of the Idaho Code, and any applicable rules, relating to the Soil Conservation Commission and Soil Conservation Districts. The purpose of the review is to determine whether the provisions are sufficient to provide the authority, in relation to funding, management and all other powers and duties, upon which the commission and districts may operate as intended by the Legislature. The committee shall consist of eight legislators, with four from the Senate and four from the House of Representatives. The Legislative Council shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the Legislative Council is authorized to also appoint ad hoc legislative members to serve on the committee.

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

BE IT FURTHER RESOLVED that the committee shall make a report detailing its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixtieth Idaho Legislature.

Adopted by the House March 16, 2009

Adopted by the Senate April 13, 2009

(H.C.R. No. 28)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND SUPPORTING THE PLANNING AND CONSTRUCTION OF NEW FIBER OR WIRELESS COMMUNICATIONS FACILITIES THROUGHOUT THE STATE.

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

WHEREAS, the Legislature recognizes that modern advanced broadband telecommunications services are critical to the needs of the citizens of Idaho; and

WHEREAS, advanced fiber transport facilities are necessary for the provision of such services; and

WHEREAS, the communications facilities currently in place in rural areas are vital to the connectivity and communications of citizens in rural Idaho with the outside world; and

WHEREAS, more aggressive broadband is necessary for robust economic development and the current environment is a deterrent to growth; and

WHEREAS, the current communications facilities are inadequate or nonexistent in many areas of rural Idaho and can hamper public safety along with economic development; and

WHEREAS, the expedited construction of new modern fiber or wireless communications facilities is in the best interests of the citizens of Idaho; and

WHEREAS, the representatives of numerous affected local communities, as well as the Governor of the state of Idaho, strongly support such efforts and it would be in the public interest if the state of Idaho could serve as an aggregator among public and private interests to increase broadband opportunity in this state; and

WHEREAS, other states have made significant progress in forming successful public-private partnerships to bring broadband telecommunications

to their remote or rural areas with programs like Connect Kentucky or Connect Indiana; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we strongly support the state of Idaho in creating a business climate to expedite the construction and installation of broadband throughout the state of Idaho.

BE IT FURTHER RESOLVED that the state of Idaho, other government agencies and broadband providers are requested to provide such support as is available to this endeavor including, expedited review and processing of any needed permits and licenses and to focus resources and coordinate with each other and commit to changing the broadband environment in this state within the next two years.

Adopted by the House March 16, 2009

Adopted by the Senate April 1, 2009

(H.C.R. No. 29)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE DOCKET OF THE INDUSTRIAL COMMISSION RELATING TO MISCELLANEOUS PROVISIONS.

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

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

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Industrial Commission relating to Miscellaneous Provisions is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 17.02.08, rules governing Miscellaneous Provisions, rules of the Industrial Commission, adopted as a pending rule under Docket Number 17-0208-0802, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 23, 2009

Adopted by the Senate March 30, 2009

(H.C.R. No. 30)

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE; COMMENDING AND HONORING NORTH IDAHO COLLEGE FOR ITS PAST SEVENTY-FIVE YEARS OF SERVICE AND ITS CONTINUING CONTRIBUTIONS TO NOT ONLY THE PEOPLE OF NORTHERN IDAHO, BUT TO THE ENTIRE STATE AND THE REGION, AS AN ACADEMIC AND VOCATIONAL TRAINING INSTITUTION AND AS A CENTER FOR CULTURAL EXPRESSION THROUGH THEATER, ART AND MUSIC; AND EXPRESSING APPRECIATION TO THE MANY INDIVIDUALS AND BUSINESSES THAT HAVE SUPPORTED AND CONTINUE TO SUPPORT NORTH IDAHO COLLEGE, DILIGENTLY AND ENTHUSIASTICALLY.

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

WHEREAS, North Idaho College has now been in existence for over seventy-five years; and

WHEREAS, what is now North Idaho College was begun in June of 1933, when Moritz Brakemeyer presented the concept for a junior college to the Coeur d'Alene Chamber of Commerce directors; and

WHEREAS, during the summer of 1933, supporters of the College went door-to-door to solicit financial support and to recruit potential students; and

WHEREAS, the Coeur d'Alene Junior College opened its doors for classes on the top floor of the Coeur d'Alene City Hall on September 18, 1933, with an enrollment of seventy-four students in the first semester; and

WHEREAS, the Idaho Legislature passed the Idaho Junior College Bill in 1939, giving the College's Board of Trustees the authority to levy a property tax. In response, the Kootenai County taxpayers enthusiastically endorsed the College on June 2, 1939, with property tax support and a new name, North Idaho Junior College; and

WHEREAS, in 1971, the College changed its name to the present, North Idaho College; and

WHEREAS, the College signed the Nine Point Agreement with the Coeur d'Alene Tribe in 1997, to establish a relationship honoring diversity, education, tribal history and tribal contributions to the region; and

WHEREAS, the College has been ably served by eight dedicated presidents since its inception in 1933: Moritz Brakemeyer (1933-1935); Orrin E. Lee (1935-1944); George Kildow (1944-1962); Perry Christianson (1962-1968); Barry Schuler (1968-1986); C. Robert Bennett (1987-1997); Michael Burke (1998-2007); and currently, Priscilla Bell; and

WHEREAS, the growing College moved to its present location, the former site of Fort Sherman, in 1949, and subsequently acquired some 3,400 feet of waterfront on the shores of the Spokane River and Lake Coeur d'Alene in 1977, which secured public access to the beach for generations to come; and

WHEREAS, the growth of the College is evidenced by the construction of a number of buildings that have been named after its loyal and ardent supporters, including: Lee Hall, the College's main classroom building, built in 1949, and named after former President Orrin Lee; the Edminster Student Union, opened in 1961, and named after Anna R. Edminster; a library wing opened in 1962, and named after former President George Kildow; the Shepard/Gridley Dormitory, opened in 1963, honoring two local families who have supported the College with dedication; the Hedlund Vocational Building, named after Idaho Representative Emery Hedlund and opened in 1976; Boswell Hall, begun in 1979, and named after Joyce Boswell, a longtime College instructor; Molstead Library, opened in 1991, and later named in honor of Jessie Molstead, a pioneer resident of Kootenai County and a local elementary school teacher; and the Meyer Health and Sciences Building, named in honor of North Idaho College Foundation board member Steve Meyer and current trustee Judy Meyer, which opened in 2005; and

WHEREAS, the College has reached out to serve Northern Idaho by opening the 38,000 square foot Workforce Training Center in Post Falls in 1994, and by establishing outreach centers in Sandpoint in 2000, in Kellogg in 2005, and in Bonners Ferry in 2006; and

WHEREAS, as of 2008, the College had an enrollment of nearly 14,000 students in college transfer, professional-technical, workforce training and adult basic education programs.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the North Idaho College is commended and honored for its past seventy-five years of service and its continuing contributions to not only the people of Northern Idaho, but to the entire state and the region, as an academic and vocational training institution and as a center for cultural expression through theater, art and music.

BE IT FURTHER RESOLVED that the Idaho Legislature hereby expresses its appreciation to the many individuals and businesses that have supported and continue to support North Idaho College, diligently and enthusiastically.

Adopted by the House April 8, 2009

Adopted by the Senate April 17, 2009

(H.C.R. No. 32)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE ESTABLISHMENT OF A TASK FORCE TO UNDERTAKE AND COMPLETE A STUDY TO IDENTIFY ALTERNATIVE DEDICATED FUNDING SOURCES FOR THE IDAHO STATE POLICE AND FOR THE IDAHO DEPARTMENT OF PARKS AND RECREATION ON AN ONGOING BASIS AND TO SUBMIT FINDINGS AND ANY PROPOSED LEGISLATION TO THE SECOND REGULAR SESSION OF THE SIXTIETH IDAHO LEGISLATURE.

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

WHEREAS, transportation funding was an important issue in the 2009 Legislative Session and one of the sources to fund transportation in future years will shift funds away from the Idaho State Police and the Idaho Department of Parks and Recreation; and

WHEREAS, the issue of funding to the Idaho State Police and the Idaho Department of Parks and Recreation is of continued concern to the state of Idaho and a task force could identify alternative dedicated funding sources for the Idaho State Police and for the Idaho Department of Parks and Recreation on an ongoing basis to offset those funds shifted away from the Idaho State Police and the Idaho Department of Parks and Recreation to fund transportation and could submit proposed legislation to the Second Regular Session of the Sixtieth Idaho Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a task force shall be established to undertake and complete a study to identify alternative dedicated funding sources for the Idaho State Police and for the Idaho Department of Parks and Recreation on an ongoing basis to offset those funds shifted away from the Idaho State Police and the Idaho Department of Parks and Recreation to fund transportation.

BE IT FURTHER RESOLVED that the Speaker of the House of Representatives shall appoint three members from the House of Representatives to serve on the task force and the President Pro Tempore of the Senate shall appoint three members from the Senate to serve on the task force. In addition, the cochairs of the Joint Finance-Appropriations Committee shall serve as the cochairs of the task force. The task force shall be authorized to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the task force shall be dissolved on February 1, 2010. Prior to dissolution, the task force shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixtieth Idaho Legislature.

Adopted by the House May 7, 2009

Adopted by the Senate May 8, 2009

(H.C.R. No. 34)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND SUPPORT FOR A GUBERNATORIAL TASK FORCE TO CONSIDER BOTH TRADITIONAL AND NONTRADITIONAL SOURCES OF REVENUE FOR THE MAINTENANCE AND PRESERVATION OF HIGHWAYS AND BRIDGES INCLUDING, BUT NOT LIMITED TO, POSSIBLE REVISIONS TO THE RATES, METHODS AND MANNER OF CALCULATING ANY AND ALL TAXES, FEES AND REGISTRATIONS RELATING TO FUELS AND MOTOR VEHICLES AND MOTOR CARRIERS.

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

WHEREAS, the Idaho Transportation Department (ITD) has responsibility for approximately 5,000 centerline miles of highway and nearly 1,760 bridges in Idaho; and

WHEREAS, a recent legislative audit found that current funding for transportation cannot keep pace with the growth in costs to meet Idaho's basic transportation needs of preserving and restoring Idaho's highways and bridges; and

WHEREAS, there exists a need for adequate funding to pay for financing costs and the growing need for preservation and restoration of the state highway system; and

WHEREAS, it is undeniable that a reliable, resilient and effective transportation system is essential to the state's long-term growth; and

WHEREAS, the current transportation revenue structure will not meet the pressing transportation funding needs over the next 30 years; and

WHEREAS, transportation is not just a state problem but rather, it transcends all levels of government in Idaho with almost 300 jurisdictions having some role in the state's transportation network, such that transportation funding needs must be addressed at all levels of government and jurisdictions; and

WHEREAS, federal funding cannot be relied upon to solve Idaho's transportation funding challenges; and

WHEREAS, Idaho's transportation funding must be addressed in a manner that is comprehensive and takes into full account changing fuel consumption patterns; and

WHEREAS, solutions to Idaho's transportation funding challenge will require innovative and perhaps nontraditional revenue sources; and

WHEREAS, a review of such issues should be done in a measured, deliberative manner, providing a wide array of policy options to move transportation funding forward for Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that a gubernatorial task force is appropriate to consider both traditional and nontraditional sources of revenue for the maintenance and preservation of highways and bridges including, but not limited to, possible revisions to the rates, methods and manner of calculating any and all taxes, fees and registrations relating to fuels and motor vehicles and motor carriers.

BE IT FURTHER RESOLVED that the Idaho Legislature supports and will participate in the gubernatorial task force consisting of a total of fifteen members including five members from the Idaho Senate and five members from the Idaho House of Representatives.

BE IT FURTHER RESOLVED that the Idaho Legislature shall receive and consider reports and findings, recommendations and proposed legislation, if any, from the gubernatorial task force during the Second Regular Session of the Sixtieth Idaho Legislature.

Adopted by the House May 7, 2009

Adopted by the Senate May 8, 2009

CERTIFICATE OF SECRETARY OF STATE

UNITED STATES OF AMERICA)
) ss.
STATE OF IDAHO)

I, BEN YSURSA, Secretary of the State of Idaho, do hereby certify that the foregoing printed pages contain true, full, and correct and literal copies of all the general laws and resolutions passed by the Sixtieth Legislature of the State of Idaho, First Regular Session thereof, which convened on January 12, 2009, and which adjourned on May 8, 2009, as they appear in the enrolled acts and resolutions on file in this office, all of which are published by authority of the Laws of the State of Idaho.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Idaho. Done at Boise City, the Capital of Idaho, this twenty-fifth day of June, 2009.

Ben Yursa
Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2008-02AUTHORIZING THE TRANSFER OF FUNDS TO THE
DISASTER EMERGENCY ACCOUNT

WHEREAS, tremendous financial obligations and expenses have been incurred by various departments, agencies, and counties in responding to and assisting in efforts to deal with the extreme threat to public safety, health, property and the environment posed by declared disaster emergencies in Idaho; and

WHEREAS, all funds in the Disaster Emergency Account created by title 46, section 1005A of the Idaho Code have or soon will be expended; and

WHEREAS, funds in the General Fund are available to transfer to the Disaster Emergency Account under the requirements set forth in 46-1005A(2) (b); and

WHEREAS, it is my judgment, as Governor of the State of Idaho, that any moneys transferred from the General Fund up to the limits provided below will not be required to support the current year's appropriations.

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby as follows:

1. The State Controller is directed to transfer money from the General Fund to the Disaster Emergency Account in such amount and at such times as directed by me or my designee, the Administrator of the Division of Financial Management. In no event shall more than 3.3 million dollars (\$3,300,000) be transferred for the purposes of this executive order from the General Fund to the Disaster Emergency Account.
2. In no event may the revenues made available under this Executive Order exceed one percent (1%) of the annual appropriation of the General Fund Account moneys for this fiscal year.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 30th day of May in the year of our Lord 2008, and of the Independence of the United States of America the two hundred thirty-second and of the Statehood of Idaho the one hundred eighteenth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2008-03REDUCTION OF GENERAL FUND SPENDING AUTHORITY

WHEREAS, article 7, section 11, of the Idaho Constitution provides that except in extraordinary or emergency circumstances, expenditures of the state government shall not exceed state government revenue; and

WHEREAS, I have determined that expenditure from the General Fund authorized by the Legislature for the current fiscal year will exceed anticipated state revenue to meet those authorized expenditures for the current fiscal year;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state, and pursuant to Section 67-3512A do hereby order:

- 1) That the General Fund spending authority on file in the Office of the State Controller be reduced for all departments, offices and institutions of the state by one percent (1%) of their Fiscal Year 2009 General Fund Appropriation;
- 2) That each department, office and institution shall notify the Office of the State Controller and the Division of Financial Management of the Executive Office of the Governor of budget changes by October 6, 2008 according to the attachment made part of this Executive Order;
- 3) That elected State Constitutional officials are requested to reduce General Fund expenditures for the Fiscal Year 2009 to reflect the realities of the projected revenue shortfall without impairing the discharge of their constitutional duties;
- 4) That officers of the legislative and judicial branches are requested to assess and evaluate a reduction in the General Fund expenditures for the Fiscal Year 2009 to reflect similar revenue shortfalls in the executive branch of state government.

This Order shall take effect immediately upon its execution and shall continue in effect until January 31, 2009, unless revoked or modified by the Governor, or until the Legislature or the Board of examiners takes further action.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 26th day of September in the year of our Lord 2008, and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA

SECRETARY OF STATE

EXECUTIVE ORDER NO. 2008-04

ESTABLISHING THE GOVERNOR'S NEIGHBORHOOD STABILIZATION
PROGRAM STEERING COMMITTEE

WHEREAS, Congress has passed the Housing and Economic Recovery Act (HERA) of 2008, which authorized a one-time supplemental appropriation of federal funding for the Neighborhood Stabilization Program (NSP); and

WHEREAS, Idaho expects to receive federal money under this program to provide financing mechanisms for purchasing and redeveloping foreclosed residential properties, purchase, redevelop and rehab foreclosed and abandoned homes and establish land banks for foreclosed residences within the State; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) has promulgated regulations for States concerning the expenditure of federal funds under the NSP; and

WHEREAS, there are a broad array of state, local and private entities with expertise and insight critical to the success of a state program to implement the NSP; and

WHEREAS, individuals in Idaho can utilize this program to help stabilize and restore communities and neighborhoods;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby order:

1. The establishment of the Governor's Neighborhood Stabilization Program Steering Committee (Committee).
2. Members of the Committee shall be appointed by and serve at the pleasure of the Governor. The members shall include:
 - The director of the Department of Finance;
 - The President/Executive Director of the Idaho Housing and Finance Association;
 - The Community Development Manager of the Department of Commerce;
 - and
 - Four individuals from the public at large.
3. The chair of the Committee shall be appointed by and serve at the pleasure of the Governor.
4. The duties and responsibilities of the Committee shall include:
 - Developing an action plan for the use of federal funds, consistent with federal and state law and regulations, for the Governors review by November 21, 2008;
 - Identifying an entity to administer the funding within eighteen (18) months of the enactment of HERA;
 - Developing a process and procedure to oversee and review the expenditure of funds for four (4) years following implementation;
 - and
 - Any additional duties or responsibilities as directed by the Governor.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 10th day of October in the year of our Lord 2008, and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA

SECRETARY OF STATE

EXECUTIVE ORDER NO. 2008-05

REDUCTION OF GENERAL FUND SPENDING AUTHORITY REPEALING AND REPLACING EXECUTIVE ORDER 2008-03

WHEREAS, article 7, section 11, of the Idaho Constitution provides that except in extraordinary or emergency circumstances, expenditures of the state government shall not exceed its revenue; and

WHEREAS, I have determined that expenditures from the General Fund authorized by the Legislature for the current fiscal year will exceed anticipated state revenue;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of this state, and pursuant to Section 67-3512A do hereby order:

- 1) That Executive Order 2008-03, which imposed a one-percent (1%) holdback, is revoked;
- 2) That the General Fund spending authority on file in the Office of the State Controller, be reduced for all departments, offices and institutions of the state by four percent (4%) of their Fiscal Year 2009 General Fund Appropriation;
- 3) In addition to the 4% reduction in General Fund spending authority for Fiscal Year 2009 the Idaho Department of Parks and Recreation's General Fund appropriation is further reduced by \$150,000, which shall be taken from Park Housing, line item 9 in House Bill 614 as passed by the 2008 Idaho Legislature;
- 4) In addition to the 4% reduction in General Fund spending authority for Fiscal Year 2009 the State Department of Education's General Fund appropriation is further reduced by \$3,972,500, which shall be taken from the early math education program as provided in section 8 of House Bill 672 as passed by the 2008 Idaho Legislature;
- 5) The Idaho Department of Water Resources shall revert \$12,000,000 to the General Fund from the Aquifer Planning and Management Fund and the State Treasurer is hereby authorized to transfer this amount back to the State Controller;
- 6) The Permanent Building Fund shall revert \$5,645,200 to the General Fund from the one-time transfer authorized by the 2008 Idaho Legislature in Senate Bill 1498;
- 7) That each department, office and institution shall notify the Office of the State Controller and the Division of Financial Management of the Executive Office of the Governor of budget changes by December 8, 2008 according to the attachment made part of this Executive Order;
- 8) That elected State Constitutional officials are requested to reduce General Fund expenditures for the Fiscal Year 2009 to reflect the realities of the projected revenue shortfall without impairing the discharge of their constitutional duties; and
- 9) Officers of the legislative and judicial branches are requested to assess and evaluate a reduction in the General Fund expenditures for the Fiscal Year 2009 to reflect similar revenue shortfalls in the executive branch of state government.

This Order shall take effect immediately upon its execution and shall continue in effect until January 31, 2009, unless revoked or modified by the Governor, or until the Legislature or the Board of examiners takes further action.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 1st day of December in the year of our Lord 2008, and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2009-01CONTINUATION OF A STATE HOUSING TAX CREDIT AGENCY

WHEREAS, the United States Congress has enacted and amended the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, Section 42 of the Code authorizes a Low-Income Housing Credit; and

WHEREAS, Section 42(h) of the Code stipulates that the Housing Credit is subject to certain restrictions regarding the aggregate credit allowable with respect to projects located in a state; and

WHEREAS, the Idaho Housing and Finance Association was created by the adoption of Title 67, Chapter 62 of the Idaho Code to increase the supply of housing for persons and families of low income and to encourage cooperation and coordination among private enterprise and state and local government to sponsor, build and rehabilitate residential housing for such persons and families; and

WHEREAS, in order to establish and continue an equitable process for the allocation of the allowable Low-Income Housing Credit for the State of Idaho, it is necessary and desirable to issue this Executive Order to provide authorization required under Section 42(h) for a State Housing Credit agency as defined in the Code;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby order as follows:

Section 1. As used in this Executive Order:

(a) "Annual Report" means the report required from any agency which allocates any housing credit amount to any building for any calendar year, as specified in Section 42(1)(3) of the Code.

(b) "Code" means the Internal Revenue Code of 1986, as amended, and any related regulations.

(c) "Executive Director" means the Executive Director of the Idaho Housing and Finance Association or such other official or officials of the Idaho Housing and Finance Association as the Executive Director shall designate to carry out the duties set forth in this Executive Order.

(d) "Housing Credit Ceiling" means the dollar amount of State Housing Credit Ceiling applicable to any state for any calendar year in an amount based upon the applicable per capita limit and the State's population as determined in accordance with Section 42(h)(3) of the Code.

(e) "Idaho Housing and Finance Association" or "Association" means the Idaho Housing and Finance Association, an independent public body, corporate and politic, created by the Idaho Legislature under the provisions of Chapter 62, Title 67 of the Idaho Code, as amended.

(f) "Low-Income Housing Credit" means the federal tax credit authorized under Section 42 of the Code.

(g) "Qualified Low-Income Housing Project" means any project for residential rental property which meets the requirements of Section 42(g) of the Code; in general Section 42(g) of the Code pertains to the requirement that 20 percent of the units in the project be both rent-restricted and occupied by individuals whose income is 50 percent or less of area median gross income, or that 40 percent of the units in the project be both rent-restricted and occupied by individuals whose income is 60 percent or less of area median gross income.

(h) "State" means the State of Idaho.

(i) "State Housing Credit Agency" means the agency authorized to carry out the provisions of Section 42(h), Section 42(1) and Section 42(m) of the Code and in particular the Idaho Housing and Finance Association.

(j) "Year" means the period January 1 through December 31, inclusive, for each calendar year beginning prior to or after January 1, 2008.

Section 2. The Code has created a Low-Income Housing Credit which can be granted by a State Housing Credit Agency for a Qualified Low-Income Housing Project.

The Code has further created a Housing Credit Ceiling which the state may use in any year to assist Qualified Low-Income Housing Projects during the allocation term.

Section 3. The state has delegated certain responsibilities and granted certain powers to the Idaho Housing and Finance Association in order that the supply of housing for persons and families of low income be increased and that coordination and cooperation among private enterprise, state and local government be encouraged to sponsor, build and rehabilitate residential housing for such persons and families.

Section 4. The state requires the development of a Qualified Allocation Plan described in Section 7 (a) below for the allocation of the Low-Income Housing Credit in order to ensure fair and equal opportunity by interested parties in gaining an allocation of the Housing Credit Ceiling.

Section 5. The state requires the implementation of said Qualified Allocation Plan in order to ensure the proper use of such credits for Qualified Low-Income Housing Projects.

Section 6. An Annual Report shall be submitted to the Secretary of the Treasury and to the Governor of the State of Idaho with respect to the use of the Low-Income Housing Credit for any year.

Section 7. In consideration of the requirements of the state, the Governor appoints the Idaho Housing and Finance Association to act as the State Housing Credit Agency for the state in the distribution of the Housing Credit Ceiling for any year.

The Idaho Housing and Finance Association is required to:

(a) Establish a Qualified Allocation Plan as defined and provided for in Section 42(m) of the Code for the fair distribution of the Housing Credit Ceiling for the state;

(b) Distribute the Housing Credit Ceiling for Qualified Low-Income Housing Projects in the manner required under Section 42 of the Code.

(c) Submit an Annual Report to the Secretary of the Treasury and the Governor of the State of Idaho (at such time and in such manner as the Secretary shall prescribe) specifying:

(1) the amount of housing credit allocated to each building for such year,

(2) sufficient information to identify each such building and the taxpayer with respect thereto, and

(3) such other information as the Code, the Secretary, the Governor or the Legislature of the State of Idaho may require.

Section 8. The state pledges and agrees with the owners of any Qualified Low-Income Housing Project for which an allocation of the Housing Credit Ceiling has been granted under this Executive Order that the state will not retroactively alter the allocation of the Housing Credit Ceiling to such project except as may be required under the terms of the Code.

Section 9. No action taken pursuant to this Executive Order shall be deemed to create an obligation, debt, or liability of the state.

Section 10. The purpose of this Executive Order is to maximize the opportunity for developing low-income housing units through the use of the Low-Income Housing Credit by providing a responsible State Housing Credit Agency within the meaning and requirements of Section 42 of the Code.

Section 11. This Executive Order shall be effective immediately and continue the designation of the Idaho Housing and Finance Association as the State Housing Tax Credit Agency and shall be applied to all allocations made with respect to any Qualified Low-Income Housing Project. This Executive

Order shall continue in effect until such time as it may be repealed or superseded by operation of the state or federal law.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of January in the year of our Lord 2009, and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA

SECRETARY OF STATE

EXECUTIVE ORDER NO. 2009-02

CONTINUING A SYSTEM FOR ALLOCATING VOLUME CAP IN THE STATE
CONSISTENT WITH PROVISIONS OF TITLE 50, CHAPTER 28, IDAHO CODE, AND
THE U.S. INTERNAL REVENUE CODE OF 1986

WHEREAS, Section 146 of the U.S. Internal Revenue Code of 1986 (the "Code") subjects certain private activity and non-private activity bonds to volume limitations or "volume cap" (the "Volume Cap"); and

WHEREAS, as required by Section 146(e) of the Code, the Idaho Legislature did adopt the provisions of Title 50, Chapter 28, Idaho Code, (the "State Law") to provide a permanent allocation formula for Volume Cap in the state; and

WHEREAS, Section 50-2804 Idaho Code, authorizes and directs the Governor of the State of Idaho to provide for the implementation and administration of the allocation formula established under Section 50-2803, Idaho Code, by executive order and the Governor did issue his Executive Order No. 2004-10 providing therefore; and

WHEREAS, in order to renew the provisions contained in said Executive Order No. 2004-10, to amend the allocation formula in order to meet the requirements of said amendments to the State Law and to continue to provide for the implementation and administration of the formula for allocation of the Volume Cap among the state and its issuing authorities under the State Law, it is necessary and desirable to issue this Executive Order;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the power vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby order and proclaim:

Section 1: As used in this Executive Order:

(1) "Allocation Dollars" means the dollar amount of the Volume Cap expressed in terms of dollars. Each allotment dollar equals one dollar of Volume Cap that may be allocated under this Executive Order and the State law.

(2) "Bonds" means any obligations for which an allocation of the Volume Cap is required by the Code and the State Law including, without limitation, mortgage credit certificates described in Section 25 of the Code. With respect to any allocation of Allotment Dollars for the purpose of issuing certificates, certificates will be deemed "issued" when the mortgage credit certificate program for which the allocation is made is implemented.

(3) "Code" means the Internal Revenue Code of 1954, as amended by the Reform Act of 1986 and renamed the Internal Code of 1986, and any related regulations.

(4) "Department" means the Department of Commerce of the State.

(5) "Director" means the director of the Department or such other official or officials of the Department as the director shall designate to carry out the duties of the director set forth in this Executive Order.

(6) "Form 8038" means Department of the Treasury tax form 8038 (OMB NO. 1545-0720) or any other federal tax form or other method of reporting required by the Department of the Treasury under Section 149(e) of the Code.

(7) "Issuing Authority" means

(a) any county, city or port district;

(b) any public corporation created pursuant to Section 50-2703 of the Idaho Code, or other entity acting on behalf of one or more counties, cities, or both;

(c) the State; or

(d) any other entity authorized to issue Bonds in the State.

(8) "Priority Set Aside" means one of the priority set asides established under Section 4(1) hereof.

(9) "Program" means the program to be financed in whole or in part with the proceeds of the sale of Bonds or to be implemented through the issuance of mortgage credit certificates under Section 25 of the Code.

(10) "Project" means the facility to be financed in whole or in part with the proceeds of sale of Bonds.

(11) "Qualifying Carryforward Project or Program" means a Project or Program qualifying for carryforward under Section 146(f) of the Code.

(12) "State" means the state of Idaho, any of its agencies, instrumentalities, institutions and divisions authorized to issue Bonds under State law.

(13) "State Law" means Title 50, Chapter 28, Idaho Code, as amended.

(14) "Volume Cap" means the volume cap for the State as computed under Section 146 of the Code.

(15) "Year" means each calendar year beginning January 1.

Section 2. The Volume Cap for each Year is allocated to Issuing Authorities in accordance with the procedures set forth in this Executive Order. An allocation of the Volume Cap may be obtained by submitting an application to the Director in accordance with Section 3 or Section 5, as appropriate. The Director shall evidence a grant of an allocation of the Volume Cap by issuing a certificate of allocation in accordance with Section 4 or Section 5, as appropriate.

Section 3.

(1) Any Issuing Authority proposing to issue Bonds shall, prior to the issuance of such Bonds, submit an application to the Director which contains the following information and attachments:

(a) the name of the Issuing Authority;

(b) the mailing address of the Issuing Authority;

(c) the tax identification number of the Issuing Authority;

(d) the name, title and office telephone number of the official of the Issuing Authority to whom notices should be sent and from whom information can be obtained;

(e) the principal amount of Bonds proposed to be issued for which an application for an allocation of the Volume Cap is requested;

(f) the nature, the purpose and the specific location of the Project or the type of Program;

(g) the initial owner or user of the Project or Program, if other than the Issuing Authority;

- (h) a copy of a valid and fully executed resolution or similar official action of the Issuing Authority evidencing its intention to issue Bonds for the Project or Program;
 - (i) with respect to Bonds, the anticipated date on which the Bonds are expected to be sold and the anticipated date on which the closing or final transaction with respect to the issuance and sale of the Bonds is expected to occur and, with respect to mortgage credit certificates under Section 25 of the Code, the anticipated date on which such mortgage credit certificates are expected to be issued;
 - (j) the name, address, and telephone number of all parties to the transaction;
 - (k) the applicable provisions of the Code under which the Bonds are expected to be issued; and
 - (l) such information as the applicant may wish to submit in order to demonstrate the need for, and economic impact of, its Program or Project in the State, together with any information which demonstrates how its Program or Project will effectively utilize and efficiently distribute resources throughout the State;
 - (m) any other information or attachments reasonably required by the Director.
- (2) The Director shall
- (a) establish the form of application for requests for allocations of the Volume Cap, which form shall contain the information required by Section 3(1), and
 - (b) make such forms available to the public upon request.
- (3) The Director shall be under no obligation to process any application that is incomplete. Any application submitted by an Issuing Authority that the Director does not process shall be returned by the Director on or before the fifteenth day after receipt thereof with a brief explanation as to why the application was not processed.

Section 4.

- (1) Allocations of Volume Cap shall be made each Year according to the following Priority Set Asides:
- (a) qualified small issue manufacturing projects under Section 144(a) of the Code, in an amount between 7% and 13% of the total Allocation Dollars available for the Year as determined by the Director;
 - (b) single family housing financing through the Idaho Housing and Finance Association under Section 143 of the Code, in an amount between 55% and 80% of the total Allocation Dollars available for the Year as determined by the Director;
 - (c) multifamily housing, as qualified residential rental projects under Section 142(a)(7) of the Code, in an amount between 0% and 8% of the total Allocation Dollars available for the Year as determined by the Director;
 - (d) student loan programs through the Education Funding Association of Idaho under Section 144(b) of the Code, in an amount between 0% and 15% of the total Allocation Dollars available for the Year as determined by the Director;
 - (e) beginning farmer financings, arranged by the Idaho Department of Agriculture under Section 144(a) of the Code, in an amount between 0% and 2% of the total Allocation Dollars available for the Year as determined by the Director;
 - (f) exempt facilities under Section 142(a) of the Code, other than qualified residential rental projects, in an amount between 0% and 32% of the total Allocation Dollars available for the Year as determined by the Director.
 - (g) Any qualified uses for Volume Cap not identified above are eligible for allocations in accordance with Section 4(4) below.

(h) Not later than January 31st of each year, subject to the provisions of Section 4(9) hereof, the Director shall determine the amount of Allocation Dollars within each Priority Set Aside, based on the need for, and economic impact of, the Program or Project to be financed under each application and how such expected Program or Project will effectively utilize and efficiently distribute resources throughout the State.

(i) The above Priority Set Asides shall be in effect through August 31 of each Year. Thereafter, allocations shall be made in accordance with Section 4(4) and (5) below. All other potential uses of Volume Cap under the Code, other than those listed in the Priority Set Asides above, may also be allocated on or after September 1 of each Year upon application to the Director as provided in Section 4(4) and (5) below.

(2) Except as otherwise provided in this Executive Order, on or before the fifteenth day after receipt by the Director of an application for an allocation of the Volume Cap, the Director shall, if the application is in satisfactory order, and if the Director determines that the application demonstrates the need for, and economic impact of, the particular Program or Project in the State and how the Program or Project will effectively utilize and efficiently distribute resources throughout the State, the Director will make the requested allocation in the amount so requested, if available under the applicable Priority Set Aside in Section 4(1) above, and certify to the Issuing Authority applying for the allocation that an allocation has been made, the amount of such allocation. Certificates of allocation evidencing the granting of an allocation by the Director in accordance with the preceding sentence, shall be issued by the Director in the chronological order in which completed applications are received within the applicable Priority Set Aside in Section 4(1) above. No Issuing Authority issuing Bonds or Certificates is entitled to any allocation of the Volume Cap with respect to such Bonds or Certificates unless it has first received the aforementioned certificate of allocation from the Director evidencing the granting of an allocation for such Bonds or Certificates.

(3) Every allocation of the Volume Cap granted under this Executive Order by the Director for which Bonds or Certificates have not been issued with respect to such allocation, except those grants made pursuant to Section 5, shall remain effective until, and including, the earlier of

(a) a date to be determined by the Director but not to exceed 180 days after the date on which such allocation was made or any date until December 27 as determined by the Director if the Program is being allocated Volume Cap under a Priority Set Aside which sets aside Allocation Dollars for a specific Issuing Authority [Sections 4(1)(b), 4(1)(d) and 4(1)(e) above] and such Issuing Authority has a Program for Bond issuance to be carried out throughout the Year,

(b) 12:00 o'clock midnight on December 27 of the Year in which such allocation was made, or

(c) the date upon which the Director receives a written notification from any such Issuing Authority pursuant to Section 7(2). Any allocation for which Bonds or Certificates are issued on or prior to the applicable date specified in this subsection shall be irrevocably allocated to such Bonds or Certificates.

(4) On and after September 1 of each Year allocations of Volume Cap shall be made to applicants submitting applications by such date for Project(s) or Program(s) that best demonstrate effective utilization, need, economic impact and efficient distribution of resources throughout the State. The Director and the Department may elect not to allocate Volume Cap if an application does not demonstrate a need for,

and economic impact of, the particular Program or Project in the State and how the Program or Project will effectively utilize and efficiently distribute resources throughout the State. If qualified applications have not been received by the Department for all remaining Allocation Dollars by September 1 of such Year, then the Department shall continue to receive additional applications until the first of each succeeding month and make allocations on the same basis until all Allocation Dollars have been allocated.

(5) Until and including December 27 of each Year, any allocation of Allocation Dollars made in such Year, except allocations made pursuant to Section 5, for which Bonds or Certificates are not issued on or prior to the applicable date specified in Section 4(3) shall be available for reallocation to applying Issuing Authorities. On December 28 of each Year, any allocation of Allocation Dollars made in such Year for which Bonds or Certificates are not issued on or prior to the applicable date specified in Section 4(3) and any Allocation Dollars for such Year or any Allocation Dollars not allocated under Section 4(4) above shall become available for reallocation only for Qualifying Carryforward Projects or Programs. In either case, such reallocations shall be made in the same manner as for allocations of Allocation Dollars on and after September 1 as provided in Section 4(4) above.

(6) No application submitted by an Issuing Authority to the Director pursuant to this section shall be processed if the amount of allocation of the Volume Cap requested in such application is in excess of the amount of Volume Cap remaining available for allocation. Any application not processed for the reason stated in this subsection may be resubmitted to the Director, with or without a change in the amount of allocation requested. Any application resubmitted to the Director pursuant to this subsection shall be treated as a new application. Should an allocation not be granted for the reasons stated in this subsection, the Director shall continue to process other applications in the chronological order in which received, granting allocations pursuant to the provisions of this Executive Order.

(7) The expiration date of an allocation of Volume Cap under this Executive Order may be extended upon prior written approval of the Director, provided there are no pending applications for Volume Cap within the same Priority Set Aside, or if there are other such applications pending, that the application for the allocation being extended best demonstrates the need for, and economic impact of, the Program or Project in the State and how the Program or Project will effectively utilize and efficiently distribute resources throughout the State, and provided further that all other provisions of this Executive Order are complied with.

(8) In the event that the Director is uncertain whether an application meets the requirements set forth in 4(2) or 4(4) above, he may defer action on such application until he has received another application(s) and then determine which application best meets such criteria.

(9) In the case of an application filed prior to the date when the Director makes an allocation under 4(1)(h) above for an allocation from a Priority Set Aside which provides for a minimum percent of Allocation Dollars and sets forth a specific Issuing Authority to receive the Priority Set Aside [specifically, Priority Set Asides 4(1)(b), 4(1)(d) and 4(1)(e)], the Director may, and, at the request of the Issuing Authority, shall, make an allocation of that Year's Allocation Dollars in an amount not to exceed the minimum percentage stated for the Priority Set Aside prior to the date the Director has set for determination of allocations under 4(1)(h) but in no event later than 15 days after the date such application is filed.

Section 5.

(1) Issuing Authorities with Qualifying Carryforward Projects or Programs may apply for an allocation of Allotment Dollars for such Qualifying Carryforward Projects or Programs by submitting an application to the Director which shall contain:

- (a) the carryforward purpose for the Bonds under Section 146(f) of the Code;
- (b) any other information required by Section 146(f) of the Code;
- (c) a certification signed by both an official of the Issuing Authority responsible for the supervision of the issuance of the Bonds and, if applicable, a representative of the person or entity constructing, acquiring, or rehabilitating the Project or administering the Program, stating that the Issuing Authority and, if applicable, such person or entity, will proceed with diligence to ensure the issuance of the Bonds within the carryforward period provided by Section 146(f) of the Code;
- (d) a preliminary opinion from bond counsel that the Project or Program qualifies for carryforward under Section 146(f) of the Code, if applicable;
- (e) if applying for an allocation of Allotment Dollars for the purpose of issuing mortgage credit certificates under Section 25 of the Code, the amount of qualified mortgage bonds defined in Section 143 of the Code which the Issuing Authority elects not to issue under the Code; and
- (f) such other information and attachments as are set forth in Section 3(1).

(2) No application submitted by an Issuing Authority to the Director pursuant to this section shall be processed if at the time such application is considered the amount of allocation of the Volume Cap requested in such application is in excess of the amount of the Volume Cap remaining available for allocation. Any application not processed for the reason stated in this subsection may be resubmitted to the Director, with or without a change in the amount of allocation requested. Any application resubmitted to the Director pursuant to this subsection shall be treated as a new application. Should an allocation not be granted for the reasons stated in this subsection, the Director shall continue to process other applications in accordance with the provisions of Section 4(4), granting allocations pursuant to the provisions of this Executive Order.

(3) Allocations of the Volume Cap for Qualifying Carryforward Projects or Programs shall be granted by the Director in the amount requested by the applying Issuing Authority, if available, on or after December 1, but no later than December 31, of the Year in which an application in satisfactory order is submitted to the Director for an allocation of the Volume Cap for a Qualifying Carryforward Project or Program in accordance with the provisions of Section 4(5). The Director shall issue certificates of allocation evidencing the granting of an allocation within the time period specified in the preceding sentence to each Issuing Authority which applied to the Director and which received an allocation of the Volume Cap for a Qualifying Carryforward Project or Program of such Issuing Authority, such certificates of allocation to be similar to the certificates of allocation described in Section 4, stating the amount of Allotment Dollars which have been allocated to such Issuing Authority, specifying the Qualifying Carryforward Project or Program for which the allocation has been made and specifying the expiration date of the allocation, as provided by Section 146(f) of the Code.

Section 6.

No application submitted to the Director may be amended without the consent of the Director; provided, however, that no such consent shall be required for an Issuing Authority to submit a new application in order to replace a previously submitted application if such new application is submitted before an allocation is made on the basis of the original application; provided further, that the consent of the Director shall not be required for an Issuing Authority to withdraw a previously submitted application. For purposes of receiving an allocation of the Volume Cap, any application that has been amended shall be treated as though such application was submitted on the date that the amendment was made, rather than on the date of the original submission of such application.

Section 7.

(1) After the effective date of this Executive Order, any Issuing Authority issuing Bonds without a certificate or allocation of the Director issued pursuant to Section 4 or Section 5, as appropriate, evidencing the granting of an allocation for such Bonds or Certificates, or any Issuing Authority issuing Bonds or Certificates after the expiration of an allocation under Section 4 or Section 5, as appropriate, is not entitled to any allocation of the Volume Cap for such Bonds or Certificates, and any Issuing Authority issuing Bonds or Certificates in excess of the allocation set forth in the certificate of allocation is not entitled to any allocation of the Volume Cap for such excess.

(2) Each Issuing Authority shall

(a) advise the Director on or before the earlier of the sixtieth day after the issuance of any Bonds or Certificates or December 27 of each Year, of the principal amount of Bonds or Certificates issued under the allocation set forth in each certificate of allocation issued by the Director evidencing the granting of an allocation for such Bonds or Certificates by delivering to the Director a copy of the Form 8038 which was delivered to the Internal Revenue Service in connection with such Bonds or Certificates, or, if no such form was required to be delivered to the Internal Revenue Service, a completed copy of a Form 8038 prepared for the Director with respect to such Bonds or Certificates, or

(b) if all or a stated portion of such Bonds or Certificates will not be issued, shall advise the Director in writing, on or before the earlier of

(i) the fifteenth day after the earlier of

(A) the final decision not to issue all or a stated portion of such Bonds or Certificates or

(B) the expiration of the allocation, or

(ii) December 27 of the Year in which the allocation for such Bonds or Certificates was made.

(3) Each Issuing Authority shall cooperate with the Director in furnishing any information the Director reasonably requires. If an Issuing Authority obtains an allocation of a portion of the Volume Cap for a particular Project or Program from the Director as provided in Section 4 or Section 5, as appropriate, but does not issue its Bonds or Certificates within the prescribed time limit, or issues a lesser amount of Bonds or Certificates within the prescribed time limit, such Issuing Authority may again submit an application with respect to the proposed Bonds or Certificates or portion of such Bonds or Certificates not issued for such Project or Program as provided in Section 4 or Section 5, as appropriate. Such application shall be treated as a new application.

Section 8. In addition to the duties otherwise specifically set forth in this Executive Order, the Director shall:

(1) determine the amount of Allotment Dollars available on December 28 of each Year for allocation for Qualifying Carryforward Projects or

Programs and allocate the Allotment Dollars available for Qualifying Carryforward Projects or Programs as provided in this Executive Order;

(2) maintain a record of all applications filed by Issuing Authorities under Section 3 and Section 5 and all certificates of allocation issued under Section 4 and Section 5;

(3) maintain a record of all Bonds or Certificates issued by Issuing Authorities during each Year;

(4) maintain a record of all information filed by Issuing Authorities under this Executive Order;

(5) make available upon reasonable request a certified copy of all or any part of the records maintained by the Department under this Executive Order or a summary thereof including information regarding the Volume Cap for each Year and any amounts available or at any time remaining available, for allocation under this Executive Order;

(6) the Director shall serve as the State official designated under State law to make any certifications required to be made under the Code including, without limitation, the certification required by Section 149(e) (2) (F) of the Code; and

(7) promulgate reasonable rules not inconsistent with this Executive Order deemed necessary or expedient to allocate the Volume Cap hereunder.

Section 9. If any provision of this Executive Order shall be held to be, or shall, in fact, be invalid, inoperative or unconstitutional, the defect of the provision shall not affect any other provision of this Executive Order or render it invalid, inoperative, or unenforceable. To the extent this Executive Order shall be held or shall, in fact, be invalid inoperative, or unconstitutional, all allocations of the Volume Cap previously made under this Executive Order shall be treated as allocations made by the Governor of the State in accordance with provisions of the State Law.

Section 10. This Executive Order replaces Executive Order No 2004-10 which is hereby repealed, provided that such replacement shall not affect any allocations in the State made prior to the effective date hereof pursuant to any other Executive Orders or laws of the State.

Section 11. The State pledges and agrees with the owners of any Bonds or Certificates to which an allocation of the Volume Cap has been granted under this Executive Order that the State will not retroactively alter the allocation of the Volume Cap to such Bonds or Certificates.

Section 12. No action taken pursuant to this Executive Order shall be deemed to create an obligation, debt or liability of the State or be deemed to constitute an approval of any obligation issued or to be issued hereunder.

Section 13. The purpose of this Executive Order is to maximize the benefits of financing and development through the use of Bonds and Certificates providing a system for the implementation and administration of the formula specified in the State Law for allocating the Volume Cap within the meaning of Section 146 of the Code.

Section 14. This Executive Order shall be effective immediately and shall continue in effect until such time as it may be repealed or superseded by operation of State or Federal law. Notwithstanding the foregoing, allocations for Qualifying Carry forward Projects or Programs pursuant to Section 5 hereof shall remain effective for the term of such allocation provided for in Section 146(f) of the Code.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of January in the year of our Lord 2009, and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2009-03

(REPLACED WITH EXECUTIVE ORDER NO. 2009-04)

EXECUTIVE ORDER NO. 2009-04

ESTABLISHING THE BEHAVIORAL HEALTH TRANSFORMATION WORKGROUP
REPEALING AND REPLACING EXECUTIVE ORDER 2009-03

WHEREAS, Idaho citizens and their families should have appropriate access to quality services provided through the public mental health and substance abuse systems that are coordinated, efficient and accountable; and

WHEREAS, Idaho's mental health and substance use disorder system is fragmented; and

WHEREAS, recent findings through the Western Interstate Commission for Higher Education (WICHE) identified weaknesses facing Idaho's coordination of the co-occurring mental health and substance abuse services; and

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby create the Governor's Behavioral Health Transformation Workgroup (Workgroup).

1. Members of the Workgroup shall be appointed by and serve at the pleasure of the Governor.
2. The chair of the Workgroup shall be appointed by and serve at the pleasure of the Governor.
3. The members of the Workgroup shall include but are not limited to:
 - Director, Department of Health and Welfare;
 - Director, Department of Correction;
 - Director, Department of Juvenile Corrections;
 - Superintendent of the State Department of Education;
 - Representatives of law enforcement;
 - Administrator, Office of Drug Policy;
 - Chair of the Statewide Drug and Mental Health Court Coordinating Committee;
 - Chair of Idaho State Planning Council on Mental Health;
 - One representative from the Association of Idaho counties;
 - One citizen with experience in mental health service delivery issues;
 - One citizen to represent consumers served by the system.
4. The Workgroup shall:
 - a. Develop a plan for a coordinated, efficient state behavioral health infrastructure with clear responsibilities, leadership authority and action; and

- b. Provide for stakeholder participation in the development and evaluation of the plan.
5. The plan shall be presented to the Governor by December, 2009.
6. The Workgroup shall also present its plan to both the Senate and House Health and Welfare Committees and the Legislative Health-care Taskforce during the 2010 legislative session.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 4th day of February in the year of our Lord 2009, and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.

/s/ C.L. "BUTCH" OTTER

BY THE GOVERNOR:

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA

SECRETARY OF STATE

EXECUTIVE ORDER NO. 2009-05

ESTABLISHING THE IDAHO STRATEGIC ENERGY ALLIANCE
REPEALING AND REPLACING EXECUTIVE ORDER 2007-20

WHEREAS, it is the policy of the State of Idaho to utilize the natural resources of our State to increase our energy supply in an economically efficient and prudent manner while protecting the integrity of our state's resources; and

WHEREAS, the presence of an affordable, reliable and plentiful energy supply is critical for our state and national economy; and

WHEREAS, the development of renewable and/or sustainable energy sources, including but not limited to bio-diesel, biomass, ethanol, methane digesters, wind power and solar, would be beneficial to farmers, rural communities and the state as a whole by establishing additional markets, creating diverse and sustainable forms of energy, and creating new job opportunities for Idahoans; and

WHEREAS, Idaho's energy resources can help Idaho and the nation to lessen dependence on foreign oil; and

WHEREAS, to this end, it is the goal of the State of Idaho that 25 percent of Idaho's energy needs be provided through renewable and/or sustainable Idaho-based energy sources by the year 2025;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby order the following:

1. The establishment of the Idaho Strategic Energy Alliance as a joint effort between local, tribal, State and federal governments, as well as the for profit and not-for-profit private sectors. The purpose of the Alliance is to enable the development of a sound energy portfolio for Idaho that includes diverse energy resources and production methods, that provides the highest value to the citizens of Idaho, that ensures quality stewardship of environmental resources, and that functions as an effective, secure, and stable energy supply.
2. The responsibilities of the Alliance shall be:

- A. To provide policy direction and planning through an overseeing Council that is aimed at increasing the State of Idaho's production of renewable and sustainable energy.
 - B. To work to improve cooperation, collaboration and information sharing among public and private sector entities in the area of renewable and sustainable energy.
 - C. To seek out new and innovative means to increase production of energy in Idaho.
3. Membership of the Council shall include a representative from the Office of the Governor and the directors of the following State entities or their designees:
 - A. Department of Agriculture
 - B. Department of Environmental Quality
 - C. Department of Lands
 - D. Department of Water Resources
 - E. Department of Commerce
 - F. Idaho Transportation Department
 - G. Office of Energy Resources
 4. The Council shall engage representatives and members of federal government, local government organizations, tribal governments, Idaho universities, private, and not-for-profit organizations having an interest in the energy future of Idaho pertaining to renewable or sustainable energy, and who can bring the expertise and resources to create a successful Alliance.
 5. Council members shall serve at the pleasure of the Governor.
 6. The Council shall meet at least twice annually. The chairman of the Council shall be the administrator of the Office of Energy Resources or his representative.
 7. The Council shall submit a report of its activities to the Governor and the Legislature annually.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 6th day of February in the year of our Lord 2009, and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSUSRA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2009-06

ESTABLISHING A PROCESS TO EVALUATE AND IMPLEMENT
"THE FEDERAL AMERICAN ECONOMIC RECOVERY AND REINVESTMENT
ACT OF 2009"

WHEREAS, Congress has passed the American Economic Recovery and Reinvestment Act of 2009 (Act); and

WHEREAS, the President signed the Act into law on February 17, 2009; and

WHEREAS, the Act encompasses over \$789 billion in spending and tax cuts;

and

WHEREAS, the Act would provide federal stimulus dollars to the State of Idaho, contingent upon a request by the Governor within forty-five (45) days of enactment to receive federal funding under the Act and certification that requested funding would be used to create jobs and promote economic growth; and

WHEREAS, federal stimulus funding must not impede or inhibit the constitutional mandate to provide a balanced state budget for the people of Idaho;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order:

1. Any state agency anticipating federal funds under the Act shall report to the Administrator of the Division of Financial Management (DFM) within fifteen (15) days of enactment of the Act, but no later than noon on March 4, 2009, the following information:
 - a. The amount of federal funding it anticipates receiving under the Act;
 - b. Timeframe for receipt of funds;
 - c. Whether the anticipated federal funding is allocated through an existing or new federal program;
 - d. Current levels of state funding for the agency that is appropriated, requested or held in any account by or for the agency that would be impacted positively or negatively by the receipt of federal stimulus funding;
 - e. Whether additional spending authority would be necessary to expend the federal funds;
 - f. Whether any additional state employees are necessary to oversee or administer the federal funds and if so how many;
 - g. Requirements under the Act associated with spending federal funding, including but not limited to state match or cost share requirements, percentage limitations and timeframes;
 - h. When federal funding ends; and
 - i. A plan detailing how the funds will be spent and how the agency will address the absence of federal funding after it ends.
2. Every state agency shall review and evaluate whether it would request federal funding under any provision of the Act. If an agency determines it is eligible and desires federal funding under a provision of the Act it shall notify the Administrator of DFM within fifteen days of enactment of the Act, but no later than noon on March 4, 2009, and provide the following information:
 - a. The amount of federal funding desired under the Act;
 - b. The title(s) and section(s) of the Act under which the funding is provided;
 - c. The requirements and deadline for applying for federal funding;
 - d. The requirements associated with the desired funding, including but not limited to spending limitations, state match or cost share requirements, percentage limitations and timeframes;
 - e. When the federal funding would end;
 - f. Whether additional spending authority would be necessary to expend the federal funds;
 - g. Whether any additional state employees are necessary to oversee or administer the federal funds and if so how many; and
 - h. A plan detailing how the funds will be spent and how the agency will address the absence of federal funding after it ends.
3. State agencies are prohibited from directly applying for any funding under the Act without prior written approval from the Governor.

4. Any state agency that receives federal funding under the Act must immediately notify the Administrator of DFM and is required to spend such funds only in a manner consistent with state law, current or subsequent legislative appropriations.
5. Any individual hired by a state agency in connection with or as a result of funding under the Act shall be a limited service employee and their employment shall not last beyond the expenditure of federal stimulus funds.
6. Obligations or expenditures of federal stimulus funds by state agencies shall not exceed the actual federal money allocated pursuant to the Act.
7. Anyone outside of state government who believes they are eligible to receive federal stimulus funding and wants the Governor to apply for stimulus money on their behalf should present their request to the Administrator of DFM within fifteen days of enactment of the Act, but no later than noon on March 4, 2009, and provide the following information:
 - a. Whether they are a public, private or non-profit entity;
 - b. Who they represent;
 - c. The amount of federal funding desired under the Act;
 - d. The title(s) and section(s) of the Act under which the funding is provided;
 - e. The requirements and deadline for applying for federal funding;
 - f. The requirements associated with the desired funding, including but not limited to spending limitations, match or cost share requirements, percentage limitations and timeframes;
 - g. When the federal funding would end;
 - h. Number of potential jobs required or created by the use of federal stimulus funds; and
 - i. A plan detailing how the funds will be spent and how the individual or entity will address the absence of federal funding after it ends.
8. The creation of a stimulus executive committee (committee) comprised of members appointed by and serving at the pleasure of the Governor. The number of members of the committee shall be determined by the Governor. The committee shall be staffed by the Administrator of DFM, Legal Counsel to the Governor and any other staff within the Office of the Governor as directed by the Governor.
9. The committee to review all state agency information submitted to the Administrator of DFM and provide its findings and non-binding recommendations to the Governor within thirty (30) days of the enactment of the Act, but no later than the close of business on March 19, 2009. The findings and recommendations shall include:
 - a. Which funds under the Act the Governor should request, with priority given to federal funds that are allocated for one-time projects or reducing the need for state general fund dollars in FY 09, 10 or 11 without the need for future, ongoing state expenditures;
 - b. Potential impacts or savings to the state general fund from the recommended federal funds;
 - c. Positive and negative impacts to state agency budgets for FY 09, 10, 11 and 12 if federal funding is requested and received;
 - d. Whether state agencies have adequate spending authority for the federal funds recommended; and
 - e. Any other recommendations or information as the Governor desires.

10. Records containing information submitted by state agencies to the Administrator of DFM and the recommendations and findings of the Committee are public records and subject to the provisions of the Idaho Public Records laws.
11. Nothing in this executive order shall prohibit local governments, local educational agencies as defined in the Act or any eligible entity as determined under the Act from seeking federal funding.
12. For the purposes of this executive order the term "state agency" shall mean any state department, office, board, commission, division or subset thereof within the executive branch. The term does not include any constitutional officer within the executive branch of state government.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 17th day of February in the year of our Lord 2009, and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2009-07

ESTABLISHING THE IDAHO HEALTH PROFESSIONS EDUCATION COUNCIL

WHEREAS, Idaho faces a severe shortage in all health professions now and in the future; and

WHEREAS, Idaho currently ranks 40th in physicians per capita and has the 6th oldest physician population among the 50 states; and

WHEREAS, Idaho does not train a sufficient number of physicians, especially in primary care, to meet the needs of its citizens; and

WHEREAS, in addition to nursing, shortages in such fields as pharmacy, dentistry, allied health professions, primary care physicians and mental health professions are acute;

WHEREAS, the State has a vested interest in finding workable and realistic solutions to the healthcare provider shortages; and

WHEREAS, a sufficient supply of healthcare professionals in all disciplines is necessary to address the healthcare of Idaho citizens; and

WHEREAS, to address the shortages the Governors Select Committee on Health Care recommended to the Governor the creation of the Idaho Health Professions Education Council; and

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state, do hereby order:

1. The creation of the Idaho Health Professions Education Council (Council).
2. Members of the Council shall be appointed by and serve at the pleasure of the Governor.
3. The chair of the Council shall be appointed by and serve at the pleasure of the Governor.

4. The chair of the Council shall be a person from one of the 4-year higher education institutions in Idaho.
5. The members of the Council shall include but are not limited to:
 - a. Representatives from the Health Industry;
 - b. Representatives from Health Organizations;
 - c. Representatives for Idaho Colleges/Universities;
 - d. Representatives from the Public at Large;
6. The Council's responsibilities shall be:
 - a. Conduct health workforce analyses;
 - b. Assess Idaho's capacity for training healthcare professionals;
 - c. Advise the Governor and legislators on healthcare workforce issues;
 - d. Develop healthcare workforce objectives for the State of Idaho and provide policy recommendations for achieving the objectives;
 - e. Recommend strategies to address healthcare provider shortages in rural locations;
 - f. Develop strategies to increase public/private partnerships to increase the healthcare providers for Idaho.
7. Committee members will serve without compensation; however, they shall receive reimbursement for the actual costs of attending Committee meetings.
8. The Council shall submit an annual report of its activities to the Governor.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 26th day of February in the year of our Lord 2009, and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2009-08

REQUIRING THE IDAHO TRANSPORTATION DEPARTMENT TO PUBLISH AN ANNUAL ACCOUNTABILITY REPORT

WHEREAS, the Office of Performance Evaluations (OPE) conducted an audit of the Idaho Transportation Department (ITD) and concluded that additional efficiencies and cost savings can be achieved; and

WHEREAS, the ITD requested and conducted peer reviews of its operations and substantiated the majority of findings in the OPE audit; and

WHEREAS, efficiency, accountability and saving taxpayer money should be the hallmarks of good state government;

NOW, THEREFORE, NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of this state do hereby order:

1. ITD shall provide quarterly status updates for the Governor and chairs of the Senate Transportation and House Transportation and

- Defense Committee on the progress of implementing the findings of the audit and peer review starting July 1, 2009.
2. ITD shall publish an annual report no later than January 1 each year. The report shall be called the ITD Annual Accountability Report (Report).
 3. ITD shall provide copies of the Report to:
 - a. The Office of the Governor;
 - b. The President Pro Tempore of the Idaho Senate;
 - c. The Speaker of the Idaho House of Representatives;
 - d. The Chair of the Senate Transportation Committee; and
 - e. The Chair of the House Transportation and Defense Committee.
 4. The Report shall include the following information:
 - a. Criteria, as approved by the ITD Board, for prioritizing transportation infrastructure projects and expending state and federal funds in Idaho;
 - b. A statewide list of priority projects as established by the ITD Board based on the criteria developed under 4 (a) ;
 - c. The annual amount of increased revenue generated under any legislation dealing with the motor fuel tax or vehicle registration fees as passed by the Idaho Legislature in 2009 or thereafter;
 - d. Which priority projects will receive funding from the revenue identified in 4 (c) ;
 - e. An accounting for funds spent from the revenue identified in 4 (c) during the previous year; and
 - f. A strategic action plan outlining quarterly benchmarks for achieving the recommendations in the audit, the responsibility of managers within ITD and progress made in completing the requirements for that year as outlined in paragraphs 6, 7 and 8 of this executive order.
 5. The director of ITD shall provide monthly updates to the ITD Board on the development and implementation of quarterly benchmarks in 4 (f) .
 6. By January 1, 2010 ITD shall:
 - a. Begin developing a statewide plan for Idaho's transportation system that links ITD's strategic plan with the state transportation improvement program and corridor plan;
 - b. Identify participants for developing the statewide plan;
 - c. Incorporate the priorities established in 4 (a) into the statewide plan;
 - d. Establish internal tracking and monitoring systems for funding and projects;
 - e. Develop strategic performance measures;
 - f. Identify stakeholders and gather their input on the performance measures;
 - g. Establish an office to oversee and evaluate the development and implementation of strategic performance measures;
 - h. Identify existing data and gaps for strategic performance measures;
 - i. Identify the requirements for a departmental financial planning system and estimated cost of implementation;
 - j. Develop the requirements for a statewide pavement management system (PMS), maintenance management system (MMS) and project scheduling system (PSS) ;
 - k. Issue requests for proposals (RFPs) for the PMS and MMS;
 - l. Develop and implement a pilot project for the PSS in one operational district.
 7. By January 1, 2011 ITD shall:
 - a. Complete the statewide plan and present it to the Governor and Legislature;

- b. Report on the data related to all strategic performance measures;
 - c. Issue a RFP for a financial planning system;
 - d. Design and implement PMS and MMS.
8. By January 1, 2012 ITD shall:
- a. Set goals for strategic performance measures using the data from 2011;
 - b. Integrate the statewide plan, strategic performance measures, MMS, PMS and PSS into the financial planning system;
 - c. Fully integrate the MMS, PMS and PSS and complete the necessary training for staff.
9. Neither ITD nor the ITD Board can request spending authority from the Legislature for the revenue identified under 4(c) unless the necessary tasks for that year, as identified in paragraphs 6, 7 or 8, are completed.
10. To facilitate the successful implementation of this executive order the director of ITD shall form a project management team of department managers as described in the OPE audit. The team shall be formed by April 17, 2009.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 18th day of March in the year of our Lord 2009, and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.

BY THE GOVERNOR:

/s/ C.L. "Butch" Otter

GOVERNOR OF THE STATE OF IDAHO

/s/ Ben Yursa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2009-09

REESTABLISHING THE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH COMMITTEE WITHIN THE STATE BOARD OF EDUCATION
REPEALING AND REPLACING EXECUTIVE ORDER 2006-36

WHEREAS, the Idaho Experimental Program to Stimulate Competitive Research (EPSCoR) program has proven to be vital to the science and research institutions of Idaho; and

WHEREAS, the EPSCoR program is directly responsible for over \$157 million dollars in research return dollars to Idaho universities; and

WHEREAS, the EPSCoR Committee, responsible for administering the EPSCoR program, has a 24 year history of advancing research and development opportunities and championing education and science in Idaho's institutions; and

WHEREAS, independence from all Idaho institutions of higher learning creates the best environment for objective science and research based judgment; and

WHEREAS, the EPSCoR Committee would benefit from the oversight within the State Board of Education;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the State of Idaho, do hereby order the following:

1) The Experimental Program to Stimulate Competitive Research Committee (EPSCoR Committee) be relocated and reestablished within the State Board of Education.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 12th day of May in the year of our Lord 2009, and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER

GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2009-10

ESTABLISHING A POLICY FOR ALL STATE AGENCIES CONCERNING PUBLIC FUNDS
REPEALING AND REPLACING 2006-40

WHEREAS, the President signed the American Recovery and Reinvestment Act of 2009 into law on February 17, 2009; and

WHEREAS, the State of Idaho has a responsibility to its citizens to ensure that public funds, including but not limited to state tax dollars and federal stimulus funds, are not paid to those who have entered our nation illegally or cannot legally work in the United States; and

WHEREAS, those who choose to enter our nation illegally should not be rewarded for their actions; and

WHEREAS, the State of Idaho should work to ensure that jobs funded with state tax dollars and federal stimulus funds are available for those who are lawfully entitled to work in our State and nation; and

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order the following:

1. The Division of Human Resources shall continue to develop and implement procedures to verify and ensure that all new employees with any agency of the State of Idaho are eligible for employment under federal and state law.
2. All state agencies, consistent with state law, including but not limited to the Department of Health and Welfare and Department of Labor, shall evaluate existing procedures and programs and if necessary implement new procedures or programs consistent with state and federal law to ensure that only individuals who are legally in the United States receive government benefits involving state or federal stimulus funds.
3. All contracts and requests for proposals, bids and information for state projects or services provided to the state that involve state or federal stimulus funds issued after the effective date of this executive order shall include notice that all contractors and subcontractors declare to the contracting state agency that they have substantiated that all employees providing services or involved in any way on projects funded directly by or assisted in whole or part by state funds or federal stimulus dollars can legally work in the United States.

4. The Department of Administration and other state agencies shall develop and implement procedures by July 1, 2009 to ensure that all contracts for projects or services performed for the State of Idaho with state, federal or stimulus funds are with businesses that employ individuals who are eligible under federal and state law to work in the United States.
5. The Department of Administration shall work with state agencies to evaluate existing procedures and programs and if necessary implement new policies and procedures regarding contractual penalties consistent with state law by July 1, 2009, for an employer who knowingly and willfully fails to confirm that an employee is eligible to work in the United States or knowingly and willfully employs a person who cannot legally work in this country. Penalties may include immediate cancellation of the contract, reversion of unspent public funds, and monetary penalties. After July 1, 2009, every contract by a state agency for a state project or service performed for the State of Idaho shall include appropriate civil penalties for violating this executive order.
6. The Department of Correction, in conjunction with the Commission for Pardons and Parole, shall evaluate all procedures and programs and if necessary implement new procedures or programs to ensure that individuals who are incarcerated in Idaho correctional facilities and in the United States illegally are deported after their sentence or as soon as possible in conformance with state law.
7. For the purpose of this executive order and only this executive order "agency" shall mean all offices, departments, divisions, bureaus, boards, and commissions of the State, excluding the department of education, legislative and judicial branches of government.
8. For the purposes of this executive order and only this executive order the term "legally work in the United States" would include any citizen of the United States or individual who is eligible for employment under federal law.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 29th day of May in the year of our Lord 2009, and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.

BY THE GOVERNOR:

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

/s/ BEN YSURSA
SECRETARY OF STATE

INDEX

CONTENTS

Alphabetical Index of Laws According to Subject Matter	1155
Code Index	1193
Numerical Index of Laws by Bill Number	1237

INDEX

SUBJECT INDEX

ABBREVIATIONS USED IN THIS INDEX

Approp = Appropriation	Assn = Association
Bd = Board	Com = Commission
Comm = Committee	Dept = Department
DEQ = Department of Environmental Quality	
Dist = District	F&G = Fish and Game
Govt = Government	H&W = Health and Welfare
PERSI = Public Employee Retirement System of Idaho	
PUC = Public Utilities Commission	UCC = Uniform Commercial Code

ACCIDENTS

See also EMERGENCIES

ACCOUNTING AND ACCOUNTANTS

Grape Growers/Wine Producers, accounting controls..... Ch. 59 - 164

ACCOUNTS

Escrow, money transfers, real estate brokers..... Ch.134 - 415

Highway distribution acct, revise funds distribution... Ch.333 - 966

ACTS

Budget Reduction Act of 2009, add..... Ch.170 - 515

Budget Reduction Act of 2009, amend..... Ch.335 - 971

Dealers in Farm Produce Act, repeal..... Ch. 31 - 87

Driving Businesses Act, add..... Ch.251 - 764

Educational Services...Deaf and Blind Act, add..... Ch.168 - 501

Health Carrier External Review Act, add..... Ch. 87 - 240

Idaho Bail Act, add..... Ch. 90 - 259

Legend Drug Donation Act, add..... Ch.143 - 428

Life Settlements Act, add..... Ch. 69 - 192

Residential Mortgage Practices Act, repeal/reenact..... Ch. 97 - 282

Scrap Dealers Act, repeal and reenact..... Ch.152 - 441

Skilled Nursing Facility Assessment Act, add..... Ch.221 - 687

Small Employer Incentive Act, amend..... Ch.191 - 621

Unfair Sales Act, amend..... Ch.146 - 438

Uniform Principal & Income Act, amend..... Ch. 64 - 175

ADMINISTRATION DEPARTMENT

Approp..... Ch.205 - 659

Approp, Capitol Com..... Ch.319 - 926

Approp, Public Works Div..... Ch.208 - 664

Idaho Education Network, advisory council..... Ch.131 - 410

Insurance management for public colleges..... Ch.148 - 438

State employee/retiree health insurance plans..... Ch.164 - 491

State personnel insurance administrator repealed..... Ch. 6 - 7

State real property in Boise, inventory list repealed.. Ch. 5 - 6

ADMINISTRATIVE RULES

See RULES

ADVERTISING

Business logo on special license plates..... Ch.330 - 942

Motor vehicle service contract notice required..... Ch.276 - 838

AGING, COMMISSION ON

Approp..... Ch.206 - 661

AGRICULTURE

Beef cattle promotion assessment, amount, refunds..... Ch. 77 - 213

Cattle operation, effect of federal EPA action..... Ch. 46 - 127

Commodity dealers, licensing, insurance..... Ch. 37 - 107

Commodity indemnity fund liability..... Ch. 39 - 112

Dept, administer range resources program..... Ch.123 - 387

Dept, approp..... Ch.268 - 806

Dept, approp, Soil Conservation Com..... Ch.307 - 906

Dept, approp, add'l..... Ch. 17 - 42

Dept, approp, add'l., invasive species..... Ch.325 - 934

Dept, support, not maintain, market news service..... Ch. 32 - 87

Farm produce dealers licensing act repealed..... Ch. 31 - 87

Grape Growers/Wine Producers, accounting controls..... Ch. 59 - 164

Grape/wine production, minimum tax rate..... Ch. 60 - 165

Idaho ag in the classroom, funds Ch.114 - 368

Invasive species, mussel prevention, funding..... SCR109 - 1097

Pea/Lentil Com, membership, appointments, terms..... Ch.129 - 408

Pea/lentil commissioners, compensation category..... Ch.128 - 407

Pest Control Deficiency Fund, approp..... Ch. 1 - 3

Rural economic development fund, matching grants..... Ch. 92 - 268

Rural economic development group, annual funds, limit.. Ch.198 - 635

Seed advisory bd and seed arbitration council Ch. 38 - 108

Univ. of Idaho, approp, Agricultural Research..... Ch.339 - 981

Working farms, state policy, study comm..... HCR018 - 1114

AIR POLLUTION

See POLLUTION

AIRPLANES AND AIRCRAFT

Aircraft services, parts, when exempt from sales tax... Ch. 91 - 265

ALCOHOLIC BEVERAGES

See LIQUOR

ALIENS

See IMMIGRATION AND IMMIGRANTS

ALTERNATIVE DISPUTE RESOLUTION

See MEDIATION AND ARBITRATION

ANATOMICAL GIFTS

See ORGAN DONATIONS

ANIMALS

See also WILDLIFE

Bighorn sheep, disease liability, management plan..... Ch.314 - 913

Cattle operation, effect of federal EPA action..... Ch. 46 - 127

Certified euthanasia technician, definition amended.... Ch. 82 - 229

F&G violators, processing fee per animal increased..... Ch.188 - 610

Gray wolf delisting, damage reports..... HJM001 - 1083

Invasive species fund, boat fees, sticker..... Ch.137 - 419

Invasive species, mussel prevention, funding..... SCR109 - 1097

Veterinarians, professional standards, protect animals. Ch. 84 - 234

ANNEXATION

Annexation consent exceptions, enclaves, service areas. Ch. 53 - 145

APPEALS

Adverse medical benefit decision, external review..... Ch. 87 - 240

APPOINTMENTS

Pea/Lentil Com, membership, appointments, terms..... Ch.129 - 408

APPROPRIATIONS

Administration Dept..... Ch.205 - 659
Administration Dept, Capitol Com..... Ch.319 - 926
Administration Dept, Public Works Div..... Ch.208 - 664
Agriculture Dept..... Ch.268 - 806
Agriculture Dept, Soil Conservation Com..... Ch.307 - 906
Agriculture Dept, add'l..... Ch. 17 - 42
Agriculture Dept, add'l., invasive species..... Ch.325 - 934
Attorney General..... Ch.209 - 666
Budget Reduction Act of 2009..... Ch.170 - 515
Budget Reduction Act, public schools operations..... Ch.335 - 971
Catastrophic Health Care Cost Fund..... Ch.210 - 668
Commerce Dept..... Ch.306 - 905
Correction Dept..... Ch.338 - 978
Correction Dept, approp changed..... Ch. 25 - 72
Deaf/Blind School, references, Educational Services ... Ch.326 - 936
Education Bd, Historical Society, add'l..... Ch.293 - 869
Education Bd, Libraries Com..... Ch.318 - 924
Education Bd, Office of..... Ch.291 - 866
Education Bd, Professional-Technical Education Bd..... Ch.248 - 758
Education Bd, Public Broadcasting System..... Ch.315 - 919
Education Bd, Vocational Rehabilitation Div..... Ch.328 - 937
Education Bd, community colleges..... Ch.254 - 774
Education Bd/Univ. of Idaho, Special Programs..... Ch.255 - 774
Education Bd/Univ. of Idaho, general programs..... Ch.207 - 662
Education Bd/Univ. of Idaho, health education programs. Ch.253 - 772
Education Dept, facilities div..... Ch.274 - 823
Education Dept, public schools..... Ch.273 - 820
Education Dept/Sup'tdt of Public Instruction..... Ch.233 - 718
Education Dept/Sup'tdt of Public Instruction, add'l.... Ch.311 - 911
Endowment Fund Investment Board, approp..... Ch.182 - 581
Environmental Quality Dept..... Ch.234 - 719
F&G Dept..... Ch.299 - 888
Finance Dept..... Ch.183 - 583
Governor, Office of..... Ch.212 - 670
Governor, Office of, Aging Com..... Ch.206 - 661
Governor, Office of, Arts Com..... Ch.304 - 902
Governor, Office of, Blind/Visually Impaired Com..... Ch.317 - 923
Governor, Office of, Drug Policy Office..... Ch.266 - 803
Governor, Office of, Energy Resources Office..... Ch.292 - 867
Governor, Office of, Financial Management Div..... Ch.245 - 755
Governor, Office of, Human Resources Div..... Ch.324 - 932
Governor, Office of, Human Rights Com..... Ch.322 - 930
Governor, Office of, Military Div..... Ch.305 - 903
Governor, Office of, Military Div, contracts..... Ch.246 - 756
Governor, Office of, PERSI..... Ch.298 - 886
Governor, Office of, Species Conservation Office..... Ch.296 - 883
Governor, Office of, State Liquor Dispensary..... Ch.323 - 931
H&W Dept, add'l..... Ch. 18 - 42
H&W Dept, child welfare div..... Ch.261 - 789
H&W Dept, developmentally disabled services..... Ch.260 - 786

H&W Dept, independent councils.....	Ch.256 -	776
H&W Dept, indirect support services.....	Ch.258 -	781
H&W Dept, medical assistance services.....	Ch.264 -	799
H&W Dept, medical indigent admin. div.....	Ch.210 -	668
H&W Dept, mental health services.....	Ch.263 -	795
H&W Dept, psychiatric hospitalization.....	Ch.262 -	792
H&W Dept, public health services.....	Ch.243 -	745
H&W Dept, service integration program.....	Ch.259 -	784
H&W Dept, substance abuse.....	Ch.266 -	803
H&W Dept, substance abuse.....	Ch.257 -	779
H&W Dept, welfare div.....	Ch.236 -	726
Hazardous Substance Emergency Response Fund.....	Ch. 1 -	3
Hispanic Affairs Com.....	Ch.309 -	909
Hispanic Affairs Com, add'l full-time employee.....	Ch.289 -	864
Idaho Millennium Income Fund.....	Ch. 24 -	71
Idaho School for Deaf/Blind.....	Ch.204 -	657
Idaho State Police.....	Ch.337 -	974
Industrial Com.....	Ch.303 -	900
Industrial Com, add'l.....	Ch. 16 -	41
Insurance Dept.....	Ch.302 -	898
Juvenile Corrections Dept.....	Ch.267 -	804
Labor Dept.....	Ch.288 -	862
Labor Dept, add'l.....	Ch. 14 -	40
Lands Dept.....	Ch.235 -	723
Lava Hot Springs Foundation.....	Ch.181 -	580
Legislative Council.....	Ch.226 -	706
Lieutenant Governor, Office of.....	Ch.230 -	713
Millennium Income Funds, tobacco/drug programs.....	Ch.211 -	669
Omnibus approp. trailer bill, federal stimulus funds..	Ch.275 -	824
Parks & Recreation Dept.....	Ch.297 -	884
Parks and Recreation Dept, add'l.....	Ch.249 -	760
Parks and Recreation Dept, add'l., invasive species....	Ch.325 -	934
Pest Control Deficiency Fund.....	Ch. 1 -	3
Public Health Trust Fund.....	Ch.310 -	910
Public Utilities Com.....	Ch.290 -	865
Public schools, administrators, salaries.....	Ch.270 -	813
Public schools, operations div, base salary.....	Ch.272 -	817
Public schools, teachers, base salary reduction.....	Ch.271 -	815
Renewable Energy Resources Fund.....	Ch.165 -	495
Revenue & Taxation Dept, Tax Appeals Bd.....	Ch.180 -	579
Revenue & Taxation Dept, Tax Com.....	Ch.179 -	577
Secretary of State.....	Ch.313 -	912
Secretary of State, add'l., consolidated elections....	Ch.341 -	986
Self-Governing Agencies Dept, Nursing Bd, add'l.....	Ch. 12 -	39
Self-Governing Agencies, Building Safety Div.....	Ch.321 -	928
Self-Governing Agencies, Idaho State Lottery.....	Ch.320 -	927
Self-Governing Agencies, Outfitters/Guides, add'l.....	Ch. 13 -	39
Self-Governing Agencies, Veterans Services Div.....	Ch.247 -	757
Self-Governing Agencies, medical/regulatory bds.....	Ch.316 -	921
Self-Governing Agencies, midwifery/occupational therapy	Ch.289 -	864
State Appellate Public Defender.....	Ch.327 -	936
State Controller.....	Ch.231 -	714
State Independent Living Council.....	Ch.308 -	908
State Treasurer.....	Ch.229 -	712
Supreme Court, Guardian ad Litem Fund.....	Ch.232 -	716
Transportation Dept.....	Ch.269 -	809

Transportation Dept, add'l.....	Ch.334	-	970
Univ. of Idaho, Agricultural Research.....	Ch.339	-	981
Water Resources Dept.....	Ch.301	-	897
ARBITRATION			
See MEDIATION AND ARBITRATION			
ARCHITECTURE AND ARCHITECTS			
Energy-efficient school building design.....	Ch.169	-	511
Examination and licensing requirements.....	Ch. 76	-	212
ARMED FORCES			
See MILITARY AND MILITIA			
ARTS			
Com, approp.....	Ch.304	-	902
ASSESSMENTS AND ASSESSORS			
Homestead exemption, housing price index change.....	Ch. 7	-	7
IRS S. 42 low-income rental property, assessment value.	Ch.140	-	421
Personal property tax exemption, tax recovery.....	Ch. 42	-	119
ASSISTED LIVING AND NURSING HOMES			
Residential care facility residents, rates and charges.	Ch.214	-	673
Skilled nursing facility assessments, medicaid payments	Ch.221	-	687
ASSOCIATIONS			
Idaho Life/Health Insurance Guaranty Assn, exclusions..	Ch. 54	-	150
ATHLETICS			
Combatant contests, promoter requirements.....	Ch. 93	-	269
Special Olympics, welcome athletes, appreciate doctors.	SCR101	-	1091
ATTORNEY GENERAL			
Approp.....	Ch.209	-	666
DUI restitution to law enforcement agencies, fund.....	Ch.108	-	344
ATTORNEYS			
M. Allyn Dingel, honor his service to Legislature.....	SCR111	-	1099
State Appellate Public Defender, approp.....	Ch.327	-	936
AUDITORIUM DISTRICTS			
See DISTRICTS			
AUDITS AND AUDITORS			
JFAC, releasing legislative audit reports.....	Ch. 52	-	135
Student transportation costs, funding change, audit....	Ch.284	-	852
Taxpayer liability, compromised cases, settlements....	Ch.120	-	384
AUTOMOBILES			
See MOTOR VEHICLES			
BAIL			
Idaho Bail Act.....	Ch. 90	-	259
BARBERS			
Barber license exception, services on prisoners.....	Ch. 73	-	208
BEER			
See LIQUOR			
BLIND			
Blind/Visually Impaired Com, approp.....	Ch.317	-	923
Deaf and blind, Bureau of Educational Services.....	Ch.168	-	501
Deaf/Blind School, references, Educational Services ...	Ch.326	-	936
Food service by the handicapped, Capitol excluded.....	Ch.283	-	851
Idaho School for Deaf/Blind, approp.....	Ch.204	-	657
BOARDS			
Endowment Fund Investment Bd, compensation.....	Ch. 19	-	45
Library Commissioners Bd, self-governing.....	Ch.178	-	574
Professional Geologists Bd, powers, records.....	Ch. 75	-	210
Regional mental health bds, members, services.....	Ch.122	-	386

Seed Advisory Bd members, terms.....	Ch. 38	-	108
BOATS			
Vessel fee imposed, invasive species fund.....	Ch.137	-	419
BONDS			
GARVEE federal bonding authorization, intent.....	Ch.203	-	655
Library district, maximum bond, election date.....	Ch.132	-	413
School bond guaranty program, administrative fund.....	Ch.185	-	600
BOWLING ALLEYS			
See ENTERTAINMENT			
BOXING			
See ENTERTAINMENT			
BUDGETS			
Budget Reduction Act of 2009.....	Ch.170	-	515
Budget Reduction Act, public schools operations.....	Ch.335	-	971
Highway district budget adoption, timeline, certify....	Ch. 99	-	309
Omnibus approp. trailer bill, federal stimulus funds...	Ch.275	-	824
State agency budget/personnel salary reductions.....	Ch.226	-	706
Teacher contracts, financial emergency declaration.....	Ch.171	-	541
BUILDING SAFETY DIVISION			
Approp.....	Ch.321	-	928
Building code bd members, code adoptions.....	Ch.173	-	551
HVAC apprentice registration periods and fees.....	Ch.113	-	367
Modular building inspectors, qualifications.....	Ch.127	-	407
School building plan reviews, local, fees.....	Ch.219	-	681
BUILDINGS			
Building code bd members, code adoptions.....	Ch.173	-	551
Energy-efficient school building design.....	Ch.169	-	511
Food service by the handicapped, Capitol excluded.....	Ch.283	-	851
Modular building inspectors, qualifications.....	Ch.127	-	407
Residential fire sprinkler systems optional.....	Ch.279	-	841
School building maintenance moneys.....	Ch.340	-	982
School building plan reviews, local, fees.....	Ch.219	-	681
School plant facility levy, cooperative service agency.	Ch.220	-	684
BUSINESS			
Business logo on special license plates.....	Ch.330	-	942
Idaho Innovation Fund created, business development....	Ch.162	-	486
Retailer tax rebate, transportation improvements.....	Ch. 62	-	167
CAPITAL PUNISHMENT			
Death penalty, execution methods, substances.....	Ch. 81	-	228
CAPITOL			
Com, approp.....	Ch.319	-	926
Food service by the handicapped, Capitol excluded.....	Ch.283	-	851
CATTLE			
See LIVESTOCK			
CHARITIES			
Idaho freemasons, special license plates.....	Ch.199	-	636
Income tax checkoff, donate refund to food bank.....	Ch. 63	-	173
Prescription drugs, donations to charity/indigent.....	Ch.143	-	428
CHILDREN			
Charter school admissions, children priority categories	Ch. 41	-	115
Daycare facilities, licensing, standards.....	Ch.295	-	872
H&W Dept child care rules rejected.....	SCR107	-	1094
Health insurance coverage, dependents under age 25.....	Ch.125	-	391
Home schooling, private instruction by parents.....	Ch.103	-	316
Sex crimes with minors, subpoena computer records.....	Ch. 61	-	166

Vehicular manslaughter of parent, child support factors	Ch.166	-	496
CHURCHES			
See RELIGION AND CHURCHES			
CIGARETTES			
See TOBACCO			
CIRCUIT BREAKER TAX RELIEF			
See TAX AND TAXATION, PROPERTY			
CITIES			
Annexation consent exceptions, enclaves, service areas	Ch. 53	-	145
Building code adoptions, procedures	Ch.173	-	551
District elections consolidation voting equipment costs	Ch.341	-	986
Moscow CommUNITY Walk, support/encourage	HCR012	-	1110
Riggins & Grangeville, support fiber communications	HCR021	-	1115
Urban renewal area additions, duration not extended	Ch.218	-	680
Urban renewal, tax rate calculation, school levies	Ch. 50	-	131
CIVIL ACTIONS			
Court filing fees, amounts, distribution	Ch. 80	-	221
Employers allowing employee firearm storage, immunity	Ch.265	-	802
CODES			
2009 legislation, July 1st effective date	Ch.343	-	1077
Building code bd members, code adoptions	Ch.173	-	551
Building code exemption, residential fire sprinklers	Ch.279	-	841
IRS real property tax deduction, adopt additional	Ch. 35	-	105
IRS real property tax deduction, delete	Ch.228	-	711
Idaho Code codifier's corrections	Ch. 11	-	13
COLLECTIONS AND COLLECTION AGENCIES			
See DEBTORS AND CREDITORS			
COLLEGES AND UNIVERSITIES			
College of W. Idaho employee sick leave transfer	Ch. 22	-	52
College student residency requirements, time away	Ch.329	-	939
Education Bd, approp, community colleges	Ch.254	-	774
Education Bd, optional retirement benefit plans	Ch.286	-	859
Education Bd/Univ. of Idaho, approp, general programs	Ch.207	-	662
Education Bd/Univ. of Idaho, approp, health education	Ch.253	-	772
Idaho Education Network, advisory council	Ch.131	-	410
Insurance management for public colleges	Ch.148	-	438
North Idaho College, commend and honor 75 years	HCR030	-	1119
Proprietary school agent background, tuition recovery	Ch. 26	-	73
Univ. of Idaho, approp, Agricultural Research	Ch.339	-	981
Univ. of Idaho, approp, Special Programs	Ch.255	-	774
University of Idaho, tuition/fee authorization	SJR101	-	1080
COMMERCE			
Dept, Commercial Innovation Div created	Ch.162	-	486
Dept, approp	Ch.306	-	905
Rural economic development group, annual funds, limits	Ch.198	-	635
COMMISSIONS			
County memorial com, honor fallen servicemen/women	Ch.277	-	839
Grape Growers/Wine Producers, accounting controls	Ch. 59	-	164
Hispanic Affairs Com, add'l full-time employee	Ch.289	-	864
Hispanic Affairs Com, approp	Ch.309	-	909
Pea/Lentil Com, membership, appointments, terms	Ch.129	-	408
Pea/lentil commissioners, compensation category	Ch.128	-	407
Reapportionment Commissioners, one stint, exception	Ch.252	-	770
Soil Conservation Com, legislative study comm	HCR025	-	1117

COMMITTEES

Energy/environment/technology, legislative study comm..	HCR016	-	1112
Natural Resources, working farms, study comm.....	HCR018	-	1114
Natural resources/water, legislative study comm.....	HCR013	-	1111
Soil Conservation Com, legislative study comm.....	HCR025	-	1117

COMMODITIES

Agriculture Dept duties re: market news service.....	Ch. 32	-	87
Commodity dealers, licensing, insurance.....	Ch. 37	-	107
Commodity indemnity fund liability.....	Ch. 39	-	112
Grape Growers/Wine Producers, accounting controls.....	Ch. 59	-	164
Grape/wine production, minimum tax rate.....	Ch. 60	-	165
Idaho ag in the classroom, funds	Ch.114	-	368
Pea/Lentil Com, membership, appointments, terms.....	Ch.129	-	408

COMMUNICATIONS

See TELECOMMUNICATIONS

COMPUTERS

See ELECTRONIC TECHNOLOGY

CONFLICTS OF INTEREST

See ETHICS

CONSERVATION

Gray wolf delisting, damage reports.....	HJM001	-	1083
Species Conservation Office, approp.....	Ch.296	-	883

CONSERVATORS

See GUARDIANS AND CONSERVATORS

CONSTITUTION

Federal government heed scope of powers.....	HJM004	-	1087
--	--------	---	------

CONSTITUTIONAL AMENDMENTS

University of Idaho, tuition/fee authorization.....	SJR101	-	1080
---	--------	---	------

CONSTRUCTION

Building code bd members, code adoptions.....	Ch.173	-	551
Building code exemption, residential fire sprinklers...	Ch.279	-	841
Electric facility construction, priority processing....	Ch. 9	-	11
Energy-efficient school building design.....	Ch.169	-	511
Insurance coverage, information availability.....	Ch. 89	-	258
School building plan reviews, local, fees.....	Ch.219	-	681
School plant facility levy, cooperative service agency.	Ch.220	-	684
Specialty limited heating contractor/journeyman.....	Ch.280	-	842

CONSUMERS

Motor vehicle service contract notice required.....	Ch.276	-	838
Sales quantity, customer limit okay	Ch.146	-	438
Unlicensed payday lenders, no loan enforcement.....	Ch.175	-	555

CONTRACTORS

Insurance coverage, information availability.....	Ch. 89	-	258
Specialty limited heating contractor/journeyman.....	Ch.280	-	842

CONTRACTS

Broker representation agreements, no legal description.	Ch.135	-	416
House/Senate daily journals, printing contract.....	HCR005	-	1107
Idaho Life/Health Insurance Guaranty Assn, exclusions..	Ch. 54	-	150
Legislation, printing contract.....	HCR004	-	1106
Life settlement contracts, broker licensure.....	Ch. 69	-	192
Motor vehicle dealer - manufacturer franchise duties...	Ch.153	-	445
Permanent House/Senate journals, printing contract.....	HCR003	-	1104
Personal service contracts with county, publishing....	Ch.193	-	627
Session laws, printing contract.....	HCR002	-	1102

CONTRIBUTIONS

Computer donations to private schools, tax deduction...	Ch. 40	-	114
Income tax checkoff, donate refund to food bank.....	Ch. 63	-	173
Prescription drugs, donations to charity/indigent.....	Ch.143	-	428
Tax refund donation, drug/DUI enforcement fund.....	Ch.108	-	344

CONTROLLED SUBSTANCES

Prescription drug pedigree, repackager information.....	Ch.105	-	320
Prescription drugs, donations to charity/indigent.....	Ch.143	-	428

CONTROLLER, STATE

Approp.....	Ch.231	-	714
-------------	--------	---	-----

CORPORATIONS

Taxation, water's edge election.....	Ch. 2	-	3
--------------------------------------	-------	---	---

CORRECTIONS

Death penalty, execution methods, substances.....	Ch. 81	-	228
Dept director, authority to investigate, subpoena power	Ch. 45	-	125
Dept, approp.....	Ch.338	-	978
Dept, approp changed.....	Ch. 25	-	72
Escaped prisoner costs charged to Correction Dept.....	Ch.104	-	319
Juvenile Corrections Dept, approp.....	Ch.267	-	804
Juveniles, community service fee exemption, self-insure	Ch.154	-	448
Prisoners, barber services, license exception.....	Ch. 73	-	208
Professional-technical education for prisoners.....	Ch. 28	-	80
Sexual contact with prisoner, definition.....	Ch.116	-	372

COSMETOLOGY

Practice permits, conditions.....	Ch. 47	-	127
-----------------------------------	--------	---	-----

COUNCILS

Council for Technology in Learning abolished.....	Ch. 27	-	79
Idaho Education Network, advisory council.....	Ch.131	-	410
Seed arbitration council, members	Ch. 38	-	108
State Independent Living Council, approp.....	Ch.308	-	908

COUNTIES

Building code adoptions, procedures.....	Ch.173	-	551
Catastrophic health care program for indigents.....	Ch.177	-	557
Community service, worker's compensation, self-insured.	Ch.154	-	448
County memorial com, honor fallen servicemen/women....	Ch.277	-	839
Court costs/fines, distribution of, repeal.....	Ch. 96	-	282
Detention officer, employment record, course completion	Ch.115	-	369
District creation/dissolution, challenges after 7 years	Ch. 43	-	124
District elections consolidation voting equipment costs	Ch.341	-	986
Escaped prisoner costs charged to Correction Dept.....	Ch.104	-	319
Personal service contracts with county, publishing....	Ch.193	-	627
School trustee vacancy, replacement appointments.....	Ch. 57	-	160
Snowmobile trails, allowing other vehicles' use.....	Ch.138	-	420
Urban renewal area additions, duration not extended....	Ch.218	-	680

COURTS

Certified Shorthand Reporters rules rejected.....	SCR107	-	1094
Community service, fee exemption, self-insured counties	Ch.154	-	448
Court filing fees, amounts, distribution.....	Ch. 80	-	221
Defendant, mental health examination requirements.....	Ch.124	-	390
Domestic violence court programs, fees, coordinators...	Ch. 79	-	218
Drunk drivers, drug court, conditional privileges.....	Ch.184	-	584
Escaped prisoner costs charged to Correction Dept.....	Ch.104	-	319
Fines/costs, distribution of, repeal.....	Ch. 96	-	282
Guardian ad Litem Fund, approp.....	Ch.232	-	716
Guardians, appointments by will, disabled.....	Ch. 86	-	235

Idaho Bail Act.....	Ch. 90 -	259
Reports by guardians/conservators, review, rules.....	Ch. 78 -	214
Sex offender registration release, court order.....	Ch. 68 -	191
State Appellate Public Defender, approp.....	Ch.327 -	936
Sterilization, persons who may consent.....	Ch.130 -	409
Subpoena power, Correction Dept director, enforcement..	Ch. 45 -	125
Supreme Court, approp.....	Ch.232 -	716
Victim restitution, collection by court clerk.....	Ch.102 -	312
Violent crime civil fine collection, for victim.....	Ch.101 -	310
CREDIT AND CREDITORS		
See DEBTORS AND CREDITORS		
CRIMINAL OFFENSES & PROCEDURES		
Aid unauthorized person to practice optometry, crime...	Ch.118 -	376
Correction Dept director, investigatory/subpoena power.	Ch. 45 -	125
Criminal background check, proprietary school agents...	Ch. 26 -	73
Criminal background check, veterinarians.....	Ch. 83 -	234
DUI restitution to law enforcement agencies, fund.....	Ch.108 -	344
Death penalty execution methods, substances.....	Ch. 81 -	228
Defendant, mental health examination requirements.....	Ch.124 -	390
Domestic violence court programs, fees, coordinators...	Ch. 79 -	218
Drunk drivers, drug court, conditional privileges.....	Ch.184 -	584
Escaped prisoner costs charged to Correction Dept.....	Ch.104 -	319
Fines, increase minimum, crime victims compensation...	Ch.139 -	421
Idaho Bail Act.....	Ch. 90 -	259
Identity theft, state agencies urged to protect against	HCR022 -	1115
Metal theft, scrap dealer requirements.....	Ch.152 -	441
Sex crimes with minors, subpoena computer records.....	Ch. 61 -	166
Sex offender registration release, court order.....	Ch. 68 -	191
Sex offender registration, applicable crimes.....	Ch.250 -	761
Sex offender registry, physical address, update, verify	Ch.156 -	456
Sexual battery of minor child, civil fine.....	Ch. 56 -	159
Sexual contact with prisoner, definition.....	Ch.116 -	372
Sexually exploitative material defined.....	Ch.100 -	309
Vehicular manslaughter of parent, child support factors	Ch.166 -	496
Victim restitution, collection by court clerk.....	Ch.102 -	312
Violent crime civil fine collection, for victim.....	Ch.101 -	310
Vulnerable adult abuse, funds/property decisions.....	Ch. 71 -	206
CROPS		
See AGRICULTURE		
DAYCARE		
Daycare facilities, licensing, standards.....	Ch.295 -	872
DAYS		
See HOLIDAYS AND DAYS		
DEAF		
Deaf and blind, Bureau of Educational Services.....	Ch.168 -	501
Deaf/Blind School, references, Educational Services ...	Ch.326 -	936
DEATH		
Anatomical gifts, administrative conflict resolution...	Ch.176 -	556
Certified euthanasia technician, definition amended....	Ch. 82 -	229
Death in combat, special gold star license plates.....	Ch.213 -	672
Death penalty execution methods, substances.....	Ch. 81 -	228
Prearranged funeral plan, uncovered provisions.....	Ch. 51 -	132
Vehicular manslaughter of parent, child support factors	Ch.166 -	496
DEBTORS AND CREDITORS		
Medical savings acct funds, exempt from execution.....	Ch.121 -	385

Trust deed foreclosure notice, paper color.....	Ch.136	-	417
Unlicensed payday lenders, no loan enforcement.....	Ch.175	-	555
Worker's compensation from other states exempt.....	Ch.312	-	911
DISABLED			
Deaf and blind, Bureau of Educational Services.....	Ch.168	-	501
F&G Dept, disabled sportsmen rules rejected.....	SCR104	-	1093
Food service by the handicapped, Capitol excluded.....	Ch.283	-	851
Guardians, appointments by will, disabled.....	Ch. 86	-	235
Insurance, group disability, preexisting conditions....	Ch. 66	-	187
License exemption, disabled veterans association hunt..	Ch.117	-	373
Public safety officer permanent disability benefit.....	Ch.158	-	476
Reports by guardians/conservators, review, rules.....	Ch. 78	-	214
Special Olympics, welcome athletes, appreciate doctors.	SCR101	-	1091
Sterilization, persons who may consent.....	Ch.130	-	409
Vulnerable adult abuse, funds/property decisions.....	Ch. 71	-	206
Vulnerable adult, sexually exploitative material.....	Ch.100	-	309
DISASTERS			
State of emergency, no firearms restrictions.....	Ch.215	-	674
DISEASES			
Bighorn sheep, disease liability, management plan.....	Ch.314	-	913
Cystic Fibrosis, adult program, financial eligibility..	SCR112	-	1100
DISTRICTS			
District creation/dissolution, challenges after 7 years	Ch. 43	-	124
District elections administration, consolidation, costs	Ch.341	-	986
Highway district commissioner, sole candidate is winner	Ch. 98	-	308
Highway, budget adoption, timeline, certification.....	Ch. 99	-	309
Legislative, precinct boundaries, road connections.....	Ch.252	-	770
Library district, maximum bond, election date.....	Ch.132	-	413
Purchasing laws inapplicable to irrigation dist.....	Ch.174	-	554
Soil Conservation Dist, legislative study comm.....	HCR025	-	1117
Urban renewal, tax rate calculation, school levies.....	Ch. 50	-	131
DNA			
See SCIENCE AND TECHNOLOGY			
DOCTORS			
See PHYSICIANS AND SURGEONS			
DOGS			
See ANIMALS			
DOMESTIC VIOLENCE			
Domestic violence court programs, fees, coordinators...	Ch. 79	-	218
DRIVERS			
Business logo on special license plates.....	Ch.330	-	942
Driver education, private businesses, licensing.....	Ch.251	-	764
Drunk drivers, drug court, conditional privileges.....	Ch.184	-	584
License plates, special, Idaho freemasons.....	Ch.199	-	636
License plates, special, gold star (combat death).....	Ch.213	-	672
Off-highway vehicles, insurance, drivers, registration.	Ch.157	-	457
Off-road vehicles, liability or vehicle insurance.....	Ch.159	-	477
Vehicle registration/driver/dealer license fees up.....	Ch.331	-	947
Vehicular manslaughter of parent, child support factors	Ch.166	-	496
ECONOMIC DEVELOPMENT			
American Reinvestment Fund created, federal stimulus...	Ch.170	-	515
Bunker Hill Superfund Site, operable unit transfer.....	Ch. 8	-	10
Idaho Innovation Fund created, business development...	Ch.162	-	486
Omnibus approp. trailer bill, federal stimulus funds...	Ch.275	-	824
Rural economic development, interest, grants.....	Ch. 92	-	268

Small employer income tax incentive, duration.....	Ch.191	-	621
EDUCATION			
Bd, Office of, approp.....	Ch.291	-	866
Bd, approp, Historical Society, add'l.....	Ch.293	-	869
Bd, approp, Libraries Com.....	Ch.318	-	924
Bd, approp, Professional-Technical Education Bd.....	Ch.248	-	758
Bd, approp, Public Broadcasting System.....	Ch.315	-	919
Bd, approp, Special Programs.....	Ch.255	-	774
Bd, approp, Vocational Rehabilitation Div.....	Ch.328	-	937
Bd, approp, community colleges.....	Ch.254	-	774
Bd, optional retirement benefit plans.....	Ch.286	-	859
Bond levy equalization fund, lottery proceeds.....	Ch.344	-	1077
Charter school admissions, children priority categories	Ch. 41	-	115
Charter school creation/expansion, public hearing.....	Ch.160	-	477
Charter school hearings, notice to districts.....	Ch.200	-	639
College of W. Idaho employee sick leave transfer.....	Ch. 22	-	52
College student residency requirements, time away.....	Ch.329	-	939
Cooperative service agency, fiscal/property powers.....	Ch.227	-	708
Council for Technology in Learning abolished.....	Ch. 27	-	79
Daily attendance calculation, virtual, HB 303 trailer..	Ch.342	-	1076
Deaf and blind, Bureau of Educational Services.....	Ch.168	-	501
Deaf/Blind School, references, Educational Services ...	Ch.326	-	936
Dept, approp, add'l., pupil transportation review.....	Ch.311	-	911
Dept, approp, facilities div.....	Ch.274	-	823
Dept, approp, public schools.....	Ch.273	-	820
Dept/Sup'tdt of Public Instruction, approp.....	Ch.233	-	718
Digital learning academy employee benefits.....	Ch. 55	-	155
Driver education, private businesses, licensing.....	Ch.251	-	764
Education Bd/Univ. of Idaho, approp, general programs..	Ch.207	-	662
Education Bd/Univ. of Idaho, approp, health education..	Ch.253	-	772
Energy-efficient school building design.....	Ch.169	-	511
Home schooling, private instruction by parents.....	Ch.103	-	316
Idaho Education Network, advisory council.....	Ch.131	-	410
Idaho State Historical Society, self-governing.....	Ch.167	-	497
Idaho ag in the classroom, funds	Ch.114	-	368
Insurance management for public colleges.....	Ch.148	-	438
Lapsed school district, order, hearing.....	Ch. 88	-	257
Library Commissioners Bd, self-governing.....	Ch.178	-	574
Medical education program, urge federal funding.....	HJM007	-	1089
Professional-Technical education, motorcycle safety....	Ch. 30	-	82
Professional-technical education for prisoners.....	Ch. 28	-	80
Proprietary school agent background, tuition recovery..	Ch. 26	-	73
Public schools, approp, administrators, salaries.....	Ch.270	-	813
Public schools, approp, operations div, base salary....	Ch.272	-	817
Public schools, approp, teachers, base salary reduction	Ch.271	-	815
Rural school dist, definition.....	Ch.239	-	739
School bond guaranty program, administrative fund.....	Ch.185	-	600
School district boundary changes, Education Dept.....	Ch.107	-	339
School plant facility levy, cooperative service agency.	Ch.220	-	684
School trustee vacancy, replacement appointments.....	Ch. 57	-	160
Staff allowance, virtual education, maintenance money..	Ch.340	-	982
Student transportation costs, funding change, audit....	Ch.284	-	852
Teacher contracts, financial emergency declaration....	Ch.171	-	541
Teacher salaries, reduced funding intent.....	Ch.285	-	858
Unemployment benefits, eligibility, training benefits..	Ch.238	-	733

Univ. of Idaho, approp, Agricultural Research.....	Ch.339	-	981
University of Idaho, tuition/fee authorization.....	SJR101	-	1080
Vocational Rehabilitation, certain rules rejected.....	HCR009	-	1109
ELDERLY			
See SENIOR CITIZENS			
ELECTIONS			
District elections consolidation voting equipment costs	Ch.341	-	986
Highway district commissioner, sole candidate is winner	Ch. 98	-	308
School district boundary changes, Education Dept.....	Ch.107	-	339
U.S. Employee Free Choice Act, labor elections, oppose.	SJM102	-	1082
ELECTRICITY AND ELECTRICIANS			
Electric facility construction, priority processing....	Ch. 9	-	11
Electrical apprentice registration, license, fees.....	Ch.112	-	364
Energy-efficient school building design.....	Ch.169	-	511
Energy/environment/technology, legislative study comm..	HCR016	-	1112
Lead acid battery sales, recycling, \$10 fee.....	Ch.172	-	549
Public utility ratemaking treatment, cost recovery....	Ch.145	-	436
Swan Falls Reaffirmation, preclude PUC decisions.....	Ch.241	-	741
Utility facilities relocation, public highway planning.	Ch.142	-	426
ELECTRONIC TECHNOLOGY			
Computer donations to private schools, tax deduction...	Ch. 40	-	114
Electronic tax returns, rules, when required.....	Ch. 3	-	4
Fiber communications, Riggins & Grangeville, support...	HCR021	-	1115
Fiber/wireless communications throughout Idaho, support	HCR028	-	1118
Idaho Education Network, advisory council.....	Ch.131	-	410
Motor Vehicles Div., automated system upgrade, report..	Ch.147	-	438
Sex crimes with minors, subpoena computer records.....	Ch. 61	-	166
Telepharmacy practice, registration required.....	Ch.244	-	748
Telework from home, encourage employer programs.....	SCR110	-	1098
Violent sex predator, electronic monitoring of.....	Ch.250	-	761
Virtual education, school district staff allowance	Ch.340	-	982
Virtual programs, HB 303 trailer.....	Ch.342	-	1076
ELK (DOMESTIC CERVIDAE)			
See ANIMALS			
EMERGENCIES			
Emergency medical services, licensing bureau, penalties	Ch.189	-	610
Hazardous substance, release threats, reimburse costs..	Ch.281	-	844
State of emergency, no firearms restrictions.....	Ch.215	-	674
EMERGENCY MEDICAL TECHNICIANS			
See EMERGENCIES			
EMPLOYERS AND EMPLOYEES			
See also LABOR			
College of W. Idaho employee sick leave transfer.....	Ch. 22	-	52
Commercial driver license, employer penalties.....	Ch.155	-	453
Digital learning academy employee benefits.....	Ch. 55	-	155
Employers allowing employee firearm storage, immunity..	Ch.265	-	802
Equal Pay Day, women's pay equity.....	HCR023	-	1116
PERSI, retirement allowance computation.....	Ch.237	-	729
Personal service contracts with county, publishing....	Ch.193	-	627
Police officer, records, employment, course completion.	Ch.115	-	369
Public safety officer permanent disability benefit.....	Ch.158	-	476
Small employer income tax incentive, duration.....	Ch.191	-	621
State agency budget/personnel salary reductions.....	Ch.226	-	706
State employee salary schedule, downward adjustment....	Ch.324	-	932
State employee, uncommon tour of duty, pay.....	Ch. 44	-	125

State employee/retiree health insurance plans.....	Ch.164	-	491
State personnel insurance administrator repealed.....	Ch. 6	-	7
Telework from home, encourage employer programs.....	SCR110	-	1098
U.S. Employee Free Choice Act, labor elections, oppose.	SJM102	-	1082
Unemployment benefits, eligibility, training benefits..	Ch.238	-	733
Unemployment law, sales in homes exempt.....	Ch. 70	-	204
Unemployment, extended benefits, high rate adjustments.	Ch.300	-	891
EMPLOYMENT SECURITY LAW			
Unemployment benefits, eligibility, training benefits..	Ch.238	-	733
Unemployment law, sales in homes exempt.....	Ch. 70	-	204
Unemployment, extended benefits, high rate adjustments.	Ch.300	-	891
ENDOWMENT FUNDS AND LANDS			
Endowment Fund Investment Bd, approp, intent.....	Ch.182	-	581
Endowment Fund Investment Bd, compensation.....	Ch. 19	-	45
ENERGY			
Electric facility construction, priority processing....	Ch. 9	-	11
Energy Resources Office, approp.....	Ch.292	-	867
Energy-efficient school building design.....	Ch.169	-	511
Energy/environment/technology, legislative study comm..	HCR016	-	1112
Idaho National Laboratory, energy programs, support....	HJM002	-	1085
Public utility ratemaking treatment, cost recovery....	Ch.145	-	436
Renewable Energy Resources Fund, approp.....	Ch.165	-	495
Swan Falls Reaffirmation, preclude PUC decisions.....	Ch.241	-	741
ENGINEERS AND SURVEYORS			
Engineer/Surveyor, examination fee amounts.....	Ch. 20	-	46
ENTERTAINMENT			
Combatant contests, promoter requirements.....	Ch. 93	-	269
ENVIRONMENT			
Bunker Hill Superfund Site, operable unit transfer....	Ch. 8	-	10
Cattle operation, effect of federal EPA action.....	Ch. 46	-	127
DEQ sewage disposal rules rejected.....	SCR103	-	1092
Energy-efficient school building design.....	Ch.169	-	511
Environmental Quality Dept, approp.....	Ch.234	-	719
Invasive species fund, boat fees, sticker.....	Ch.137	-	419
Natural resources/water, legislative study comm.....	HCR013	-	1111
Range resources program, Agriculture Dept.....	Ch.123	-	387
ESCROW			
See REAL ESTATE			
ESTATES			
Estates/trusts, credit for taxes paid to other states..	Ch.216	-	675
Guardians, appointments by will, disabled.....	Ch. 86	-	235
Reports by guardians/conservators, review, rules.....	Ch. 78	-	214
Trusts, separate funds, income tax.....	Ch. 64	-	175
ETHICS			
Modular building inspectors, qualifications.....	Ch.127	-	407
Motor vehicle service contract notice required.....	Ch.276	-	838
Real estate broker duties, knowledge, disclosure.....	Ch.133	-	414
Veterinarians, professional standards, protect animals.	Ch. 84	-	234
ETHNIC			
Hispanic Affairs Com, add'l full-time employee.....	Ch.289	-	864
EXECUTIVE ORDERS			
2008-02.....			1127
2008-03.....			1127
2008-04.....			1128
2008-05.....			1129

2009-01.....	1131
2009-02.....	1133
2009-03.....	1141
2009-04.....	1141
2009-05.....	1142
2009-06.....	1143
2009-07.....	1146
2009-08.....	1147
2009-09.....	1149
2009-10.....	1150

FARMS AND FARMING

See AGRICULTURE

FEDERAL LAWS AND RELATIONS

American Reinvestment Fund created, federal stimulus...	Ch.170 -	515
Bunker Hill Superfund Site, operable unit transfer.....	Ch. 8 -	10
Cattle operation, effect of federal EPA action.....	Ch. 46 -	127
Federal Clean Water Restoration Act, oppose.....	HJM006 -	1088
Federal Firearm Licensing Act, oppose.....	HJM003 -	1086
Federal government heed scope of powers.....	HJM004 -	1087
Federal real property tax deduction, adopt additional..	Ch. 35 -	105
Federal real property tax deduction, delete.....	Ch.228 -	711
Gray wolf delisting, damage reports.....	HJM001 -	1083
Medical education program, urge federal funding.....	HJM007 -	1089
Medical residency programs, urge federal funding.....	SJM101 -	1081
Nursing facility assessments, matching federal funds...	Ch.221 -	687
U.S. Employee Free Choice Act, labor elections, oppose.	SJM102 -	1082
Veterans Services Administrator, program supervision...	Ch. 10 -	12

FEES

Beef cattle promotion assessment, amount, refunds.....	Ch. 77 -	213
Community service, worker's compensation, self-insured.	Ch.154 -	448
Court costs, distribution of, repeal.....	Ch. 96 -	282
Court filing fees, amounts, distribution.....	Ch. 80 -	221
Domestic violence court programs, fees, coordinators...	Ch. 79 -	218
Electrical apprentice registration, license, fees.....	Ch.112 -	364
Engineer/Surveyor, examination fee amounts.....	Ch. 20 -	46
Food establishment licensing fees, temporary vendors...	Ch.190 -	619
HVAC apprentice registration periods and fees.....	Ch.113 -	367
Hunting/fishing license fee increase.....	Ch.201 -	643
Lead acid battery sales, recycling, \$10 fee.....	Ch.172 -	549
License plate fees, Idaho ag in the classroom.....	Ch.114 -	368
Medicaid provider/facility reimbursement rates.....	Ch. 34 -	94
Petroleum gas facility license fees, maximum.....	Ch. 74 -	208
Plumbing apprentice registration, fees.....	Ch.111 -	363
Podiatrist annual renewal license fee, \$650 maximum....	Ch. 94 -	280
Psychologist examiners bd, licensing, fees.....	Ch. 33 -	89
Public utility ratemaking treatment, cost recovery.....	Ch.145 -	436
Residential care facility residents, rates and charges.	Ch.214 -	673
Social workers, license fees increase.....	Ch.149 -	439
University of Idaho, tuition/fee authorization.....	SJR101 -	1080
Vehicle registration/driver/dealer license fees up.....	Ch.331 -	947
Vessel fee imposed, invasive species fund.....	Ch.137 -	419

FILM

See ENTERTAINMENT

FINANCE

Budget Reduction Act of 2009.....	Ch.170 -	515
-----------------------------------	----------	-----

Dept, approp.....	Ch.183	-	583
Financial Management Div, approp.....	Ch.245	-	755
Grape Growers/Wine Producers, accounting controls.....	Ch. 59	-	164
School bond guaranty program, administrative fund.....	Ch.185	-	600
FINES			
Commercial driver license, employer penalties.....	Ch.155	-	453
Court fines/forfeitures, distribution of, repeal.....	Ch. 96	-	282
F&G violators, processing fee per animal increased.....	Ch.188	-	610
Fines, increase minimum, crime victims compensation....	Ch.139	-	421
Nontaxable dyed diesel fuel, violations, penalties.....	Ch.150	-	439
Sexual battery of minor child, civil fine.....	Ch. 56	-	159
Victim restitution, collection by court clerk.....	Ch.102	-	312
Violent crime civil fine collection, for victim.....	Ch.101	-	310
FIRE AND FIREFIGHTERS			
Public safety officer permanent disability benefit.....	Ch.158	-	476
Residential fire sprinkler systems optional.....	Ch.279	-	841
Wildfire equipment replacement fund established.....	Ch. 36	-	106
FIREARMS			
See WEAPONS			
FISH AND GAME			
Big game depredation claims, delete prioritization.....	Ch.217	-	677
Bighorn sheep, disease liability, management plan.....	Ch.314	-	913
Controlled hunt bonus points, rulemaking.....	Ch.201	-	643
Dept, approp.....	Ch.299	-	888
Dept, disabled sportsmen rules rejected.....	SCR104	-	1093
Dept, wolf hunt rules rejected.....	SCR105	-	1093
F&G violators, processing fee per animal increased.....	Ch.188	-	610
Gray wolf delisting, damage reports.....	HJM001	-	1083
Hunting/fishing license fee increase.....	Ch.201	-	643
License exemption, disabled veterans association hunt..	Ch.117	-	373
Special beaver tag, repealed, otter tags.....	Ch.201	-	643
Unlawfully taken wildlife, who may not purchase.....	Ch.187	-	608
Wolves, ship them to another state.....	Ch.186	-	608
FOOD			
Food establishment licensing fees, temporary vendors...	Ch.190	-	619
Food service by the handicapped, Capitol excluded.....	Ch.283	-	851
Idaho ag in the classroom, funds	Ch.114	-	368
Income tax checkoff, donate refund to food bank.....	Ch. 63	-	173
FORESTS AND FORESTRY			
Wildfire equipment replacement fund established.....	Ch. 36	-	106
FUELS			
Biodiesel production, under 5,000 gallons, license, tax	Ch. 21	-	47
Fuel distributor, tax returns, when electronic.....	Ch. 3	-	4
Fuel taxation, gasahol/biodiesel, funds distribution...	Ch.332	-	962
Nontaxable dyed diesel fuel, violations, penalties.....	Ch.150	-	439
Petroleum gas facility license fees, maximum.....	Ch. 74	-	208
FUNDS			
American Reinvestment Fund created, federal stimulus...	Ch.170	-	515
Big game depredation fund, delete claims prioritization	Ch.217	-	677
Bond levy equalization fund, lottery proceeds.....	Ch.344	-	1077
Catastrophic Health Care Cost Fund, approp.....	Ch.210	-	668
Commodity indemnity fund liability.....	Ch. 39	-	112
Drug/DUI enforcement donation fund	Ch.108	-	344
Endowment Fund Investment Bd, compensation.....	Ch. 19	-	45
Idaho Food Bank Fund created, tax donations.....	Ch. 63	-	173

Idaho Innovation Fund created, business development....	Ch.162	-	486
Idaho Millennium Income Fund, approp.....	Ch. 24	-	71
Invasive species fund, boat fees, sticker.....	Ch.137	-	419
Medical savings acct funds, exempt from execution.....	Ch.121	-	385
Millennium Income Funds, tobacco/drug programs.....	Ch.211	-	669
Public Health Trust Fund, approp.....	Ch.310	-	910
Renewable Energy Resources Fund, approp.....	Ch.165	-	495
Rural economic development, interest, grants.....	Ch. 92	-	268
School bond guaranty program, administrative fund.....	Ch.185	-	600
Skilled Nursing Facility Assessment Fund created.....	Ch.221	-	687
State Insurance Fund dividends, retroactive repeal....	Ch.294	-	871
State Insurance, fee exemption, self-insured counties..	Ch.154	-	448
Suspense, transfer money out.....	Ch.165	-	495
Wildfire equipment replacement fund established.....	Ch. 36	-	106
FUNERALS			
Prearranged funeral plan, uncovered provisions.....	Ch. 51	-	132
GAMBLING			
Lottery proceeds, bond levy equalization fund.....	Ch.344	-	1077
GARNISHMENT			
See DEBTORS AND CREDITORS			
GASOLINE			
See FUELS			
GEOLOGY AND GEOLOGISTS			
Professional geologists bd, powers, records.....	Ch. 75	-	210
GIFTS			
See CONTRIBUTIONS			
GOVERNMENT			
Agency rules, continue in effect, exceptions.....	Ch.225	-	705
Budget Reduction Act of 2009.....	Ch.170	-	515
District elections administration, consolidation, costs	Ch.341	-	986
Electric facility construction, priority processing....	Ch. 9	-	11
Federal Clean Water Restoration Act, oppose.....	HJM006	-	1088
Federal government heed scope of powers.....	HJM004	-	1087
Food service by the handicapped, Capitol excluded.....	Ch.283	-	851
Government property transfer, published notice.....	Ch.278	-	840
Idaho State Historical Society, self-governing.....	Ch.167	-	497
Industrial Com, share information with other agencies..	Ch. 48	-	129
Legislation drafting, constitutional officers, when....	Ch.224	-	704
Legislative Services Office, organization.....	Ch. 52	-	135
Library Commissioners Bd, self-governing.....	Ch.178	-	574
Omnibus approp. trailer bill, federal stimulus funds..	Ch.275	-	824
Open meetings, agendas, executive sessions, violations	Ch.161	-	482
PERSI retirement allowances, adjustments.....	Ch.144	-	433
PERSI, retirement allowance computation.....	Ch.237	-	729
Personal service contracts with county, publishing....	Ch.193	-	627
State Liquor Division, name change from Dispensary....	Ch. 23	-	53
State agencies urged to protect against identity theft.	HCR022	-	1115
State agency budget/personnel salary reductions.....	Ch.226	-	706
State employee salary schedule, downward adjustment....	Ch.324	-	932
State employee, uncommon tour of duty, pay.....	Ch. 44	-	125
State employee/retiree health insurance plans.....	Ch.164	-	491
State of emergency, no firearms restrictions.....	Ch.215	-	674
State personnel insurance administrator repealed.....	Ch. 6	-	7
State real property in Boise, inventory list repealed..	Ch. 5	-	6
State veteran home administrators, H&W Director powers.	Ch. 15	-	40

Teacher contracts, financial emergency declaration.....	Ch.171 -	541
Temporary agency rules approval, expiration dates.....	SCR108 -	1096
GOVERNOR		
Executive Order 2008-02.....		1127
Executive Order 2008-03.....		1127
Executive Order 2008-04.....		1128
Executive Order 2008-05.....		1129
Executive Order 2009-01.....		1131
Executive Order 2009-02.....		1133
Executive Order 2009-03.....		1141
Executive Order 2009-04.....		1141
Executive Order 2009-05.....		1142
Executive Order 2009-06.....		1143
Executive Order 2009-07.....		1146
Executive Order 2009-08.....		1147
Executive Order 2009-09.....		1149
Executive Order 2009-10.....		1150
Abraham Lincoln, Honorary Governor, Idaho Territory....	SCR102 -	1091
Acting Governor/Lt. Governor, daily salary difference..	Ch. 29 -	80
Governor's Message to Legislature.....	HCR001 -	1102
Highway funding, gubernatorial task force.....	HCR034 -	1122
Office of, approp.....	Ch.212 -	670
Office of, approp, Aging Com.....	Ch.206 -	661
Office of, approp, Arts Com.....	Ch.304 -	902
Office of, approp, Blind/Visually Impaired Com.....	Ch.317 -	923
Office of, approp, Drug Policy Office.....	Ch.266 -	803
Office of, approp, Energy Resources Office.....	Ch.292 -	867
Office of, approp, Financial Management Div	Ch.245 -	755
Office of, approp, Human Resources Div.....	Ch.324 -	932
Office of, approp, Human Rights Com.....	Ch.322 -	930
Office of, approp, Military Div.....	Ch.246 -	756
Office of, approp, Military Div.....	Ch.305 -	903
Office of, approp, PERSI.....	Ch.298 -	886
Office of, approp, Species Conservation Office.....	Ch.296 -	883
Office of, approp, State Liquor Dispensary.....	Ch.323 -	931
State Liquor Division, name change from Dispensary....	Ch. 23 -	53
State of emergency, no firearms restrictions.....	Ch.215 -	674
GRANTS		
Rural health care access grant process schedule.....	Ch.119 -	382
GUARDIANS AND CONSERVATORS		
Guardians, appointments by will, disabled.....	Ch. 86 -	235
Reports by guardians/conservators, review, rules.....	Ch. 78 -	214
GUNS		
See WEAPONS		
HANDICAPPED		
See DISABLED		
HAZARDOUS SUBSTANCES		
Hazardous substance, release threats, reimburse costs..	Ch.281 -	844
Lead acid battery sales, recycling, \$10 fee.....	Ch.172 -	549
HEALTH		
Adverse insurance benefit decision, external review....	Ch. 87 -	240
Catastrophic Health Care Cost Fund, approp.....	Ch.210 -	668
Catastrophic health care program for indigents.....	Ch.177 -	557
College of W. Idaho employee sick leave transfer.....	Ch. 22 -	52
Federal Clean Water Restoration Act, oppose.....	HJM006 -	1088

Food establishment licensing fees, temporary vendors...	Ch.190	-	619
Health insurance coverage, dependents under age 25.....	Ch.125	-	391
Idaho Life/Health Insurance Guaranty Assn, exclusions..	Ch. 54	-	150
Insurance management for public colleges.....	Ch.148	-	438
Insurance, group disability, preexisting conditions....	Ch. 66	-	187
Public Health Trust Fund, approp.....	Ch.310	-	910
Rural health care access grant process schedule.....	Ch.119	-	382
State employee/retiree health insurance plans.....	Ch.164	-	491
State personnel insurance administrator repealed.....	Ch. 6	-	7
HEALTH AND WELFARE DEPARTMENT			
Approp, add'l.....	Ch. 18	-	42
Approp, child welfare div.....	Ch.261	-	789
Approp, developmentally disabled services, report.....	Ch.260	-	786
Approp, independent councils.....	Ch.256	-	776
Approp, indirect support services.....	Ch.258	-	781
Approp, medical assistance services.....	Ch.264	-	799
Approp, medically indigent admin. div.....	Ch.210	-	668
Approp, mental health services.....	Ch.263	-	795
Approp, psychiatric hospitalization.....	Ch.262	-	792
Approp, public health services.....	Ch.243	-	745
Approp, service integration program.....	Ch.259	-	784
Approp, substance abuse.....	Ch.257	-	779
Approp, substance abuse.....	Ch.266	-	803
Approp, welfare div.....	Ch.236	-	726
Cystic Fibrosis, adult program, financial eligibility..	SCR112	-	1100
Daycare facilities, licensing, standards.....	Ch.295	-	872
Emergency medical services, licensing bureau, penalties	Ch.189	-	610
Food establishment licensing fees, temporary vendors...	Ch.190	-	619
H&W Board meetings, every quarter.....	Ch.109	-	360
H&W Dept child care rules rejected.....	SCR107	-	1094
Medicaid provider/facility reimbursement rates.....	Ch. 34	-	94
National interest waiver, foreign physicians needed....	Ch.106	-	324
Regional mental health bds, members, services.....	Ch.122	-	386
Rural health care access grant process schedule.....	Ch.119	-	382
Skilled nursing facility assessments, medicaid payments	Ch.221	-	687
State veteran home administrators, H&W Director powers.	Ch. 15	-	40
HEATING AND COOLING			
HVAC apprentice registration periods and fees.....	Ch.113	-	367
Specialty limited heating contractor/journeyman.....	Ch.280	-	842
HIGHWAYS			
Commercial driver license, disqualifications, penalties	Ch.155	-	453
District budget adoption, timeline, certification.....	Ch. 99	-	309
Fuel taxation, gasahol/biodiesel, funds distribution...	Ch.332	-	962
GARVEE federal bonding authorization, intent.....	Ch.203	-	655
High occupancy vehicle lanes, usage, penalties.....	Ch.192	-	626
Highway distribution acct, revise funds distribution...	Ch.333	-	966
Highway district commissioner, sole candidate is winner	Ch. 98	-	308
Highway funding, gubernatorial task force.....	HCR034	-	1122
Neighborhood electric vehicles, speed limit.....	Ch.194	-	628
Off-highway vehicles, insurance, drivers, registration.	Ch.157	-	457
Off-road vehicles, liability or vehicle insurance.....	Ch.159	-	477
Public highway planning, utility facilities relocation.	Ch.142	-	426
Transportation improvements, retailer sales tax rebate.	Ch. 62	-	167
Vehicle temporary permits, limit three per year.....	Ch.336	-	973

HISTORICAL SOCIETY

- Approp, add'l..... Ch.293 - 869
 Idaho State Historical Society, self-governing..... Ch.167 - 497

HISTORY

- Abraham Lincoln, Honorary Governor, Idaho Territory.... SCR102 - 1091

HOLIDAYS AND DAYS

- Abraham Lincoln, Honorary Governor, Feb. 12, 2009..... SCR102 - 1091
 Equal Pay Day, women's pay equity..... HCR023 - 1116

HOMES AND HOUSING

- Broker representation agreements, no legal description. Ch.135 - 416
 Federal real property tax deduction, adopt additional.. Ch. 35 - 105
 Federal real property tax deduction, delete..... Ch.228 - 711
 Floating homes, definition..... Ch.163 - 488
 Homestead exemption, housing price index change..... Ch. 7 - 7
 IRS S. 42 low-income rental property, assessment value. Ch.140 - 421
 Real estate broker duties, knowledge, disclosure..... Ch.133 - 414
 Residential Mortgage Practices Act, repeal/reenact..... Ch. 97 - 282
 Residential care facility residents, rates and charges. Ch.214 - 673
 Residential fire sprinkler systems optional..... Ch.279 - 841
 Trust deed foreclosure notice, paper color..... Ch.136 - 417

HOSPITALS

- Catastrophic health care program for indigents..... Ch.177 - 557
 Medicaid provider/facility reimbursement rates..... Ch. 34 - 94

HOUSE OF REPRESENTATIVES

See also LEGISLATURE

- Governor's Message to Legislature..... HCR001 - 1102
 Speaker acting as Governor/Lt. Governor, salary Ch. 29 - 80

HUMAN RESOURCES DIVISION

- Approp..... Ch.324 - 932
 State agency budget/personnel salary reductions..... Ch.226 - 706
 State employee salary schedule, downward adjustment.... Ch.324 - 932

HUMAN RIGHTS

- Com, approp..... Ch.322 - 930

HUNTING

See FISH AND GAME

IDAHO CODE

See CODES

IDAHO NATIONAL LABORATORY

- 60th anniversary, federal funding, multiprogram energy. HJM002 - 1085

IDENTITY AND NAMES

- Business logo on special license plates..... Ch.330 - 942
 Vehicle registration, owner identification numbers.... Ch.141 - 423

IMMIGRATION AND IMMIGRANTS

- Immigration documents, public assistance benefits..... Ch.197 - 633
 National interest waiver, foreign physicians needed.... Ch.106 - 324

IMMUNITY

See LIABILITY

INCOME TAX

See TAX AND TAXATION, INCOME

INDIGENTS

See PUBLIC ASSISTANCE

INDUSTRIAL COMMISSION

- Approp, add'l., crime victims compensation..... Ch. 16 - 41
 Approp, commissioner salaries..... Ch.303 - 900
 Industrial Com rules rejected..... HCR029 - 1119

Information sharing with other government agencies.....	Ch. 48 -	129
INFORMATION SYSTEMS		
Industrial Com, share information with other agencies..	Ch. 48 -	129
INFRASTRUCTURE		
Rural economic development fund, matching grants.....	Ch. 92 -	268
INSPECTIONS AND INSPECTORS		
Modular building inspectors, qualifications.....	Ch.127 -	407
School building plan reviews, local, fees.....	Ch.219 -	681
INSURANCE		
Adverse medical benefit decision, external review.....	Ch. 87 -	240
Catastrophic health care program for indigents.....	Ch.177 -	557
Commodity dealers, licensing, insurance.....	Ch. 37 -	107
County self-insurance for juveniles' community service.	Ch.154 -	448
Dept, approp.....	Ch.302 -	898
Group life insurance policy requirements.....	Ch.151 -	440
Health insurance coverage, dependents under age 25.....	Ch.125 -	391
Idaho Bail Act.....	Ch. 90 -	259
Idaho Life/Health Insurance Guaranty Assn, exclusions..	Ch. 54 -	150
Insurance management for public colleges.....	Ch.148 -	438
Insurer real estate investment limits.....	Ch. 49 -	129
Life settlement contracts, broker licensure.....	Ch. 69 -	192
Off-road vehicles, liability or vehicle insurance.....	Ch.159 -	477
Registered contractors, information availability.....	Ch. 89 -	258
Regulation, group disability, preexisting conditions...	Ch. 66 -	187
State Insurance Fund dividends, retroactive repeal.....	Ch.294 -	871
State employee/retiree health insurance plans.....	Ch.164 -	491
State personnel insurance administrator repealed.....	Ch. 6 -	7
Vehicle financial responsibility, sunset extended.....	Ch.147 -	438
INTERNATIONAL RELATIONS		
Corporate taxation, water's edge election.....	Ch. 2 -	3
Immigration documents, public assistance benefits.....	Ch.197 -	633
National interest waiver, foreign physicians needed....	Ch.106 -	324
INTERNET		
See ELECTRONIC TECHNOLOGY		
INVESTMENTS		
Insurer real estate investment limits.....	Ch. 49 -	129
State Insurance Fund dividends, retroactive repeal.....	Ch.294 -	871
IRRIGATION		
Comprehensive State Water Plan, Eastern, approval.....	Ch.223 -	703
Ground water recharge, regulation by Water Resources...	Ch.242 -	742
Managed recharge project, Bd approval.....	Ch.240 -	740
Purchasing laws inapplicable to irrigation dist.....	Ch.174 -	554
JAILS		
Sexual contact with prisoner, definition.....	Ch.116 -	372
JUVENILES		
See also CHILDREN		
Community service, worker's compensation, self-insured.	Ch.154 -	448
Juvenile Corrections Dept, approp	Ch.267 -	804
LABELS		
Liquor, official seals/labels.....	Ch.282 -	849
LABOR		
See also EMPLOYERS AND EMPLOYEES		
College of W. Idaho employee sick leave transfer.....	Ch. 22 -	52
Dept, approp.....	Ch.288 -	862
Dept, approp, add'l.....	Ch. 14 -	40

Personal service contracts with county, publishing.....	Ch.193	-	627
Telework from home, encourage employer programs.....	SCR110	-	1098
U.S. Employee Free Choice Act, labor elections, oppose.	SJM102	-	1082
Unemployment, extended benefits, high rate adjustments.	Ch.300	-	891
LANDLORDS AND TENANTS			
IRS S. 42 low-income rental property, assessment value.	Ch.140	-	421
LANDS			
Bighorn sheep, disease liability, management plan.....	Ch.314	-	913
Dept, approp.....	Ch.235	-	723
Endowment Fund Investment Bd, approp, intent.....	Ch.182	-	581
Range resources program, Agriculture Dept.....	Ch.123	-	387
State real property in Boise, inventory list repealed..	Ch. 5	-	6
Wildfire equipment replacement fund established.....	Ch. 36	-	106
LAW ENFORCEMENT			
Concealed weapons permit, records not public.....	Ch.202	-	650
DUI restitution to law enforcement agencies, fund.....	Ch.108	-	344
Funds from highway distribution acct removed.....	Ch.333	-	966
Nontaxable dyed diesel fuel, violations, penalties.....	Ch.150	-	439
Police car identification, colors/markings.....	Ch. 85	-	235
Public safety officer permanent disability benefit.....	Ch.158	-	476
Records of officers, employment, course completion.....	Ch.115	-	369
LAWYERS			
See ATTORNEYS			
LEASES			
See also LANDLORDS AND TENANTS			
IRS S. 42 low-income rental property, assessment value.	Ch.140	-	421
LEGISLATIVE COUNCIL			
Approp.....	Ch.226	-	706
JFAC, releasing legislative audit reports.....	Ch. 52	-	135
Legislation drafting, constitutional officers, when....	Ch.224	-	704
Legislative Services Office, organization.....	Ch. 52	-	135
LEGISLATIVE SERVICES			
See LEGISLATIVE COUNCIL			
LEGISLATURE			
2009 legislation, July 1st effective date.....	Ch.343	-	1077
Acting Governor/Lt. Governor, daily salary difference..	Ch. 29	-	80
Governor's Message to Legislature.....	HCR001	-	1102
House/Senate daily journals, printing contract.....	HCR005	-	1107
JFAC, releasing legislative audit reports.....	Ch. 52	-	135
Legislation drafting, constitutional officers, when....	Ch.224	-	704
Legislation, printing contract.....	HCR004	-	1106
Legislative Services Office, organization.....	Ch. 52	-	135
Legislative district boundaries, road connections.....	Ch.252	-	770
Legislator salary/allowance increase, reject.....	HCR006	-	1109
M. Allyn Dingel, honor his service to Legislature.....	SCR111	-	1099
Permanent House/Senate journals, printing contract.....	HCR003	-	1104
Session laws, printing contract.....	HCR002	-	1102
LIABILITY			
Bighorn sheep, disease liability, management plan.....	Ch.314	-	913
Commodity indemnity fund liability.....	Ch. 39	-	112
County self-insurance for juveniles' community service.	Ch.154	-	448
Employers allowing employee firearm storage, immunity..	Ch.265	-	802
Off-road vehicles, liability or vehicle insurance.....	Ch.159	-	477
Registered contractors, insurance information	Ch. 89	-	258
Sport Shooting Activities Immunity Act.....	Ch.195	-	628

Vehicle financial responsibility, sunset extended.....	Ch.147	-	438
LIBRARIES AND LIBRARIANS			
Com, approp.....	Ch.318	-	924
District creation/dissolution, challenges after 7 years	Ch. 43	-	124
Library Commissioners Bd, self-governing.....	Ch.178	-	574
Library district, maximum bond, election date.....	Ch.132	-	413
LICENSE PLATES			
See MOTOR VEHICLES			
LICENSES			
Architect examination and licensing requirements.....	Ch. 76	-	212
Barber license exception, services on prisoners.....	Ch. 73	-	208
Biodiesel production, under 5,000 gallons, license, tax	Ch. 21	-	47
Combatant contests, promoter requirements.....	Ch. 93	-	269
Commercial driver license, disqualifications, penalties	Ch.155	-	453
Commodity dealers, licensing, insurance.....	Ch. 37	-	107
Concealed weapons permit, records not public.....	Ch.202	-	650
Cosmetology practice permits, conditions.....	Ch. 47	-	127
Daycare facilities, licensing, standards.....	Ch.295	-	872
Drunk drivers, drug court, conditional privileges.....	Ch.184	-	584
Electrical apprentice registration, license, fees.....	Ch.112	-	364
Emergency medical services, licensing bureau, penalties	Ch.189	-	610
Engineer/Surveyor, examination fee amounts.....	Ch. 20	-	46
Farm produce dealers licensing act repealed.....	Ch. 31	-	87
Federal Firearm Licensing Act, oppose.....	HJM003	-	1086
Food establishment licensing fees, temporary vendors...	Ch.190	-	619
Ground water recharge, regulation by Water Resources...	Ch.242	-	742
HVAC apprentice registration periods and fees.....	Ch.113	-	367
Hunting/fishing license fee increase.....	Ch.201	-	643
Journeyman/contractors, continuing education, renewals.	Ch.126	-	405
License exemption, disabled veterans association hunt..	Ch.117	-	373
Life settlement contracts, broker licensure.....	Ch. 69	-	192
Midwifery licensing, occupational board, rules.....	Ch. 65	-	177
Mortician trainee qualifications, good cause exception.	Ch. 72	-	207
Nursing license, qualifications, foreign licenses.....	Ch. 67	-	190
Occupational therapists, licensing, regulation.....	Ch.222	-	690
Off-highway vehicles, insurance, drivers, registration.	Ch.157	-	457
Optometry bd members, licensing, regulation.....	Ch.118	-	376
Petroleum gas facility license fees, maximum.....	Ch. 74	-	208
Physical therapy licensure, bd salary, foreign licenses	Ch. 95	-	280
Plumbing apprentice registration, fees.....	Ch.111	-	363
Podiatrist annual renewal license fee, \$650 maximum...	Ch. 94	-	280
Professional geologists bd, powers, records.....	Ch. 75	-	210
Psychologist examiners bd, licensing, fees.....	Ch. 33	-	89
Real estate broker duties, knowledge, disclosure.....	Ch.133	-	414
Residential Mortgage Practices Act, repeal/reenact.....	Ch. 97	-	282
Social workers, license fees increase.....	Ch.149	-	439
Special beaver hunting tag repealed, otter tags.....	Ch.201	-	643
Telepharmacy practice, registration required.....	Ch.244	-	748
Unlicensed payday lenders, no loan enforcement.....	Ch.175	-	555
Vehicle registration, owner identification numbers.....	Ch.141	-	423
Vehicle registration/driver/dealer license fees up.....	Ch.331	-	947
Wrecker registration plate on towed vehicle	Ch.287	-	860
LIEUTENANT GOVERNOR			
Acting Governor/Lt. Governor, daily salary difference..	Ch. 29	-	80
Approp.....	Ch.230	-	713

LIQUOR

Beer/wine tax reports, reporting period.....	Ch. 4	-	6
Liquor, official seals/labels.....	Ch.282	-	849
State Liquor Dispensary, approp.....	Ch.323	-	931
State Liquor Division, name change from Dispensary.....	Ch. 23	-	53

LITIGATION

Swan Falls Reaffirmation, preclude PUC decisions.....	Ch.241	-	741
---	--------	---	-----

LIVESTOCK

Beef cattle promotion assessment, amount, refunds.....	Ch. 77	-	213
Cattle operation, effect of federal EPA action.....	Ch. 46	-	127
Range resources program, Agriculture Dept.....	Ch.123	-	387

LOANS

Residential Mortgage Practices Act, repeal/reenact.....	Ch. 97	-	282
Rural economic development fund, matching grants.....	Ch. 92	-	268
Unlicensed payday lenders, no loan enforcement.....	Ch.175	-	555

LOBBYING AND LOBBYISTS

M. Allyn Dingel, honor his service to Legislature.....	SCR111	-	1099
--	--------	---	------

LOTTERY, STATE

Approp.....	Ch.320	-	927
Lottery Com rules rejected.....	SCR107	-	1094
Lottery Com, certain rules rejected.....	HCR010	-	1110
Lottery proceeds, bond levy equalization fund.....	Ch.344	-	1077

MEDIATION AND ARBITRATION

Seed arbitration council, members	Ch. 38	-	108
---	--------	---	-----

MEDICAL

Adverse insurance benefit decision, external review....	Ch. 87	-	240
Anatomical gifts, administrative conflict resolution...	Ch.176	-	556
Catastrophic health care program for indigents.....	Ch.177	-	557
Cystic Fibrosis, adult program, financial eligibility..	SCR112	-	1100
Emergency medical services, licensing bureau, penalties	Ch.189	-	610
Health insurance coverage, dependents under age 25.....	Ch.125	-	391
Idaho Life/Health Insurance Guaranty Assn, exclusions..	Ch. 54	-	150
Insurance, group disability, preexisting conditions....	Ch. 66	-	187
Medicaid provider/facility reimbursement rates.....	Ch. 34	-	94
Medical education program, urge federal funding.....	HJM007	-	1089
Medical residency programs, urge federal funding.....	SJM101	-	1081
Medical savings acct funds, exempt from execution.....	Ch.121	-	385
Midwifery licensing, occupational board, rules.....	Ch. 65	-	177
National interest waiver, foreign physicians needed....	Ch.106	-	324
Naturopathic Medical Examiners rules rejected.....	SCR107	-	1094
Occupational therapists, licensing, regulation.....	Ch.222	-	690
Optometry bd members, licensing, regulation.....	Ch.118	-	376
Podiatrist annual renewal license fee, \$650 maximum....	Ch. 94	-	280
Prescription drugs, donations to charity/indigent.....	Ch.143	-	428
Rural health care access grant process schedule.....	Ch.119	-	382
State employee/retiree health insurance plans.....	Ch.164	-	491
Sterilization, persons who may consent.....	Ch.130	-	409
Veterinarians, professional standards, protect animals.	Ch. 84	-	234

MEDICAL ASSISTANCE

See PUBLIC ASSISTANCE

MEETINGS, PUBLIC

Agenda amendments, executive sessions, violations, cure	Ch.161	-	482
Charter school creation/expansion, public hearing.....	Ch.160	-	477
Charter school hearings, notice to districts.....	Ch.200	-	639
H&W Board meetings, every quarter.....	Ch.109	-	360

MEMORIALS

County memorial com, honor fallen servicemen/women.....	Ch.277	-	839
Federal Clean Water Restoration Act, oppose.....	HJM006	-	1088
Federal Firearm Licensing Act, oppose.....	HJM003	-	1086
Federal government heed scope of powers.....	HJM004	-	1087
Gray wolf delisting, damage reports.....	HJM001	-	1083
Idaho National Laboratory, energy programs, support....	HJM002	-	1085
Medical education program, urge federal funding.....	HJM007	-	1089
Medical residency programs, urge federal funding.....	SJM101	-	1081
U.S. Employee Free Choice Act, labor elections, oppose.	SJM102	-	1082

MENTAL HEALTH

Defendant, mental health examination requirements.....	Ch.124	-	390
Regional mental health bds, members, services.....	Ch.122	-	386

MENTALLY RETARDED

See DISABLED

MIDWIFERY

Midwifery licensing, occupational board, rules.....	Ch. 65	-	177
Regulatory Bd, approp.....	Ch.289	-	864

MILITARY AND MILITIA

County memorial com, honor fallen servicemen/women.....	Ch.277	-	839
Death in combat, special gold star license plates.....	Ch.213	-	672
Div, approp.....	Ch.305	-	903
Div, approp.....	Ch.246	-	756
Hazardous Substance Emergency Response Fund, approp....	Ch. 1	-	3
Hazardous substance, release threats, reimburse costs..	Ch.281	-	844
License exemption, disabled veterans association hunt..	Ch.117	-	373
State employee, uncommon tour of duty, pay.....	Ch. 44	-	125
Veterans Services Administrator, program supervision...	Ch. 10	-	12

MINERALS AND MINING

Bunker Hill Superfund Site, operable unit transfer.....	Ch. 8	-	10
Earth sciences/lapidary, special license plates.....	Ch.196	-	630

MODEL LAWS

See UNIFORM AND MODEL LAWS

MONEY

Medical savings acct funds, exempt from execution.....	Ch.121	-	385
Unlicensed payday lenders, no loan enforcement.....	Ch.175	-	555

MORTGAGES

Residential Mortgage Practices Act, repeal/reenact.....	Ch. 97	-	282
Trust deed foreclosure notice, paper color.....	Ch.136	-	417

MORTICIANS

Mortician trainee qualifications, good cause exception.	Ch. 72	-	207
---	--------	---	-----

MOSQUITO ABATEMENT

See PESTS AND PESTICIDES

MOTOR FUELS

See FUELS

MOTOR VEHICLES

Biodiesel production, under 5,000 gallons, license, tax	Ch. 21	-	47
Commercial driver license, disqualifications, penalties	Ch.155	-	453
Division, automated system upgrade, report.....	Ch.147	-	438
Driver education, private businesses, licensing.....	Ch.251	-	764
Drunk drivers, drug court, conditional privileges.....	Ch.184	-	584
Employers allowing employee firearm storage, immunity..	Ch.265	-	802
High occupancy vehicle lanes, usage, penalties.....	Ch.192	-	626
Lead acid battery sales, recycling, \$10 fee.....	Ch.172	-	549
License plate fees, Idaho ag in the classroom.....	Ch.114	-	368

License plates, special, Idaho Innovation Fund.....	Ch.162	-	486
License plates, special, Idaho North America plate.....	Ch.330	-	942
License plates, special, Idaho freemasons.....	Ch.199	-	636
License plates, special, earth sciences/lapidary.....	Ch.196	-	630
License plates, special, gold star (combat death).....	Ch.213	-	672
Motor vehicle dealer - manufacturer franchise duties...	Ch.153	-	445
Motor vehicle service contract notice required.....	Ch.276	-	838
Motorcycle safety, Professional-Technical education....	Ch. 30	-	82
Neighborhood electric vehicles, speed limit.....	Ch.194	-	628
Nontaxable dyed diesel fuel, violations, penalties.....	Ch.150	-	439
Off-highway vehicles, insurance, drivers, registration.	Ch.157	-	457
Off-road vehicles, liability or vehicle insurance.....	Ch.159	-	477
Police car identification, colors/markings.....	Ch. 85	-	235
Snowmobile trails, other vehicles' use, infraction.....	Ch.138	-	420
Transportation Dept registration fee rules rejected....	HCR017	-	1113
Vehicle financial responsibility, sunset extended.....	Ch.147	-	438
Vehicle registration, owner identification numbers.....	Ch.141	-	423
Vehicle registration/driver/dealer license fees up.....	Ch.331	-	947
Vehicle temporary permits, limit three per year.....	Ch.336	-	973
Wrecker registration plate on towed vehicle	Ch.287	-	860
MOTORBIKES AND MOTORCYCLES			
Motorcycle safety, Professional-Technical education....	Ch. 30	-	82
NAMES			
See IDENTITY AND NAMES			
NATIONAL GUARD			
See MILITARY AND MILITIA			
NATURAL RESOURCES			
See also ENVIRONMENT			
Natural Resources study comm, working farms.....	HCR018	-	1114
Natural resources/water, legislative study comm.....	HCR013	-	1111
NATUROPATHS			
Naturopathic Medical Examiners rules rejected.....	SCR107	-	1094
NEWSPAPERS			
Government property transfer, published notice.....	Ch.278	-	840
Personal service contracts with county, publishing....	Ch.193	-	627
NURSING AND NURSES			
Bd, approp, add'l.....	Ch. 12	-	39
Nursing license, qualifications, foreign licenses.....	Ch. 67	-	190
NURSING HOMES			
See ASSISTED LIVING AND NURSING HOMES			
OCCUPATIONAL LICENSES BUREAU			
Midwifery licensing, occupational board, rules.....	Ch. 65	-	177
Petroleum gas facility license fees, maximum.....	Ch. 74	-	208
OCCUPATIONAL THERAPY			
Licensing and regulation, organizational structure.....	Ch.222	-	690
Regulatory Bd, approp.....	Ch.289	-	864
OLYMPICS			
See ATHLETICS			
OPEN MEETING LAW			
See MEETINGS, PUBLIC			
OPTOMETRY AND OPTOMETRISTS			
Doctor appreciation, Special Olympics athletes.....	SCR101	-	1091
Licensing, bd members, qualifications, duties.....	Ch.118	-	376
ORGAN DONATIONS			
Anatomical gifts, administrative conflict resolution...	Ch.176	-	556

OUTFITTERS AND GUIDES

Outfitters/Guides Bd, approp, add'l..... Ch. 13 - 39

PARDONS AND PAROLE

Sex offender registry, physical address, update, verify Ch.156 - 456

PARENTS

Health insurance coverage, dependents under age 25..... Ch.125 - 391

Home schooling, private instruction by parents..... Ch.103 - 316

Vehicular manslaughter of parent, child support factors Ch.166 - 496

PARKS AND RECREATION

Dept parks administration rules rejected..... SCR106 - 1094

Dept, approp..... Ch.297 - 884

Dept, approp, add'l..... Ch.249 - 760

Dept, approp, add'l., invasive species..... Ch.325 - 934

Firearms discharge in state parks, regulation..... Ch. 58 - 162

Fuel taxation, gasahol/biodiesel, funds distribution... Ch.332 - 962

Funding from gas tax removed..... Ch.333 - 966

Funding sources, legislative task force..... Ch.333 - 966

Funding sources, legislative task force..... HCR032 - 1121

Lava Hot Springs Foundation, approp..... Ch.181 - 580

PERSI

See RETIREMENT

PESTS AND PESTICIDES

Invasive species fund, boat fees, sticker..... Ch.137 - 419

Invasive species, mussel prevention, funding..... SCR109 - 1097

PHARMACIES AND PHARMACISTS

Prescription drug pedigree, repackager information..... Ch.105 - 320

Prescription drugs, donations to charity/indigent..... Ch.143 - 428

Telepharmacy practice, registration required..... Ch.244 - 748

PHYSICAL THERAPISTS

Physical therapy licensure, bd salary, foreign licenses Ch. 95 - 280

PHYSICIANS AND SURGEONS

Anatomical gifts, administrative conflict resolution... Ch.176 - 556

Medicaid provider/facility reimbursement rates..... Ch. 34 - 94

Medical education program, urge federal funding..... HJM007 - 1089

Medical residency programs, urge federal funding..... SJM101 - 1081

National interest waiver, foreign physicians needed... Ch.106 - 324

PLANNING AND ZONING

School building plan reviews, local, fees..... Ch.219 - 681

PLUMBING AND PLUMBERS

Journeyman/contractors, continuing education, renewals. Ch.126 - 405

Plumbing apprentice registration, fees..... Ch.111 - 363

PODIATRY AND PODIATRISTS

Podiatrist annual renewal license fee, \$650 maximum.... Ch. 94 - 280

POLICE, IDAHO STATE

See also LAW ENFORCEMENT

Approp..... Ch.337 - 974

DUI restitution to law enforcement agencies, fund..... Ch.108 - 344

Funding sources, legislative task force..... HCR032 - 1121

Funding sources, legislative task force..... Ch.333 - 966

Police car identification, colors/markings..... Ch. 85 - 235

Public safety officer permanent disability benefit..... Ch.158 - 476

Records of officers, employment, course completion.... Ch.115 - 369

POLLUTION

Bunker Hill Superfund Site, operable unit transfer.... Ch. 8 - 10

POWER

See ENERGY

PRESCRIPTIONS

Prescription drug pedigree, repackager information.....	Ch.105	-	320
Prescription drugs, donations to charity/indigent.....	Ch.143	-	428
Telepharmacy practice, registration required.....	Ch.244	-	748

PRINTING

House/Senate daily journals, printing contract.....	HCR005	-	1107
House/Senate permanent journals, printing contract.....	HCR003	-	1104
Legislation, printing contract.....	HCR004	-	1106
Session laws, printing contract.....	HCR002	-	1102

PRISONS AND PRISONERS

Death penalty execution methods, substances.....	Ch. 81	-	228
Escaped prisoner costs charged to Correction Dept.....	Ch.104	-	319
Prisoners, barber services, license exception.....	Ch. 73	-	208
Professional-technical education for prisoners.....	Ch. 28	-	80
Sexual contact with prisoner, definition.....	Ch.116	-	372

PRIVACY

State agencies urged to protect against identity theft.	HCR022	-	1115
---	--------	---	------

PROBATE

See ESTATES

PROFESSIONAL TECHNICAL EDUCATION

Bd training courses for prisoners.....	Ch. 28	-	80
Bd, approp.....	Ch.248	-	758
Professional-Technical education, motorcycle safety....	Ch. 30	-	82

PROFESSIONS

Architect examination and licensing requirements.....	Ch. 76	-	212
Barber license exception, services on prisoners.....	Ch. 73	-	208
Broker representation agreements, no legal description.	Ch.135	-	416
Certified Shorthand Reporters rules rejected.....	SCR107	-	1094
Certified euthanasia technician, definition amended....	Ch. 82	-	229
Commodity dealers, licensing, insurance.....	Ch. 37	-	107
Cosmetology practice permits, conditions.....	Ch. 47	-	127
Driver education, private businesses, licensing.....	Ch.251	-	764
Electrical apprentice registration, license, fees.....	Ch.112	-	364
Emergency medical services, licensing bureau, penalties	Ch.189	-	610
Engineer/Surveyor, examination fee amounts.....	Ch. 20	-	46
Farm produce dealers licensing act repealed.....	Ch. 31	-	87
HVAC apprentice registration periods and fees.....	Ch.113	-	367
Journeyman/contractors, continuing education, renewals.	Ch.126	-	405
Life settlement contracts, broker licensure.....	Ch. 69	-	192
Midwifery licensing, occupational board, rules.....	Ch. 65	-	177
Modular building inspectors, qualifications.....	Ch.127	-	407
Mortician trainee qualifications, good cause exception.	Ch. 72	-	207
Naturopathic Medical Examiners rules rejected.....	SCR107	-	1094
Nursing license, qualifications, foreign licenses.....	Ch. 67	-	190
Occupational therapists, licensing, regulation.....	Ch.222	-	690
Optometry bd members, licensing, regulation.....	Ch.118	-	376
Physical therapy licensure, bd salary, foreign licenses	Ch. 95	-	280
Plumbing apprentice registration, fees.....	Ch.111	-	363
Podiatrist annual renewal license fee, \$650 maximum....	Ch. 94	-	280
Professional geologists bd, powers, records.....	Ch. 75	-	210
Psychologist examiners bd, licensing, fees.....	Ch. 33	-	89
Real estate broker duties, knowledge, disclosure.....	Ch.133	-	414
Real estate brokers, money transfer to escrow.....	Ch.134	-	415

Residential Mortgage Practices Act, repeal/reenact.....	Ch. 97 -	282
Sales in homes, exempt from unemployment.....	Ch. 70 -	204
Scrap dealers, records requirements, metal theft.....	Ch.152 -	441
Social workers, license fees increase.....	Ch.149 -	439
Specialty limited heating contractor/journeyman.....	Ch.280 -	842
Telepharmacy practice, registration required.....	Ch.244 -	748
PROPERTY		
See also REAL ESTATE		
Annexation consent exceptions, enclaves, service areas.	Ch. 53 -	145
Broker representation agreements, no legal description.	Ch.135 -	416
Bunker Hill Superfund Site, operable unit transfer.....	Ch. 8 -	10
Federal real property tax deduction, adopt additional..	Ch. 35 -	105
Federal real property tax deduction, delete.....	Ch.228 -	711
Floating homes, definition.....	Ch.163 -	488
Government property transfer, published notice.....	Ch.278 -	840
Homestead exemption, housing price index change.....	Ch. 7 -	7
IRS S. 42 low-income rental property, assessment value.	Ch.140 -	421
Medical savings acct funds, exempt from execution.....	Ch.121 -	385
Personal property tax exemption, tax recovery.....	Ch. 42 -	119
Purchasing laws inapplicable to irrigation dist.....	Ch.174 -	554
Residential Mortgage Practices Act, repeal/reenact.....	Ch. 97 -	282
School district boundary changes, Education Dept.....	Ch.107 -	339
State real property in Boise, inventory list repealed..	Ch. 5 -	6
Trust deed foreclosure notice, paper color.....	Ch.136 -	417
PROPERTY TAX		
See TAX AND TAXATION, PROPERTY		
PROSECUTING ATTORNEYS		
See ATTORNEYS		
PSYCHOLOGY AND PSYCHOLOGISTS		
Psychologist examiners bd, licensing, fees.....	Ch. 33 -	89
PUBLIC ASSISTANCE		
Catastrophic health care program for indigents.....	Ch.177 -	557
Cystic Fibrosis, adult program, financial eligibility..	SCR112 -	1100
Immigration status documentation required for.....	Ch.197 -	633
Medicaid provider/facility reimbursement rates.....	Ch. 34 -	94
Prescription drugs, donations to charity/indigent.....	Ch.143 -	428
Skilled nursing facility assessments, medicaid payments	Ch.221 -	687
Unemployment, extended benefits, high rate adjustments.	Ch.300 -	891
PUBLIC BROADCASTING		
Educational Public Broadcasting System, approp.....	Ch.315 -	919
PUBLIC EMPLOYEE RETIREMENT SYSTEM		
See RETIREMENT		
PUBLIC OFFICERS		
PERSI, retirement allowance computation.....	Ch.237 -	729
PUBLIC RECORDS		
See RECORDS		
PUBLIC UTILITIES		
See UTILITIES		
PUBLIC WORKS		
Div, approp.....	Ch.208 -	664
State real property in Boise, inventory list repealed..	Ch. 5 -	6
PUBLICATIONS		
Government property transfer, published notice.....	Ch.278 -	840
Personal service contracts with county, publishing.....	Ch.193 -	627

PURCHASING

Purchasing laws inapplicable to irrigation dist..... Ch.174 - 554

RADIO

See TELECOMMUNICATIONS

REAL ESTATE

See also PROPERTY

Broker duties, money transfer to escrow..... Ch.134 - 415

Broker representation agreements, no legal description. Ch.135 - 416

Floating homes, definition..... Ch.163 - 488

IRS S. 42 low-income rental property, assessment value. Ch.140 - 421

Insurer real estate investment limits..... Ch. 49 - 129

Real estate broker duties, knowledge, disclosure..... Ch.133 - 414

Trust deed foreclosure notice, paper color..... Ch.136 - 417

REAPPORTIONMENT AND REDISTRICTING

Com members, plan criteria, boundaries, roads..... Ch.252 - 770

RECORDS

Concealed weapons permit, records not public..... Ch.202 - 650

Criminal background check, veterinarians..... Ch. 83 - 234

Immigration documents, public assistance benefits..... Ch.197 - 633

Industrial Com, share information with other agencies.. Ch. 48 - 129

Law enforcement officers, employment, course completion Ch.115 - 369

Open meetings, agendas, executive sessions, violations Ch.161 - 482

Prescription drug pedigree, repackager information.... Ch.105 - 320

Professional geologists bd, records repealed..... Ch. 75 - 210

Registered contractors, insurance information Ch. 89 - 258

Reports by guardians/conservators, review, rules..... Ch. 78 - 214

Scrap dealers, records requirements, metal theft..... Ch.152 - 441

Sex crimes with minors, subpoena computer records..... Ch. 61 - 166

State agencies urged to protect against identity theft. HCR022 - 1115

Subpoena power, Corrections Dept director, enforcement. Ch. 45 - 125

Taxpayer liability, compromised cases, settlements..... Ch.120 - 384

Trust deed foreclosure notice, paper color..... Ch.136 - 417

RECREATION

Moscow CommUNITY Walk, support/encourage..... HCR012 - 1110

Off-highway vehicles, insurance, drivers, registration. Ch.157 - 457

Off-road vehicles, liability or vehicle insurance..... Ch.159 - 477

Snowmobile trails, other vehicles' use, infraction..... Ch.138 - 420

Sport Shooting Activities Immunity Act..... Ch.195 - 628

RECYCLING

Lead acid battery sales, recycling, \$10 fee..... Ch.172 - 549

Scrap dealers, records requirements, metal theft..... Ch.152 - 441

RELIGION AND CHURCHES

Moscow CommUNITY Walk, support/encourage..... HCR012 - 1110

RESIDENTIAL CARE FACILITIES

See ASSISTED LIVING AND NURSING HOMES

RESOLUTIONS, CONCURRENT

Abraham Lincoln, Honorary Governor, Idaho Territory.... SCR102 - 1091

Agency fee rules approval, exceptions..... SCR107 - 1094

Agency temporary rules approval, expiration dates..... SCR108 - 1096

Cystic Fibrosis, adult program, financial eligibility.. SCR112 - 1100

DEQ sewage disposal rules rejected..... SCR103 - 1092

Energy/environment/technology, legislative study comm.. HCR016 - 1112

Equal Pay Day, women's pay equity..... HCR023 - 1116

F&G Dept, disabled sportsmen rules rejected..... SCR104 - 1093

F&G Dept, wolf hunt rules rejected..... SCR105 - 1093

Fiber communications, Riggins & Grangeville, support...	HCR021	-	1115
Fiber/wireless communications throughout Idaho, support	HCR028	-	1118
Governor's Message to Legislature.....	HCR001	-	1102
Highway funding, gubernatorial task force.....	HCR034	-	1122
House/Senate daily journals, printing contract.....	HCR005	-	1107
House/Senate permanent journals, printing contract.....	HCR003	-	1104
Industrial Com rules rejected.....	HCR029	-	1119
Invasive species, mussel prevention, funding.....	SCR109	-	1097
Legislation, printing contract.....	HCR004	-	1106
Legislator salary/allowance increase, reject.....	HCR006	-	1109
Lottery Com, certain rules rejected.....	HCR010	-	1110
M. Allyn Dingel, honor his service to Legislature.....	SCR111	-	1099
Moscow CommUNITY Walk, support/encourage.....	HCR012	-	1110
Natural Resources interim comm, working farm change....	HCR018	-	1114
Natural resources/water, legislative study comm.....	HCR013	-	1111
North Idaho College, commend and honor 75 years.....	HCR030	-	1119
Parks and Rec Dept parks administration rules rejected.	SCR106	-	1094
Police & Parks funding, legislative task force.....	Ch.333	-	966
Police & Parks funding, legislative task force.....	HCR032	-	1121
Session laws, printing contract.....	HCR002	-	1102
Soil Conservation Com, legislative study comm.....	HCR025	-	1117
Special Olympics, welcome athletes, appreciate doctors.	SCR101	-	1091
State agencies urged to protect against identity theft.	HCR022	-	1115
Telework from home, encourage employer programs.....	SCR110	-	1098
Transportation Dept registration fee rules rejected....	HCR017	-	1113
Vocational Rehabilitation Div, certain rules rejected..	HCR009	-	1109
RESOLUTIONS, JOINT			
University of Idaho, tuition/fee authorization.....	SJR101	-	1080
RESTAURANTS			
See also FOOD			
Food establishment licensing fees, temporary vendors...	Ch.190	-	619
Food service by the handicapped, Capitol excluded.....	Ch.283	-	851
RETIREMENT			
Education Bd, optional retirement benefit plans.....	Ch.286	-	859
PERSI retirement allowances, adjustments.....	Ch.144	-	433
PERSI, approp.....	Ch.298	-	886
PERSI, retirement allowance computation.....	Ch.237	-	729
Public safety officer permanent disability benefit....	Ch.158	-	476
Retired law officers, weapons permit, closed records...	Ch.202	-	650
State employee/retiree health insurance plans.....	Ch.164	-	491
REVENUE AND TAXATION			
See TAX AND TAXATION			
ROADS			
See HIGHWAYS			
RULES			
Agency fee rules approval, exceptions.....	SCR107	-	1094
Agency rules, continue in effect, exceptions.....	Ch.225	-	705
Agency temporary rules approval, expiration dates.....	SCR108	-	1096
Certified Shorthand Reporters rules rejected.....	SCR107	-	1094
DEQ sewage disposal rules rejected.....	SCR103	-	1092
F&G Dept, wolf hunt rules rejected.....	SCR105	-	1093
Guardians/conservators, reports, review, rules.....	Ch. 78	-	214
H&W Dept child care rules rejected.....	SCR107	-	1094
Idaho State Lottery rules rejected.....	SCR107	-	1094
Industrial Com rules rejected.....	HCR029	-	1119

Lottery Com, certain rules rejected.....	HCR010	-	1110
Naturopathic Medical Examiners rules rejected.....	SCR107	-	1094
Parks and Rec Dept parks administration rules rejected.	SCR106	-	1094
Transportation Dept registration fee rules rejected....	HCR017	-	1113
Vocational Rehabilitation Div, certain rules rejected..	HCR009	-	1109
SAFETY			
Firearms discharge in state parks, regulation.....	Ch. 58	-	162
Food establishment licensing fees, temporary vendors...	Ch.190	-	619
Hazardous substance, release threats, reimburse costs..	Ch.281	-	844
Motorcycle safety, Professional-Technical education....	Ch. 30	-	82
SALARIES			
See WAGES			
SALES			
Agriculture Dept duties re: market news service.....	Ch. 32	-	87
Firearms, purchases in and out of Idaho.....	Ch.110	-	363
Food establishment licensing fees, temporary vendors...	Ch.190	-	619
Lead acid battery sales, recycling, \$10 fee.....	Ch.172	-	549
Limiting quantity to customers, prohibition repealed...	Ch.146	-	438
Liquor, official seals/labels.....	Ch.282	-	849
Motor vehicle dealer - manufacturer franchise duties...	Ch.153	-	445
Motor vehicle service contract notice required.....	Ch.276	-	838
Purchasing laws inapplicable to irrigation dist.....	Ch.174	-	554
Retailer tax rebate, transportation improvements.....	Ch. 62	-	167
Sales in homes, exempt from unemployment.....	Ch. 70	-	204
Unlawfully taken wildlife, who may not purchase.....	Ch.187	-	608
SALES TAX			
See TAX AND TAXATION, SALES			
SCHOOLS AND SCHOOL DISTRICTS			
Bond levy equalization fund, lottery proceeds.....	Ch.344	-	1077
Budget Reduction Act, public schools operations.....	Ch.335	-	971
Charter school admissions, child priority categories...	Ch. 41	-	115
Charter school creation/expansion, public hearing.....	Ch.160	-	477
Charter school hearings, notice to districts.....	Ch.200	-	639
Cooperative service agency, fiscal/property powers.....	Ch.227	-	708
Court fines, distribution to schools, repeal.....	Ch. 96	-	282
Deaf and blind, Bureau of Educational Services.....	Ch.168	-	501
Deaf/Blind School, references, Educational Services ...	Ch.326	-	936
Digital learning academy employee benefits.....	Ch. 55	-	155
District creation/dissolution, challenges after 7 years	Ch. 43	-	124
District elections administration, consolidation, costs	Ch.341	-	986
Energy-efficient school building design.....	Ch.169	-	511
Home schooling, private instruction by parents.....	Ch.103	-	316
Idaho Education Network, advisory council.....	Ch.131	-	410
Idaho School for Deaf/Blind, approp.....	Ch.204	-	657
Idaho ag in the classroom, funds	Ch.114	-	368
Lapsed school district, order, hearing.....	Ch. 88	-	257
Medical education program, urge federal funding.....	HJM007	-	1089
Private schools, computer donations to, tax deduction..	Ch. 40	-	114
Public schools, approp, administrators, salaries.....	Ch.270	-	813
Public schools, approp, operations div, base salary....	Ch.272	-	817
Public schools, approp, teachers, base salary reduction	Ch.271	-	815
Pupil transportation review by Education Dept.....	Ch.311	-	911
Rural school dist, definition.....	Ch.239	-	739
School bond guaranty program, administrative fund.....	Ch.185	-	600
School building plan reviews, local, fees.....	Ch.219	-	681

School district boundary changes, Education Dept.....	Ch.107	-	339
School plant facility levy, cooperative service agency.	Ch.220	-	684
School trustee vacancy, replacement appointments.....	Ch. 57	-	160
Staff allowance, virtual education, maintenance money..	Ch.340	-	982
Staff allowance, virtual programs, HB 303 trailer.....	Ch.342	-	1076
Student transportation costs, funding change, audit....	Ch.284	-	852
Teacher contracts, financial emergency declaration.....	Ch.171	-	541
Teacher salaries, reduced funding intent.....	Ch.285	-	858
Urban renewal, tax rate calculation, school levies.....	Ch. 50	-	131
SCIENCE AND TECHNOLOGY			
Council for Technology in Learning abolished.....	Ch. 27	-	79
Earth sciences/lapidary, special license plates.....	Ch.196	-	630
Office of, change to Idaho Innovation Council.....	Ch.162	-	486
SCRAP DEALING			
See RECYCLING			
SEAT BELTS			
See SAFETY			
SECRETARY OF STATE			
Approp.....	Ch.313	-	912
Approp, add'l., consolidated elections.....	Ch.341	-	986
SELF-GOVERNING AGENCIES			
Dept, approp, Building Safety Div.....	Ch.321	-	928
Dept, approp, Idaho State Lottery.....	Ch.320	-	927
Dept, approp, Nursing Bd.....	Ch. 12	-	39
Dept, approp, Outfitters/Guides.....	Ch. 13	-	39
Dept, approp, Veterans Services Div.....	Ch.247	-	757
Dept, approp, medical/regulatory bds.....	Ch.316	-	921
Dept, approp, midwifery, occupational therapists.....	Ch.289	-	864
Driving Businesses Licensure Bd created.....	Ch.251	-	764
Idaho State Historical Society, self-governing.....	Ch.167	-	497
Library Commissioners Bd, self-governing.....	Ch.178	-	574
SENATE			
See also LEGISLATURE			
Governor's Message to Legislature.....	HCR001	-	1102
ProTem acting as Governor/Lt. Governor, salary	Ch. 29	-	80
SENIOR CITIZENS			
Residential care facility residents, rates and charges.	Ch.214	-	673
Skilled nursing facility assessments, medicaid payments	Ch.221	-	687
SENTENCING			
DUI restitution to law enforcement agencies, fund.....	Ch.108	-	344
Domestic violence court programs, fees, coordinators..	Ch. 79	-	218
Drunk drivers, drug court, conditional privileges.....	Ch.184	-	584
Fines, increase minimum, crime victims compensation....	Ch.139	-	421
Sex offender registration release, court order.....	Ch. 68	-	191
Sexual battery of minor child, civil fine.....	Ch. 56	-	159
Vehicular manslaughter of parent, child support factors	Ch.166	-	496
Victim restitution, collection by court clerk.....	Ch.102	-	312
Violent crime civil fine collection, for victim.....	Ch.101	-	310
SEWERS			
DEQ sewage disposal rules rejected.....	SCR103	-	1092
SEX OFFENSES AND OFFENDERS			
Physical residence address, updates and verification...	Ch.156	-	456
Sex crimes with minors, subpoena computer records.....	Ch. 61	-	166
Sex offender registration release, court order.....	Ch. 68	-	191
Sexual battery of minor child, civil fine.....	Ch. 56	-	159

Sexually exploitative material defined.....	Ch.100	-	309
Violent sex predator, electronic monitoring of.....	Ch.250	-	761
SNOWMOBILES			
See MOTOR VEHICLES			
SOCIAL WORK			
Social workers, license fees increase.....	Ch.149	-	439
SOIL			
Conservation Com, approp.....	Ch.307	-	906
Conservation Com, legislative study comm.....	HCR025	-	1117
SOLID WASTES			
See WASTES			
SPEED LIMITS			
Neighborhood electric vehicles, speed limit.....	Ch.194	-	628
SPORTS			
See ATHLETICS			
STATE AGENCIES			
See GOVERNMENT			
STATEHOUSE			
See CAPITOL			
STATUTES			
See CODES			
STUDENTS			
Charter school admissions, children priority categories	Ch. 41	-	115
College student residency requirements, time away.....	Ch.329	-	939
Home schooling, private instruction by parents.....	Ch.103	-	316
Pupil transportation review by Education Dept.....	Ch.311	-	911
STUDIES			
Energy/environment/technology, legislative study comm..	HCR016	-	1112
Highway funding, gubernatorial task force.....	HCR034	-	1122
Natural Resources, working farms, study comm.....	HCR018	-	1114
Natural resources/water, legislative study comm.....	HCR013	-	1111
Police & Parks funding, legislative task force.....	HCR032	-	1121
Police & Parks funding, legislative task force.....	Ch.333	-	966
Pupil transportation review by Education Dept.....	Ch.311	-	911
Soil Conservation Com, legislative study comm.....	HCR025	-	1117
SUBSTANCE ABUSE			
Drug Policy Office, approp.....	Ch.266	-	803
Drunk drivers, drug court, conditional privileges.....	Ch.184	-	584
H&W Dept, substance abuse, approp.....	Ch.266	-	803
Millennium Income Funds, tobacco/drug programs.....	Ch.211	-	669
SUPERINTENDENT OF PUBLIC INSTRUCTION			
See EDUCATION			
SUPREME COURT			
See COURTS			
TAX AND TAXATION			
Beer/wine tax reports, reporting period.....	Ch. 4	-	6
Biodiesel production, under 5,000 gallons, license, tax	Ch. 21	-	47
Com, compromised cases, settlement agreements.....	Ch.120	-	384
Electronic tax returns, rules, when required.....	Ch. 3	-	4
Fuel taxation, gasahol/biodiesel, funds distribution...	Ch.332	-	962
Grape/wine production, minimum tax rate.....	Ch. 60	-	165
Nontaxable dyed diesel fuel, violations, penalties.....	Ch.150	-	439
Revenue & Taxation Dept, approp, Tax Appeals Bd.....	Ch.180	-	579
Revenue & Taxation Dept, approp, Tax Com.....	Ch.179	-	577
Skilled nursing facility assessments, medicaid payments	Ch.221	-	687

TAX AND TAXATION, INCOME

Corporate, water's edge election.....	Ch. 2 -	3
Credit, estate/trust, taxes paid to other states.....	Ch.216 -	675
Deduction, computer donations to private schools.....	Ch. 40 -	114
IRS real property tax deduction, adopt additional.....	Ch. 35 -	105
IRS real property tax deduction, delete.....	Ch.228 -	711
Income tax checkoff, donate refund to food bank.....	Ch. 63 -	173
Refund donation, drug/DUI enforcement fund.....	Ch.108 -	344
Small employer income tax incentive, duration.....	Ch.191 -	621
Taxpayer liability, compromised cases, settlements.....	Ch.120 -	384
Trusts, separate funds, income tax.....	Ch. 64 -	175

TAX AND TAXATION, PROPERTY

Floating homes, definition.....	Ch.163 -	488
Highway district budget adoption, levy certification...	Ch. 99 -	309
Homestead exemption, housing price index change.....	Ch. 7 -	7
IRS S. 42 low-income rental property, assessment value.	Ch.140 -	421
IRS real property tax deduction, adopt additional.....	Ch. 35 -	105
IRS real property tax deduction, delete.....	Ch.228 -	711
Library district, maximum bond, election date.....	Ch.132 -	413
Personal property tax exemption, tax recovery.....	Ch. 42 -	119
School plant facility levy, cooperative service agency.	Ch.220 -	684
Urban renewal area additions, duration not extended....	Ch.218 -	680
Urban renewal, tax rate calculation, school levies.....	Ch. 50 -	131

TAX AND TAXATION, SALES

Exemption, aircraft services, parts, when exempt.....	Ch. 91 -	265
Rebate, retail complexes, transportation improvements..	Ch. 62 -	167

TEACHING AND TEACHERS

Charter school admissions, child priority categories...	Ch. 41 -	115
Digital learning academy employee benefits.....	Ch. 55 -	155
Driver education, private businesses, licensing.....	Ch.251 -	764
Home schooling, private instruction by parents.....	Ch.103 -	316
Public schools, approp, teachers, base salary reduction	Ch.271 -	815
Staff allowance, virtual education, maintenance money..	Ch.340 -	982
Staff allowance, virtual programs, HB 303 trailer.....	Ch.342 -	1076
Teacher contracts, financial emergency declaration.....	Ch.171 -	541
Teacher salaries, reduced funding intent.....	Ch.285 -	858

TECHNOLOGY

See ELECTRONIC TECHNOLOGY

TELECOMMUNICATIONS

Fiber communications, Riggins & Grangeville, support...	HCR021 -	1115
Fiber/wireless communications throughout Idaho, support	HCR028 -	1118
Idaho Education Network, advisory council.....	Ch.131 -	410
Sex crimes with minors, subpoena computer records.....	Ch. 61 -	166

TENANTS

See LANDLORDS AND TENANTS

TOBACCO

Millennium Income Funds, tobacco/drug programs.....	Ch.211 -	669
---	----------	-----

TRANSPORTATION

Aircraft services, parts, when exempt from sales tax...	Ch. 91 -	265
Commercial driver license, disqualifications, penalties	Ch.155 -	453
Dept, approp, add'l.....	Ch.334 -	970
Driver education, private businesses, licensing.....	Ch.251 -	764
Fuel taxation, gasahol/biodiesel, funds distribution..	Ch.332 -	962
GARVEE federal bonding authorization, intent.....	Ch.203 -	655
High occupancy vehicle lanes, usage, penalties.....	Ch.192 -	626

Highway distribution acct, revise funds distribution...	Ch.333	-	966
Highway funding, gubernatorial task force.....	HCR034	-	1122
Idaho ag in the classroom, funds	Ch.114	-	368
License plates, special, Idaho Innovation Fund.....	Ch.162	-	486
License plates, special, Idaho North America plate.....	Ch.330	-	942
License plates, special, Idaho freemasons.....	Ch.199	-	636
License plates, special, earth sciences/lapidary.....	Ch.196	-	630
License plates, special, gold star (combat death).....	Ch.213	-	672
Motor Vehicles Div, automated system upgrade, report...	Ch.147	-	438
Motor vehicle service contract notice required.....	Ch.276	-	838
Neighborhood electric vehicles, speed limit.....	Ch.194	-	628
Nontaxable dyed diesel fuel, violations, penalties.....	Ch.150	-	439
Off-highway vehicles, insurance, drivers, registration.	Ch.157	-	457
Off-road vehicles, liability or vehicle insurance.....	Ch.159	-	477
Police car identification, colors/markings.....	Ch. 85	-	235
Public highway planning, utility facilities relocation.	Ch.142	-	426
Pupil transportation review by Education Dept.....	Ch.311	-	911
Rural economic development fund, matching grants.....	Ch. 92	-	268
Rural economic development group, annual funds, limits.	Ch.198	-	635
Student transportation costs, funding change, audit....	Ch.284	-	852
Telework from home, encourage employer programs.....	SCR110	-	1098
Transportation Dept registration fee rules rejected....	HCR017	-	1113
Transportation Dept, approp.....	Ch.269	-	809
Transportation improvements, retailer sales tax rebate.	Ch. 62	-	167
Vehicle financial responsibility, sunset extended.....	Ch.147	-	438
Vehicle registration, owner identification numbers.....	Ch.141	-	423
Vehicle registration/driver/dealer license fees up.....	Ch.331	-	947
Vehicle temporary permits, limit three per year.....	Ch.336	-	973
Wrecker registration plate on towed vehicle	Ch.287	-	860
TREASURER, STATE			
Approp.....	Ch.229	-	712
TRUSTS			
Estates/trusts, credit for taxes paid to other states..	Ch.216	-	675
Trusts, separate funds, income tax.....	Ch. 64	-	175
UNEMPLOYMENT			
See EMPLOYMENT SECURITY LAW			
UNIFORM AND MODEL LAWS			
Building code bd members, code adoptions.....	Ch.173	-	551
Uniform Principal & Income Act, amend.....	Ch. 64	-	175
UNIONS			
See LABOR			
UNIVERSITIES			
See COLLEGES AND UNIVERSITIES			
UNIVERSITY OF IDAHO			
See COLLEGES AND UNIVERSITIES			
URBAN RENEWAL			
Urban renewal area additions, duration not extended....	Ch.218	-	680
UTILITIES			
Electric facility construction, priority processing....	Ch. 9	-	11
Fiber communications, Riggins & Grangeville, support...	HCR021	-	1115
Fiber/wireless communications throughout Idaho, support	HCR028	-	1118
PUC decisions precluded regarding Swan Falls agreement.	Ch.241	-	741
Public Utilities Com, approp.....	Ch.290	-	865
Public highway planning, utility facilities relocation.	Ch.142	-	426
Public utility ratemaking treatment, cost recovery.....	Ch.145	-	436

VEHICLES

See MOTOR VEHICLES

VESSELS

See BOATS

VETERANS

County memorial com, honor fallen servicemen/women.....	Ch.277	-	839
Death in combat, special gold star license plates.....	Ch.213	-	672
Disabled veterans association hunt, license exemption..	Ch.117	-	373
Services Administrator, supervise veteran programs.....	Ch. 10	-	12
Services Div, approp.....	Ch.247	-	757
State veteran home administrators, H&W Director powers.	Ch. 15	-	40

VETERINARY MEDICINE

Bighorn sheep, disease liability, delete veterinarian..	Ch.314	-	913
Certified euthanasia technician, definition amended....	Ch. 82	-	229
Veterinarians, criminal background checks.....	Ch. 83	-	234
Veterinarians, professional standards, protect animals.	Ch. 84	-	234

VICTIMS

Fines, increase minimum, crime victims compensation....	Ch.139	-	421
Victim restitution, collection by court clerk.....	Ch.102	-	312
Violent crime civil fine collection, for victim.....	Ch.101	-	310

VIDEOS

See ENTERTAINMENT

VISUALLY IMPAIRED

See BLIND

VOCATIONAL REHABILITATION

Div, approp.....	Ch.328	-	937
Div, certain rules rejected.....	HCR009	-	1109

VOTING AND VOTERS

District elections consolidation voting equipment costs	Ch.341	-	986
---	--------	---	-----

WAGES

Acting Governor/Lt. Governor, daily salary difference..	Ch. 29	-	80
Endowment Fund Investment Bd, compensation.....	Ch. 19	-	45
Equal Pay Day, women's pay equity.....	HCR023	-	1116
Legislator salary/allowance increase, reject.....	HCR006	-	1109
Pea/lentil commissioners, compensation category.....	Ch.128	-	407
Physical therapy licensure, bd salary, foreign licenses	Ch. 95	-	280
Public schools, administrators, base salary decrease...	Ch.270	-	813
Public schools, operations div, salary multiplier.....	Ch.272	-	817
Public schools, teachers, base salary reduction.....	Ch.271	-	815
State agency budget/personnel salary reductions.....	Ch.226	-	706
State employee salary schedule, downward adjustment....	Ch.324	-	932
State employee, uncommon tour of duty, pay.....	Ch. 44	-	125
Worker's compensation exemption from collection.....	Ch.312	-	911

WAREHOUSES

Commodity indemnity fund liability.....	Ch. 39	-	112
---	--------	---	-----

WASTES

DEQ sewage disposal rules rejected.....	SCR103	-	1092
Lead acid battery sales, recycling, \$10 fee.....	Ch.172	-	549

WATER

Comprehensive State Water Plan, Eastern, approval.....	Ch.223	-	703
Federal Clean Water Restoration Act, oppose.....	HJM006	-	1088
Ground water recharge, regulation by Water Resources...	Ch.242	-	742
Invasive species, mussel prevention, funding.....	SCR109	-	1097
Managed recharge project, Bd approval.....	Ch.240	-	740
Natural resources/water, legislative study comm.....	HCR013	-	1111

Swan Falls Reaffirmation, preclude PUC decisions.....	Ch.241 -	741
WATER RESOURCES DEPARTMENT		
Approp.....	Ch.301 -	897
Comprehensive State Water Plan, Eastern, approval.....	Ch.223 -	703
Director, license authority, ground water recharge.....	Ch.242 -	742
Water Resources Bd approval, recharge projects.....	Ch.240 -	740
WEAPONS		
Concealed weapons permit, records not public.....	Ch.202 -	650
Employers allowing employee firearm storage, immunity..	Ch.265 -	802
Federal Firearm Licensing Act, oppose.....	HJM003 -	1086
Firearms discharge in state parks, regulation.....	Ch. 58 -	162
Firearms, purchases in and out of Idaho.....	Ch.110 -	363
Sport Shooting Activities Immunity Act.....	Ch.195 -	628
State of emergency, no firearms restrictions.....	Ch.215 -	674
WELFARE		
See PUBLIC ASSISTANCE		
WILDLIFE		
See also ANIMALS		
Big game depredation claims, delete prioritization.....	Ch.217 -	677
Bighorn sheep, disease liability, management plan.....	Ch.314 -	913
Controlled hunt bonus points, rulemaking.....	Ch.201 -	643
F&G Dept, wolf hunt rules rejected.....	SCR105 -	1093
F&G violators, processing fee per animal increased.....	Ch.188 -	610
Gray wolf delisting, damage reports.....	HJM001 -	1083
Invasive species fund, boat fees, sticker.....	Ch.137 -	419
Invasive species, mussel prevention, funding.....	SCR109 -	1097
License exemption, disabled veterans association hunt..	Ch.117 -	373
Special beaver hunting tag repealed, otter tags.....	Ch.201 -	643
Unlawfully taken, who may not purchase.....	Ch.187 -	608
Wolves, ship them to another state.....	Ch.186 -	608
WILLS		
Guardians, appointments by will, disabled.....	Ch. 86 -	235
WINE		
See LIQUOR		
WOLVES		
See WILDLIFE		
WOMEN		
Equal Pay Day, women's pay equity.....	HCR023 -	1116
WORKERS COMPENSATION		
Community service, worker's compensation, self-insured.	Ch.154 -	448
Industrial Com, share information with other agencies..	Ch. 48 -	129
State Insurance Fund dividends, retroactive repeal.....	Ch.294 -	871
Worker's compensation, other states, collection, exempt	Ch.312 -	911
ZONING		
See PLANNING AND ZONING		

TABLE OF AMENDMENTS, REPEALS, ADDITIONS AND REFERENCES

CODE INDEX

Code citation, action, session law
chapter number, and page number are
shown for bills which passed

TITLE 1			
Ch.16			
1-1625	Referred to	Ch. 79 -	220
Ch.23			
1-2303	Amended	Ch. 80 -	221
1-2303	Referred to	Ch. 80 -	222
TITLE 2			
Ch.5			
2-502	Amended	Ch. 11 -	14
TITLE 5			
Ch.3			
5-341	New Section Added	Ch.265 -	802
TITLE 6			
Ch.9	Referred to	Ch.168 -	507
Ch.9	Referred to	Ch.195 -	629
6-904B	Amended	Ch.195 -	630
Ch.27			
6-2701	New Section Added	Ch.195 -	628
6-2701	Referred to	Ch.195 -	630
6-2702	New Section Added	Ch.195 -	629
TITLE 7			
Ch.7			
7-720	Amended	Ch. 11 -	14
Ch.14			
7-1405	Referred to	Ch. 80 -	222
TITLE 9			
Ch.3	Referred to	Ch. 97 -	304
Ch.3	Referred to	Ch.168 -	507
9-338	Referred to	Ch.202 -	653
9-340B	Amended	Ch.202 -	653
9-340C	Referred to	Ch. 97 -	285
TITLE 11			
Ch.1			
11-102	Amended	Ch. 11 -	14
Ch.6	Referred to	Ch.101 -	311
11-603	Amended	Ch.121 -	386
11-605	Referred to	Ch.177 -	563

TITLE 15

Ch.3

Pt.2

15-3-201 Amended Ch. 11 - 15

Ch.5

Pt.3

15-5-301 Amended Ch. 86 - 236

15-5-301 Referred to Ch. 86 - 237

Pt.4

15-5-404 Amended Ch. 78 - 214

15-5-418 Amended Ch. 78 - 215

15-5-419 Amended Ch. 78 - 215

TITLE 16

Ch.16

16-1602 Amended Ch.103 - 316

Ch.24

16-2402 Referred to Ch.122 - 386

16-2403 Referred to Ch.122 - 386

TITLE 18

Ch.2

18-205 Referred to Ch.295 - 880

18-212 Referred to Ch. 45 - 126

Ch.3

18-306 Referred to Ch.295 - 880

Ch.8

18-801 thru

18-805 Referred to Ch.295 - 880

Ch.9

18-905 Referred to Ch.295 - 881

18-907 Referred to Ch.295 - 881

18-915 Amended Ch. 11 - 15

18-918 Amended Ch. 80 - 226

18-918 Referred to Ch. 79 - 220

18-919 Referred to Ch.250 - 762

18-920 Referred to Ch. 79 - 220

18-923 Referred to Ch. 79 - 220

18-923 Referred to Ch.295 - 881

Ch.13

18-1351 thru

18-1362 Referred to Ch.168 - 507

18-1361 Referred to Ch.168 - 507

18-1361A Referred to Ch.168 - 507

Ch.14

18-1401 Referred to Ch.295 - 881

Ch.15

18-1501 Referred to Ch.295 - 881

18-1502 Referred to Ch. 79 - 220

18-1505 Amended Ch. 71 - 206

18-1505 Referred to Ch.295 - 880

18-1505B Amended Ch.100 - 309

18-1505B Referred to Ch. 61 - 167

18-1505B Referred to Ch.250 - 762

18-1506 Referred to Ch. 61 - 167

18-1506A Referred to Ch. 61 - 167

18-1506A Referred to Ch.250 - 761

18-1507	Referred to	Ch. 61 -	167
18-1507	Referred to	Ch.100 -	310
18-1507A	Referred to	Ch. 61 -	167
18-1507A	Referred to	Ch.295 -	880
18-1508	Referred to	Ch. 61 -	167
18-1508A	Referred to	Ch. 56 -	160
18-1508A	Referred to	Ch. 61 -	167
18-1509	Referred to	Ch. 61 -	167
18-1509	Referred to	Ch.295 -	880
18-1509A	Referred to	Ch. 61 -	167
18-1509A	Referred to	Ch.295 -	880
18-1515	Referred to	Ch. 61 -	167
Ch.17			
18-1701	Referred to	Ch.295 -	880
Ch.22			
18-2202	Referred to	Ch. 61 -	167
Ch.24			
18-2403	Referred to	Ch.295 -	881
18-2407	Referred to	Ch.295 -	881
Ch.25			
18-2507	Amended	Ch.104 -	320
18-2511	Referred to	Ch. 79 -	220
Ch.31			
18-3123	Referred to	Ch.295 -	881
18-3124	Referred to	Ch.295 -	881
18-3126	Referred to	Ch.295 -	881
Ch.33	Referred to	Ch. 58 -	164
18-3302H	Amended	Ch.202 -	650
18-3302H	Referred to	Ch.202 -	654
18-3314	Amended	Ch.110 -	363
18-3315	Amended	Ch.110 -	363
Ch.36	Referred to	Ch.295 -	881
Ch.40			
18-4006	Amended	Ch.166 -	496
18-4006	Referred to	Ch. 79 -	220
18-4006	Referred to	Ch.108 -	347
18-4007	Amended	Ch.166 -	496
18-4014	Referred to	Ch.295 -	880
Ch.45			
18-4501	Referred to	Ch.295 -	880
18-4502	Referred to	Ch.250 -	761
18-4502	Referred to	Ch.295 -	880
18-4503	Referred to	Ch.250 -	761
18-4503	Referred to	Ch.295 -	880
Ch.50			
18-5001	Referred to	Ch.295 -	880
Ch.54			
18-5414	Referred to	Ch. 79 -	220
Ch.55			
18-5501	Referred to	Ch.295 -	880
Ch.56			
18-5609	Referred to	Ch.250 -	763
18-5609	Referred to	Ch.295 -	880
18-5611	Referred to	Ch.295 -	880
Ch.61			

18-6110	Amended	Ch.116	-	373
Ch.65				
18-6501	Referred to	Ch.295	-	880
Ch.66				
18-6605	Referred to	Ch.295	-	880
18-6609	Referred to	Ch. 61	-	167
18-6609	Referred to	Ch.295	-	880
Ch.67				
18-6701	Referred to	Ch. 61	-	167
Ch.79				
18-7905	Referred to	Ch.295	-	880
Ch.80				
18-8001	Referred to	Ch.108	-	347
18-8002	Amended	Ch.108	-	344
18-8002	Amended	Ch.184	-	584
18-8002A	Amended	Ch.184	-	587
18-8003	Amended	Ch.108	-	347
18-8003	Referred to	Ch.108	-	346
18-8004	Referred to	Ch. 79	-	220
18-8004A	Amended	Ch.184	-	593
18-8004C	Amended	Ch.184	-	594
18-8005	Amended	Ch. 11	-	16
18-8005	Amended	Ch.184	-	596
18-8006	Referred to	Ch. 79	-	220
18-8006	Referred to	Ch. 79	-	220
18-8007	Referred to	Ch.108	-	347
Ch.83				
18-8303	Amended	Ch.250	-	761
18-8304	Amended	Ch.250	-	762
18-8304	Referred to	Ch.250	-	761
18-8308	Amended	Ch.156	-	456
18-8308	Amended	Ch.250	-	763
18-8310	Amended	Ch. 68	-	191
Ch.86				
18-8602	Referred to	Ch.250	-	761
TITLE 19				
Ch.25				
19-2522	Amended	Ch.124	-	390
19-2524	Referred to	Ch.124	-	391
Ch.26				
19-2601	Referred to	Ch. 45	-	126
Ch.27				
19-2716	Amended	Ch. 81	-	228
Ch.29				
19-2901	New Section Added	Ch. 90	-	259
19-2901	Repealed	Ch. 90	-	259
19-2902	New Section Added	Ch. 90	-	260
19-2902	Repealed	Ch. 90	-	259
19-2903	New Section Added	Ch. 90	-	260
19-2903	Repealed	Ch. 90	-	259
19-2904	New Section Added	Ch. 90	-	260
19-2904	Repealed	Ch. 90	-	259
19-2905	New Section Added	Ch. 90	-	260
19-2905	Repealed	Ch. 90	-	259
19-2906	New Section Added	Ch. 90	-	261

19-2906	Repealed	Ch. 90 -	259
19-2907	New Section Added	Ch. 90 -	261
19-2907	Referred to	Ch. 90 -	262
19-2907	Repealed	Ch. 90 -	259
19-2908	New Section Added	Ch. 90 -	261
19-2908	Repealed	Ch. 90 -	259
19-2909	New Section Added	Ch. 90 -	262
19-2909	Repealed	Ch. 90 -	259
19-2910	New Section Added	Ch. 90 -	262
19-2910	Repealed	Ch. 90 -	259
19-2911	New Section Added	Ch. 90 -	262
19-2911	Repealed	Ch. 90 -	259
19-2912	New Section Added	Ch. 90 -	262
19-2912	Repealed	Ch. 90 -	259
19-2913	New Section Added	Ch. 90 -	262
19-2913	Referred to	Ch. 90 -	265
19-2913	Repealed	Ch. 90 -	259
19-2914	New Section Added	Ch. 90 -	262
19-2914	Repealed	Ch. 90 -	259
19-2915	New Section Added	Ch. 90 -	263
19-2915	Referred to	Ch. 90 -	263
19-2915	Repealed	Ch. 90 -	259
19-2916	New Section Added	Ch. 90 -	263
19-2916	Referred to	Ch. 90 -	265
19-2916	Repealed	Ch. 90 -	259
19-2917	New Section Added	Ch. 90 -	263
19-2917	Repealed	Ch. 90 -	259
19-2918	New Section Added	Ch. 90 -	263
19-2918	Repealed	Ch. 90 -	259
19-2919	New Section Added	Ch. 90 -	264
19-2919	Referred to	Ch. 90 -	260
19-2919	Repealed	Ch. 90 -	259
19-2920	New Section Added	Ch. 90 -	264
19-2920	Repealed	Ch. 90 -	259
19-2921	New Section Added	Ch. 90 -	264
19-2921	Repealed	Ch. 90 -	259
19-2922	New Section Added	Ch. 90 -	264
19-2922	Repealed	Ch. 90 -	259
19-2923	New Section Added	Ch. 90 -	265
19-2923	Repealed	Ch. 90 -	259
19-2924	Repealed	Ch. 90 -	259
19-2925	Repealed	Ch. 90 -	259
19-2926	Repealed	Ch. 90 -	259
19-2927	Repealed	Ch. 90 -	259
19-2928	Repealed	Ch. 90 -	259
19-2929	Repealed	Ch. 90 -	259
19-2930	Repealed	Ch. 90 -	259
19-2931	Repealed	Ch. 90 -	259
19-2932	Repealed	Ch. 90 -	259
19-2933	Repealed	Ch. 90 -	259
19-2934	Repealed	Ch. 90 -	259
19-2935	Repealed	Ch. 90 -	259
19-2936	Repealed	Ch. 90 -	259
19-2937	Repealed	Ch. 90 -	259

19-3004A	New Section Added	Ch. 61 -	166
Ch.47			
19-4701	Repealed	Ch. 96 -	282
19-4708	Amended	Ch.102 -	312
19-4708	Referred to	Ch.102 -	313
Ch.49	Referred to	Ch. 80 -	222
Ch.51			
19-5109	Amended	Ch.115 -	370
19-5117	Amended	Ch.115 -	372
Ch.53			
19-5305	Amended	Ch.102 -	313
19-5307	Amended	Ch. 56 -	159
19-5307	Amended	Ch.101 -	310
Ch.56	Referred to	Ch.184 -	585
TITLE 20			
Ch.2			
20-209G	New Section Added	Ch. 45 -	126
20-219	Referred to	Ch.250 -	764
20-227	Referred to	Ch. 45 -	126
20-228	Referred to	Ch. 45 -	126
Ch.5			
20-511	Amended	Ch.154 -	449
20-520	Amended	Ch.102 -	313
20-520	Amended	Ch.154 -	449
Ch.6			
20-605	Amended	Ch.177 -	558
TITLE 21			
Ch.8			
21-805	Amended	Ch.341 -	993
21-806	Amended	Ch.341 -	994
TITLE 22			
Ch.1			
22-103	Amended	Ch. 32 -	87
22-103	Amended	Ch.123 -	388
Ch.4			
22-435	Amended	Ch. 38 -	109
22-436	Amended	Ch. 38 -	109
Ch.13			
22-1301	Repealed	Ch. 31 -	87
22-1302	Repealed	Ch. 31 -	87
22-1303	Repealed	Ch. 31 -	87
22-1304	Repealed	Ch. 31 -	87
22-1305	Repealed	Ch. 31 -	87
22-1306	Repealed	Ch. 31 -	87
22-1307	Repealed	Ch. 31 -	87
22-1308	Repealed	Ch. 31 -	87
22-1309	Repealed	Ch. 31 -	87
22-1310	Repealed	Ch. 31 -	87
22-1311	Repealed	Ch. 31 -	87
22-1312	Repealed	Ch. 31 -	87
22-1313	Repealed	Ch. 31 -	87
22-1314	Repealed	Ch. 31 -	87
22-1315	Repealed	Ch. 31 -	87
22-1316	Repealed	Ch. 31 -	87
22-1317	Repealed	Ch. 31 -	87

Ch.19			
22-1911	Referred to	Ch.137 -	420
22-1911	Referred to	Ch.325 -	935
Ch.20			
22-2019	Referred to	Ch. 1 -	3
Ch.27			
22-2721	Amended	Ch.341 -	994
22-2725	Amended	Ch.341 -	997
Ch.35			
22-3506	Amended	Ch.129 -	408
22-3507	Amended	Ch.128 -	407
Ch.43			
22-4301	Amended	Ch.341 -	998
Ch.49			
22-4909A	New Section Added	Ch. 46 -	127
TITLE 23			
Ch.1			
23-102	Amended	Ch. 23 -	53
Ch.2	Heading Amended	Ch. 23 -	53
23-201	Amended	Ch. 23 -	54
23-202	Amended	Ch. 23 -	54
23-203	Amended	Ch. 23 -	54
23-204	Amended	Ch. 23 -	54
23-205	Amended	Ch. 23 -	55
23-206	Amended	Ch. 23 -	55
23-207	Amended	Ch. 23 -	55
23-207	Amended	Ch.282 -	849
23-208	Amended	Ch. 23 -	56
23-209	Amended	Ch. 23 -	56
23-211	Amended	Ch. 23 -	56
23-212	Amended	Ch. 23 -	56
23-214	Amended	Ch. 23 -	56
23-215	Amended	Ch. 23 -	57
23-216	Amended	Ch. 23 -	57
23-217	Amended	Ch. 23 -	57
Ch.3			
23-301	Amended	Ch. 23 -	57
23-302	Amended	Ch. 23 -	58
23-305	Amended	Ch. 23 -	58
23-306	Amended	Ch. 23 -	58
23-307	Amended	Ch. 23 -	59
23-308	Amended	Ch. 23 -	59
23-308B	Amended	Ch. 23 -	60
23-309	Amended	Ch. 23 -	60
23-311	Amended	Ch. 23 -	60
23-311	Amended	Ch.282 -	850
23-312	Amended	Ch. 23 -	60
23-312	Referred to	Ch. 79 -	220
23-313	Amended	Ch. 23 -	60
Ch.4			
23-402	Amended	Ch. 23 -	60
23-403	Amended	Ch. 23 -	61
23-404	Amended	Ch. 23 -	61
23-406	Amended	Ch. 23 -	62
23-407	Amended	Ch. 23 -	63

23-408	Amended	Ch. 23 -	63
23-409	Amended	Ch. 23 -	63
Ch. 5			
23-502	Amended	Ch. 23 -	63
23-505	Referred to	Ch. 79 -	220
23-506	Amended	Ch. 23 -	63
23-507	Amended	Ch. 23 -	64
23-508	Amended	Ch. 23 -	64
23-510	Amended	Ch. 23 -	64
23-512	Amended	Ch. 23 -	64
23-513	Amended	Ch. 23 -	64
23-514	Amended	Ch. 23 -	64
23-515	Amended	Ch. 23 -	65
23-517	Amended	Ch. 23 -	65
23-518	Amended	Ch. 23 -	65
23-519	Amended	Ch. 23 -	65
Ch. 6			
23-601	Amended	Ch. 23 -	66
23-602	Referred to	Ch. 79 -	220
23-603	Referred to	Ch. 79 -	220
23-604	Referred to	Ch. 79 -	220
23-605	Referred to	Ch. 79 -	220
23-607	Amended	Ch. 23 -	66
23-608	Amended	Ch. 23 -	66
23-610	Amended	Ch. 23 -	66
23-610	Amended	Ch. 282 -	851
23-612	Referred to	Ch. 79 -	220
23-615	Referred to	Ch. 79 -	220
Ch. 8			
23-805	Amended	Ch. 23 -	66
Ch. 9			
23-914	Amended	Ch. 23 -	67
23-917	Amended	Ch. 341 -	1000
23-918	Amended	Ch. 341 -	1000
23-919	Amended	Ch. 341 -	1000
23-949	Referred to	Ch. 79 -	220
Ch. 10			
23-1013	Referred to	Ch. 79 -	220
23-1024	Referred to	Ch. 79 -	220
23-1047	Amended	Ch. 4 -	6
Ch. 13			
23-1303	Amended	Ch. 23 -	67
23-1305	Amended	Ch. 23 -	69
23-1311	Amended	Ch. 23 -	69
23-1322	Amended	Ch. 4 -	6
23-1333	Referred to	Ch. 79 -	220
23-1334	Referred to	Ch. 79 -	220
TITLE 25			
Ch. 29			
25-2907	Amended	Ch. 77 -	213
25-2908	Repealed	Ch. 77 -	214
TITLE 26			
Ch. 22			
26-2222	Referred to	Ch. 97 -	288
Ch. 31			

26-3101	Repealed	Ch. 97 - 283
26-3102	Repealed	Ch. 97 - 283
26-3103	Repealed	Ch. 97 - 283
26-3104	Repealed	Ch. 97 - 283
26-3105	Repealed	Ch. 97 - 283
26-3106	Repealed	Ch. 97 - 283
26-3107	Repealed	Ch. 97 - 283
26-3108	Repealed	Ch. 97 - 283
26-3108A	Repealed	Ch. 97 - 283
26-3109	Repealed	Ch. 97 - 283
26-3110	Repealed	Ch. 97 - 283
26-3111	Repealed	Ch. 97 - 283
26-3112	Repealed	Ch. 97 - 283
26-3113	Repealed	Ch. 97 - 283
26-3114	Repealed	Ch. 97 - 283
26-3114A	Repealed	Ch. 97 - 283
26-3115	Repealed	Ch. 97 - 283
26-3117	Repealed	Ch. 97 - 283
Pt.1		
26-31-101	New Section Added	Ch. 97 - 283
26-31-102	New Section Added	Ch. 97 - 284
26-31-103	New Section Added	Ch. 97 - 284
26-31-104	New Section Added	Ch. 97 - 285
26-31-105	New Section Added	Ch. 97 - 285
26-31-106	New Section Added	Ch. 97 - 285
26-31-107	New Section Added	Ch. 97 - 285
26-31-108	New Section Added	Ch. 97 - 285
26-31-109	New Section Added	Ch. 97 - 285
26-31-109	Referred to	Ch. 97 - 287
26-31-110	New Section Added	Ch. 97 - 286
26-31-110	Referred to	Ch. 97 - 285
26-31-111	New Section Added	Ch. 97 - 286
26-31-111	Referred to	Ch. 97 - 287
26-31-112	New Section Added	Ch. 97 - 287
26-31-112	Referred to	Ch. 97 - 286
26-31-113	New Section Added	Ch. 97 - 287
26-31-113	Referred to	Ch. 97 - 287
26-31-114	New Section Added	Ch. 97 - 288
Pt.2		
26-31-201	New Section Added	Ch. 97 - 288
26-31-201	Referred to	Ch. 97 - 284
26-31-202	New Section Added	Ch. 97 - 289
26-31-202	Referred to	Ch. 97 - 289
26-31-203	New Section Added	Ch. 97 - 289
26-31-204	New Section Added	Ch. 97 - 290
26-31-205	New Section Added	Ch. 97 - 290
26-31-206	New Section Added	Ch. 97 - 290
26-31-206	Referred to	Ch. 97 - 289
26-31-207	New Section Added	Ch. 97 - 292
26-31-208	New Section Added	Ch. 97 - 293
26-31-208	Referred to	Ch. 97 - 292
26-31-209	New Section Added	Ch. 97 - 294
26-31-210	New Section Added	Ch. 97 - 295
26-31-210	Referred to	Ch. 97 - 290
26-31-211	New Section Added	Ch. 97 - 295

26-31-212	New Section Added	Ch. 97 -	296
Pt.3			
26-31-301	New Section Added	Ch. 97 -	296
26-31-302	New Section Added	Ch. 97 -	296
26-31-303	New Section Added	Ch. 97 -	296
26-31-303	Referred to	Ch. 97 -	284
26-31-304	New Section Added	Ch. 97 -	298
26-31-304	Referred to	Ch. 97 -	297
26-31-305	New Section Added	Ch. 97 -	299
26-31-305	Referred to	Ch. 97 -	301
26-31-306	New Section Added	Ch. 97 -	300
26-31-306	Referred to	Ch. 97 -	302
26-31-307	New Section Added	Ch. 97 -	301
26-31-307	Referred to	Ch. 97 -	301
26-31-308	New Section Added	Ch. 97 -	301
26-31-308	Referred to	Ch. 97 -	301
26-31-309	New Section Added	Ch. 97 -	302
26-31-309	Referred to	Ch. 97 -	302
26-31-310	New Section Added	Ch. 97 -	302
26-31-310	Referred to	Ch. 97 -	296
26-31-311	New Section Added	Ch. 97 -	303
26-31-312	New Section Added	Ch. 97 -	303
26-31-313	New Section Added	Ch. 97 -	303
26-31-314	New Section Added	Ch. 97 -	304
26-31-315	New Section Added	Ch. 97 -	304
26-31-315	Referred to	Ch. 97 -	285
26-31-316	New Section Added	Ch. 97 -	305
26-31-317	New Section Added	Ch. 97 -	307
26-31-318	New Section Added	Ch. 97 -	308
26-31-319	New Section Added	Ch. 97 -	308
26-31-320	New Section Added	Ch. 97 -	308
26-31-321	New Section Added	Ch. 97 -	308
Ch.32			
26-3203	Referred to	Ch. 97 -	289
TITLE 27			
Ch.1			
27-107	Amended	Ch.341 -	1000
27-111	Amended	Ch.341 -	1001
TITLE 28			
Ch.46			
Pt.4			
28-46-402	Amended	Ch.175 -	555
Ch.50			
Pt.1			
28-50-107	Referred to	Ch. 69 -	198
TITLE 30			
Ch.14	Referred to	Ch. 69 -	192
Pt.1			
30-14-102	Referred to	Ch. 69 -	193
TITLE 31			
Ch.4			
31-402	Amended	Ch.341 -	1001
31-403	Amended	Ch.341 -	1001
31-407	Amended	Ch.341 -	1002
31-408	Amended	Ch.341 -	1002

Ch.8		
31-809A	New Section Added	Ch.341 - 1003
31-819	Referred to	Ch.193 - 627
31-857	Amended	Ch. 43 - 124
Ch.14		
31-1406	Amended	Ch.341 - 1003
31-1410	Amended	Ch.341 - 1003
Ch.32		
31-3201A	Amended	Ch. 80 - 221
31-3201C	Amended	Ch.154 - 452
Ch.33		
31-3302	Amended	Ch.177 - 558
Ch.35		
31-3501	Amended	Ch.177 - 559
31-3502	Amended	Ch.177 - 559
31-3503	Amended	Ch.177 - 563
31-3503A	Amended	Ch.177 - 564
31-3503C	New Section Added	Ch.177 - 564
31-3503C	Referred to	Ch.177 - 572
31-3503D	New Section Added	Ch.177 - 565
31-3503E	New Section Added	Ch.177 - 565
31-3503E	Referred to	Ch.177 - 565
31-3503F	New Section Added	Ch.177 - 566
31-3504	Amended	Ch.177 - 566
31-3504	Referred to	Ch.177 - 561
31-3505	Amended	Ch.177 - 567
31-3505B	Amended	Ch.177 - 568
31-3507	Amended	Ch.177 - 568
31-3508	Amended	Ch.177 - 568
31-3509	Amended	Ch.177 - 569
31-3510	Amended	Ch.177 - 569
31-3510A	Referred to	Ch.177 - 569
31-3511	Amended	Ch.177 - 569
31-3517	Amended	Ch.177 - 570
31-3517	Referred to	Ch.177 - 561
31-3518	Amended	Ch.177 - 571
31-3519	Amended	Ch.177 - 572
31-3553	Amended	Ch.177 - 572
Ch.43		
31-4306	Amended	Ch.341 - 1004
31-4316	Referred to	Ch.341 - 1005
31-4323	Amended	Ch.341 - 1005
31-4325	Amended	Ch.341 - 1005
Ch.45		
31-4510	Amended	Ch.341 - 1006
Ch.47		
31-4701	Amended	Ch.341 - 1007
TITLE 32		
Ch.4		
32-413	Repealed	Ch. 11 - 20
Ch.14		
32-1402	Amended	Ch. 79 - 218
32-1403	Referred to	Ch. 79 - 219
32-1407	Amended	Ch. 79 - 219
32-1408	New Section Added	Ch. 79 - 219

32-1409	New Section Added	Ch. 79 -	219
32-1410	New Section Added	Ch. 79 -	220
TITLE 33			
Ch.1			
33-107A	Referred to	Ch.286 -	859
33-107B	Referred to	Ch.286 -	859
33-107C	New Section Added	Ch.286 -	859
33-123	Amended	Ch. 28 -	80
33-125A	New Section Added	Ch.131 -	410
Ch.2			
33-202	Amended	Ch.103 -	318
33-202	Referred to	Ch.103 -	318
33-207	Amended	Ch.103 -	319
Ch.3			
33-307	Amended	Ch.107 -	339
33-307	Referred to	Ch.107 -	343
33-308	Amended	Ch.107 -	340
33-308	Amended	Ch.341 -	1008
33-308	Referred to	Ch.107 -	342
33-309	Amended	Ch. 88 -	257
33-311	Amended	Ch.107 -	341
33-311	Amended	Ch.341 -	1009
33-312	Amended	Ch.107 -	342
33-312	Amended	Ch.341 -	1010
33-313	Amended	Ch.341 -	1011
33-317	Amended	Ch.220 -	684
33-317	Amended	Ch.227 -	708
33-317	Amended	Ch.341 -	1012
33-317	Referred to	Ch.220 -	685
33-317	Referred to	Ch.227 -	710
33-317A	New Section Added	Ch.220 -	685
33-319	New Section Added	Ch.239 -	739
33-351	Amended	Ch.341 -	1013
33-354	Amended	Ch.341 -	1013
33-356	New Section Added	Ch.169 -	512
33-356	Referred to	Ch.169 -	514
Ch.4			
33-401	Amended	Ch.341 -	1014
33-402	Amended	Ch.171 -	541
33-402	Amended	Ch.341 -	1014
33-403	Repealed	Ch.341 -	1015
33-403A	Repealed	Ch.341 -	1015
33-403B	Repealed	Ch.341 -	1015
33-403C	Repealed	Ch.341 -	1015
33-404	Amended	Ch.341 -	1016
33-405	Amended	Ch.341 -	1016
33-405A	Repealed	Ch.341 -	1016
33-405B	Repealed	Ch.341 -	1016
33-406	Repealed	Ch.341 -	1016
33-406A	Repealed	Ch.341 -	1016
33-407	Amended	Ch.107 -	343
33-407	Repealed	Ch.341 -	1016
33-408	Repealed	Ch.341 -	1016
33-409	Repealed	Ch.341 -	1016
33-410	Repealed	Ch.341 -	1016

33-411	Repealed	Ch.341	- 1016
33-412	Repealed	Ch.341	- 1016
33-413	Repealed	Ch.341	- 1016
33-414	Repealed	Ch.341	- 1016
33-415	Repealed	Ch.341	- 1016
33-416	Repealed	Ch.341	- 1016
33-417	Repealed	Ch.341	- 1016
33-418	Repealed	Ch.341	- 1016
33-419	Repealed	Ch.341	- 1016
33-420	Repealed	Ch.341	- 1016
33-421	Repealed	Ch.341	- 1016
33-422	Repealed	Ch.341	- 1016
33-423	Repealed	Ch.341	- 1016
33-424	Repealed	Ch.341	- 1016
33-428	Repealed	Ch.341	- 1016
33-429	Repealed	Ch.341	- 1016
33-430	Repealed	Ch.341	- 1016
33-431	Repealed	Ch.341	- 1016
33-432	Repealed	Ch.341	- 1016
33-433	Repealed	Ch.341	- 1016
33-434	Repealed	Ch.341	- 1016
33-435	Repealed	Ch.341	- 1016
33-436	Repealed	Ch.341	- 1016
33-437	Repealed	Ch.341	- 1016
33-438	Repealed	Ch.341	- 1016
33-439	Repealed	Ch.341	- 1016
33-440	Repealed	Ch.341	- 1016
33-441	Repealed	Ch.341	- 1016
33-442	Repealed	Ch.341	- 1016
Ch.5			
33-501	Amended	Ch. 57	- 160
33-501	Amended	Ch.341	- 1017
33-502A	Repealed	Ch.341	- 1017
33-502B	Amended	Ch.341	- 1017
33-502C	Repealed	Ch.341	- 1017
33-502D	Repealed	Ch.341	- 1017
33-503	Amended	Ch.341	- 1017
33-503A	New Section Added	Ch.341	- 1018
33-504	Amended	Ch. 57	- 161
33-504	Amended	Ch.341	- 1018
33-504	Referred to	Ch. 57	- 161
33-505	Amended	Ch.341	- 1019
33-513	Referred to	Ch.168	- 506
33-514	Referred to	Ch.168	- 506
33-514	Referred to	Ch.171	- 546
33-514A	Referred to	Ch.168	- 506
33-515	Amended	Ch.171	- 543
33-515	Referred to	Ch.168	- 506
33-515	Referred to	Ch.171	- 546
33-515A	Referred to	Ch.168	- 506
33-522	New Section Added	Ch.171	- 545
33-522	Referred to	Ch.171	- 542
Ch.6			
33-601	Amended	Ch.171	- 546
33-601	Amended	Ch.227	- 709

33-601	Amended	Ch.341 - 1020
Ch.7		
33-701	Referred to	Ch.185 - 603
Ch.8		
33-801	Amended	Ch.171 - 548
33-802	Amended	Ch.341 - 1022
33-803	Amended	Ch.341 - 1023
33-804	Amended	Ch.341 - 1023
Ch.9		
33-905	Amended	Ch.168 - 502
33-905	Referred to	Ch.272 - 819
33-906	Referred to	Ch.274 - 823
33-907	Referred to	Ch.170 - 516
33-907	Referred to	Ch.272 - 818
33-907	Referred to	Ch.311 - 911
Ch.10		
33-1002	Referred to	Ch.227 - 708
33-1002	Referred to	Ch.273 - 823
33-1002	Referred to	Ch.340 - 985
33-1004	Amended	Ch.340 - 983
33-1004	New Section Added	Ch.340 - 985
33-1004	Referred to	Ch.270 - 814
33-1004	Repealed	Ch.340 - 985
33-1004	Repealed	Ch.342 - 1077
	(as enacted by Sec. 5, H.B. 303 aas,aas)	
33-1004A	Amended	Ch.285 - 858
33-1004A	Referred to	Ch.171 - 546
33-1004A	Referred to	Ch.270 - 814
33-1004E	Amended	Ch.270 - 813
33-1004E	Amended	Ch.271 - 816
33-1004E	Amended	Ch.272 - 819
33-1004E	Referred to	Ch.171 - 545
33-1004F	Referred to	Ch.270 - 813
33-1006	Amended	Ch.284 - 852
33-1006	Referred to	Ch.284 - 855
33-1006A	New Section Added	Ch.284 - 855
33-1009	Referred to	Ch.340 - 985
33-1018	Referred to	Ch.170 - 516
33-1018	Referred to	Ch.272 - 818
33-1018	Referred to	Ch.311 - 911
33-1018A	Referred to	Ch.170 - 516
33-1018A	Referred to	Ch.272 - 818
33-1018A	Referred to	Ch.275 - 824
33-1018A	Referred to	Ch.311 - 911
33-1018B	Referred to	Ch.170 - 516
33-1018B	Referred to	Ch.272 - 818
33-1018B	Referred to	Ch.274 - 823
33-1018B	Referred to	Ch.311 - 911
33-1019	Amended	Ch.169 - 513
33-1019	Referred to	Ch.169 - 512
33-1019	Referred to	Ch.272 - 819
33-1019	Referred to	Ch.274 - 823
33-1019	Referred to	Ch.340 - 984
Ch.11		
33-1103	Amended	Ch.341 - 1024

Ch.12			
33-1207A	Referred to	Ch.273 -	822
33-1216 thru			
33-1218	Referred to	Ch. 55 -	158
33-1216	Referred to	Ch.168 -	507
33-1217	Referred to	Ch.168 -	507
33-1218	Referred to	Ch.168 -	507
33-1228	Amended	Ch. 55 -	156
33-1228	Amended	Ch.168 -	503
33-1228	Referred to	Ch. 55 -	158
33-1228	Referred to	Ch.168 -	507
Ch.15			
33-1510	Amended	Ch.171 -	549
33-1510	Amended	Ch.341 -	1025
Ch.16			
33-1614	Referred to	Ch.273 -	822
33-1615	Referred to	Ch.273 -	822
33-1619	New Section Added	Ch.340 -	984
Ch.20			
33-2006	Referred to	Ch.273 -	823
Ch.21	Referred to	Ch.341 -	1031
33-2105	Amended	Ch. 23 -	69
33-2106	Amended	Ch.341 -	1026
33-2109B	New Section Added	Ch. 22 -	52
33-2111	Amended	Ch.341 -	1027
Ch.24	Heading Amended	Ch. 26 -	73
Ch.24	Referred to	Ch. 26 -	73
33-2401	Amended	Ch. 26 -	73
33-2402	Amended	Ch. 26 -	74
33-2403	Amended	Ch. 26 -	75
33-2404	Amended	Ch. 26 -	76
33-2405	Amended	Ch. 26 -	78
33-2406	Amended	Ch. 26 -	78
33-2407	Repealed	Ch. 26 -	79
33-2408	Repealed	Ch. 26 -	79
Ch.25			
33-2502	Amended	Ch.178 -	576
33-2502	Referred to	Ch.178 -	576
Ch.27			
33-2715	Amended	Ch.341 -	1027
33-2716	Amended	Ch.341 -	1028
33-2718	Amended	Ch.341 -	1029
33-2728	Amended	Ch.132 -	413
33-2739	Amended	Ch. 11 -	20
Ch.28			
33-2815	Amended	Ch. 11 -	21
Ch.34			
33-3401	New Section Added	Ch.168 -	504
33-3401	Repealed	Ch.168 -	502
33-3402	New Section Added	Ch.168 -	504
33-3402	Referred to	Ch.168 -	509
33-3402	Repealed	Ch.168 -	502
33-3403	New Section Added	Ch.168 -	505
33-3403	Referred to	Ch.168 -	504
33-3403	Repealed	Ch.168 -	502

33-3404	New Section Added	Ch.168	-	505
33-3404	Referred to	Ch.168	-	504
33-3404	Repealed	Ch.168	-	502
33-3405	New Section Added	Ch.168	-	506
33-3405	Repealed	Ch.168	-	502
33-3406	New Section Added	Ch.168	-	506
33-3406	Repealed	Ch.168	-	502
33-3407	New Section Added	Ch.168	-	507
33-3407	Repealed	Ch.168	-	502
33-3408	New Section Added	Ch.168	-	508
33-3408	Repealed	Ch.168	-	502
33-3409	New Section Added	Ch.168	-	508
33-3409	Repealed	Ch.168	-	502
33-3410	New Section Added	Ch.168	-	509
33-3411	New Section Added	Ch.168	-	509
33-3412	New Section Added	Ch.168	-	509
33-3413	New Section Added	Ch.168	-	509
33-3414	New Section Added	Ch.168	-	509
Ch.37				
33-3701	Amended	Ch. 11	-	21
33-3717B	Amended	Ch.329	-	939
Ch.39				
33-3901	Amended	Ch.167	-	500
33-3902	Amended	Ch.167	-	501
33-3904	Amended	Ch.167	-	501
Ch.48				
33-4802	Amended	Ch.168	-	509
33-4803	Amended	Ch.168	-	510
33-4804	Redesignated from 33-4806	Ch. 27	-	79
33-4804	Repealed	Ch. 27	-	79
33-4805	Redesignated from 33-4807	Ch. 27	-	79
33-4805	Repealed	Ch. 27	-	79
33-4806	Amended	Ch.168	-	510
33-4806	Amended and Redesignated 33-4804	Ch. 27	-	79
33-4806	Referred to	Ch.272	-	818
33-4807	Amended and Redesignated 33-4805	Ch. 27	-	79
33-4809	Repealed	Ch. 27	-	80
33-4810	Repealed	Ch. 27	-	80
Ch.49				
33-4901	Amended	Ch. 30	-	82
33-4902	Amended	Ch. 30	-	83
33-4903	Amended	Ch. 30	-	83
33-4904	Amended	Ch. 30	-	83
33-4905	Amended	Ch. 30	-	84
33-4906	Amended	Ch. 30	-	84
Ch.52				
33-5202A	Referred to	Ch.340	-	984
33-5203	Referred to	Ch.168	-	509
33-5204A	Referred to	Ch.168	-	507
33-5205	Amended	Ch. 11	-	21
33-5205	Amended	Ch. 41	-	115
33-5205	Amended	Ch.160	-	477
33-5205	Amended	Ch.200	-	639
33-5208	Amended	Ch.284	-	855
33-5208	Referred to	Ch.340	-	984

33-5209	Amended	Ch.160 -	481
33-5212	Repealed	Ch. 11 -	25
Ch.53	Referred to	Ch.185 -	606
33-5303	Amended	Ch.185 -	601
33-5304	Amended	Ch.185 -	602
33-5305	Amended	Ch.185 -	603
33-5305	Referred to	Ch.185 -	602
33-5307	Amended	Ch.185 -	604
33-5308	Referred to	Ch.185 -	606
33-5310	Amended	Ch.185 -	605
33-5310	Referred to	Ch.185 -	606
Ch.55	Referred to	Ch.131 -	410
Ch.55	Referred to	Ch.273 -	822
33-5502	Referred to	Ch.168 -	507
33-5503	Amended	Ch. 55 -	157
33-5504A	Amended	Ch. 55 -	158
TITLE 34			
Title.34	Referred to	Ch.341 -	1000
Ch.1			
34-104	Referred to	Ch.341 -	994
34-106	Amended	Ch.341 -	1030
34-106	Referred to	Ch.132 -	413
Ch.3			
34-301	Amended	Ch. 52 -	145
34-302	Referred to	Ch.341 -	1005
34-304	Amended	Ch.341 -	1031
Ch.6			
34-601	Amended	Ch.341 -	1032
34-602	Amended	Ch.341 -	1032
Ch.12	Referred to	Ch.341 -	1000
Ch.14	Referred to	Ch.341 -	1000
34-1401	Amended	Ch.341 -	1032
34-1401	Referred to	Ch.341 -	994
34-1404	Amended	Ch.341 -	1033
34-1405	Amended	Ch.341 -	1034
34-1406	Amended	Ch.341 -	1034
34-1406	Referred to	Ch.341 -	1038
34-1407	Referred to	Ch.341 -	1017
34-1411	New Section Added	Ch.341 -	1035
34-1411	Referred to	Ch.341 -	1051
Ch.23			
34-2301	Amended	Ch.341 -	1035
Ch.24			
34-2401	Referred to	Ch.341 -	1035
TITLE 36			
Ch.1			
36-104	Amended	Ch.201 -	643
36-106	Amended	Ch.314 -	913
36-111	Referred to	Ch.299 -	890
36-115	Amended	Ch.217 -	677
36-116	New Section Added	Ch.186 -	608
Ch.4			
36-401	Amended	Ch.117 -	373
36-408	Amended	Ch.117 -	374
36-408	Amended	Ch.314 -	918

36-408	Referred to	Ch.117	-	374
36-416	Amended	Ch.201	-	647
36-416	Referred to	Ch.201	-	645
Ch.11				
36-1104	Repealed	Ch.201	-	650
36-1104A	Amended	Ch.201	-	650
Ch.13				
36-1304	Amended	Ch.187	-	608
Ch.14				
36-1407	Amended	Ch.188	-	610
Ch.16				
36-1604	Referred to	Ch.157	-	475
TITLE 37				
Ch.27	Referred to	Ch. 79	-	220
Ch.27	Referred to	Ch.143	-	429
37-2732	Amended	Ch.108	-	348
37-2735A	Amended	Ch.108	-	350
37-2744	Amended	Ch.108	-	350
Ch.28				
37-2807	Amended	Ch.108	-	355
37-2808	Amended	Ch.108	-	357
Ch.32				
37-3201	Amended	Ch.244	-	748
TITLE 38				
Ch.1				
38-111	Amended	Ch. 36	-	106
TITLE 39				
Ch.1				
39-107A	Amended	Ch. 8	-	10
Ch.11				
39-1101	Amended	Ch.295	-	873
39-1102	Amended	Ch.295	-	873
39-1103	Amended	Ch.295	-	874
39-1104	Amended	Ch.295	-	874
39-1105	Amended	Ch.295	-	875
39-1105	Referred to	Ch.295	-	875
39-1106	Amended	Ch.295	-	875
39-1107	Amended	Ch.295	-	876
39-1108	Amended	Ch.295	-	876
39-1109	Amended	Ch.295	-	876
39-1109	Referred to	Ch.295	-	874
39-1110	Amended	Ch.295	-	878
39-1111	Amended	Ch.295	-	879
39-1112A	New Section Added	Ch.295	-	879
39-1113	Amended	Ch.295	-	880
39-1113	Referred to	Ch.295	-	876
39-1114	Amended	Ch.295	-	881
39-1115	Amended	Ch.295	-	881
39-1116	Amended	Ch.295	-	882
39-1117	Amended	Ch.295	-	882
39-1118	Amended	Ch.295	-	882
39-1120	New Section Added	Ch.295	-	883
Ch.13	Referred to	Ch.221	-	687
39-1301 thru				
39-1314	Referred to	Ch.177	-	561

39-1301	Referred to	Ch.221 -	687
39-1324	Amended	Ch.341 -	1035
39-1325A	Amended	Ch.341 -	1036
39-1330	Amended	Ch.341 -	1036
39-1339	Amended	Ch.341 -	1037
39-1340	Amended	Ch.341 -	1038
39-1341	Amended	Ch.341 -	1038
Ch.16			
39-1602	Amended	Ch.190 -	619
39-1607	Amended	Ch.190 -	620
Ch.29			
39-2903	Amended	Ch. 11 -	25
39-2904	Referred to	Ch. 11 -	26
Ch.31			
39-3130	Amended	Ch.122 -	386
39-3132	Amended	Ch.122 -	387
Ch.32			
39-3203	Referred to	Ch.143 -	428
Ch.33			
39-3303	Amended	Ch.214 -	673
Ch.34			
39-3422	Amended	Ch.176 -	556
Ch.36			
39-3628	Referred to	Ch. 62 -	168
39-3630	Referred to	Ch.234 -	721
39-3631	Referred to	Ch.275 -	825
39-3632	Referred to	Ch.275 -	825
Ch.39			
39-3902	Amended	Ch.130 -	409
Ch.41			
39-4106	Amended	Ch.173 -	551
39-4109	Amended	Ch.173 -	552
39-4109	Amended	Ch.279 -	841
39-4109	Referred to	Ch.173 -	553
39-4109	Referred to	Ch.219 -	682
39-4113	Amended	Ch.219 -	681
39-4116	Amended	Ch.173 -	553
39-4116	Amended	Ch.219 -	683
39-4116	Amended	Ch.279 -	841
Ch.43			
39-4304A	New Section Added	Ch.127 -	407
Ch.59			
39-5903	Amended	Ch.119 -	382
39-5905	Amended	Ch.119 -	383
39-5909	Amended	Ch.119 -	383
Ch.61	Heading Amended	Ch.106 -	325
39-6101	Amended	Ch.106 -	326
39-6102	Amended	Ch.106 -	326
39-6104	Amended	Ch.106 -	326
39-6105	Amended	Ch.106 -	326
39-6105	Referred to	Ch.106 -	336
39-6106	Amended	Ch.106 -	327
39-6107	Amended	Ch.106 -	328
39-6108	Amended	Ch.106 -	329
39-6109	Amended	Ch.106 -	330

39-6109A	New Section Added	Ch.106 -	331
39-6109A	Referred to	Ch.106 -	333
39-6110	Amended	Ch.106 -	331
39-6111	Amended	Ch.106 -	332
39-6111A	New Section Added	Ch.106 -	333
39-6112	Amended	Ch.106 -	334
39-6113	Amended	Ch.106 -	334
39-6114	Amended	Ch.106 -	335
39-6114A	New Section Added	Ch.106 -	336
39-6116	Amended	Ch.106 -	337
39-6117	Amended	Ch.106 -	338
Ch.63	Referred to	Ch. 80 -	222
39-6312	Referred to	Ch. 79 -	220
Ch.70			
39-7003	Amended	Ch.172 -	550
Ch.71			
39-7102	Amended	Ch.281 -	844
39-7103	Amended	Ch.281 -	845
39-7104	Amended	Ch.281 -	846
39-7109	Amended	Ch.281 -	847
39-7110	Referred to	Ch. 1 -	3
39-7111	Amended	Ch.281 -	848
39-7112	Amended	Ch.281 -	848
Ch.76			
39-7604	Referred to	Ch.234 -	723
Ch.77			
39-7702	Referred to	Ch.143 -	428
Ch.80			
39-8007	Amended	Ch.219 -	684
Ch.86	Referred to	Ch.219 -	682
TITLE 40			
Ch.1			
40-109	Referred to	Ch. 62 -	171
Ch.2			
40-206	Amended	Ch.341 -	1038
40-210	New Section Added	Ch.142 -	426
Ch.7			
40-701	Amended	Ch.332 -	965
40-701	Amended	Ch.333 -	967
40-702	Referred to	Ch.332 -	965
40-709	Referred to	Ch. 62 -	171
Ch.8			
40-819	Amended	Ch.341 -	1039
Ch.11			
40-1101	Amended	Ch.341 -	1039
Ch.13			
40-1304	Amended	Ch.341 -	1040
40-1305	Amended	Ch.341 -	1041
40-1305A	Amended	Ch.341 -	1041
40-1305B	New Section Added	Ch. 98 -	308
40-1325	Amended	Ch. 99 -	309
40-1329	Repealed	Ch. 99 -	309
Ch.14			
40-1402	Repealed	Ch.341 -	1041
40-1409	Amended	Ch.341 -	1042

40-1416	Amended	Ch.341 - 1042
40-1418	Amended	Ch.341 - 1043
Ch.15		
40-1506	Amended	Ch.341 - 1043
40-1507	Amended	Ch.341 - 1043
40-1508	Amended	Ch.341 - 1043
40-1511	Amended	Ch.341 - 1044
40-1519	Amended	Ch.341 - 1044
Ch.16		
Sub.Ch.DET		
40-1605	Amended	Ch.341 - 1044
40-1606	Amended	Ch.341 - 1045
40-1607	Amended	Ch.341 - 1045
Sub.Ch.ANN		
40-1624	Amended	Ch.341 - 1045
40-1625	Amended	Ch.341 - 1045
40-1626	Amended	Ch.341 - 1046
40-1630	Amended	Ch.341 - 1046
Ch.17		
40-1702	Amended	Ch.341 - 1046
40-1714	Amended	Ch.341 - 1047
Ch.18		
40-1805	Amended	Ch.341 - 1047
40-1806	Amended	Ch.341 - 1047
40-1808	Amended	Ch.341 - 1048
40-1809	Amended	Ch.341 - 1048
40-1810	Amended	Ch.341 - 1048
TITLE 41		
Title.41	Referred to	Ch. 90 - 261
Ch.1		
41-112	Referred to	Ch. 69 - 193
Ch.2	Referred to	Ch. 69 - 197
41-293 thru		
41-294	Referred to	Ch.295 - 881
Ch.4		
41-401	Referred to	Ch. 69 - 196
Ch.7		
41-728	Amended	Ch. 49 - 129
Ch.10	Referred to	Ch. 69 - 196
41-1008	Referred to	Ch. 69 - 193
Ch.13	Referred to	Ch. 69 - 204
Ch.18		
41-1804	Referred to	Ch. 69 - 203
Ch.19		
41-1950	New Section Added	Ch. 69 - 192
41-1950 thru		
41-1965	Referred to	Ch. 69 - 192
41-1951	New Section Added	Ch. 69 - 192
41-1952	New Section Added	Ch. 69 - 196
41-1953	New Section Added	Ch. 69 - 197
41-1954	New Section Added	Ch. 69 - 197
41-1955	New Section Added	Ch. 69 - 197
41-1956	New Section Added	Ch. 69 - 198
41-1956	Referred to	Ch. 69 - 201
41-1957	New Section Added	Ch. 69 - 199

41-1958	New Section Added	Ch. 69 -	199
41-1959	New Section Added	Ch. 69 -	200
41-1960	New Section Added	Ch. 69 -	200
41-1961	New Section Added	Ch. 69 -	202
41-1962	New Section Added	Ch. 69 -	203
41-1963	New Section Added	Ch. 69 -	204
41-1964	New Section Added	Ch. 69 -	204
41-1964	Referred to	Ch. 69 -	200
41-1965	New Section Added	Ch. 69 -	204
Ch.20			
41-2002	Amended	Ch.151 -	440
Ch.21			
41-2103	Amended	Ch.125 -	391
Ch.22	Referred to	Ch. 66 -	187
41-2210	Amended	Ch.125 -	392
Ch.25			
41-2502	Amended	Ch.157 -	458
Ch.32			
41-3216	Amended	Ch.125 -	394
Ch.34			
41-3436	Amended	Ch.125 -	394
Ch.28			
41-3801	Referred to	Ch. 69 -	193
Ch.39			
41-3915	Referred to	Ch. 66 -	187
41-3923	Amended	Ch.125 -	395
Ch.40			
41-4023	Amended	Ch.125 -	396
Ch.41			
41-4124	Amended	Ch.125 -	398
Ch.42	Referred to	Ch.341 -	1033
41-4201	Amended	Ch. 66 -	187
41-4202	Amended	Ch. 66 -	187
41-4203	Amended	Ch. 66 -	188
41-4204	Amended	Ch. 66 -	188
41-4205	Amended	Ch. 66 -	189
41-4206	Repealed	Ch. 66 -	190
Ch.43			
41-4303	Amended	Ch. 54 -	150
41-4305	Amended	Ch. 54 -	151
41-4308	Amended	Ch. 54 -	152
41-4309	Referred to	Ch. 54 -	154
41-4319	Amended	Ch. 54 -	155
Ch.47			
41-4703	Amended	Ch.125 -	398
Ch.49			
41-4903	Amended	Ch. 21 -	48
41-4910	Amended	Ch.332 -	965
41-4910	Amended	Ch.333 -	968
Ch.52			
41-5203	Amended	Ch.125 -	401
Ch.55			
41-5501	Amended	Ch.125 -	403
Ch.59			
41-5901	New Section Added	Ch. 87 -	240

41-5902	New Section Added	Ch. 87 -	240
41-5903	New Section Added	Ch. 87 -	241
41-5903	Referred to	Ch. 87 -	242
41-5903	Referred to	Ch. 87 -	251
41-5904	New Section Added	Ch. 87 -	245
41-5905	New Section Added	Ch. 87 -	245
41-5905	Referred to	Ch. 87 -	247
41-5906	New Section Added	Ch. 87 -	246
41-5907	New Section Added	Ch. 87 -	246
41-5907	Referred to	Ch. 87 -	247
41-5908	New Section Added	Ch. 87 -	247
41-5908	Referred to	Ch. 87 -	245
41-5909	New Section Added	Ch. 87 -	250
41-5909	Referred to	Ch. 87 -	245
41-5910	New Section Added	Ch. 87 -	252
41-5910	Referred to	Ch. 87 -	245
41-5911	New Section Added	Ch. 87 -	252
41-5911	Referred to	Ch. 87 -	248
41-5912	New Section Added	Ch. 87 -	253
41-5912	Referred to	Ch. 87 -	250
41-5913	New Section Added	Ch. 87 -	255
41-5914	New Section Added	Ch. 87 -	255
41-5914	Referred to	Ch. 87 -	253
41-5915	New Section Added	Ch. 87 -	256
41-5916	New Section Added	Ch. 87 -	256
41-5916	Referred to	Ch. 87 -	246
41-5917	New Section Added	Ch. 87 -	257
TITLE 42			
Ch.2			
42-203A	Referred to	Ch.242 -	745
42-234	Amended	Ch.242 -	743
42-234	Referred to	Ch.240 -	740
42-234	Referred to	Ch.242 -	744
Ch.17			
42-1734A	Referred to	Ch.223 -	703
42-1734B	Referred to	Ch.223 -	703
42-1737	Amended	Ch.240 -	740
42-1780	Referred to	Ch.170 -	517
Ch.32			
42-3211	Amended	Ch.341 -	1048
Ch.42			
42-4201A	Repealed	Ch.242 -	743
42-4223	Amended	Ch.242 -	744
Ch.51			
Ch.52			
42-5225	Amended	Ch.242 -	744
TITLE 43			
Title.43	Referred to	Ch.341 -	1031
Ch.3			
43-343	Amended	Ch.242 -	744
TITLE 44			
Ch.21	Referred to	Ch. 97 -	297
TITLE 45			
Ch.15			
45-1505	Amended	Ch.136 -	417

Ch.16			
45-1602	Amended	Ch.136 -	418
TITLE 46			
Ch.2			
46-216	Amended	Ch. 44 -	125
Ch.6			
46-601	Amended	Ch.215 -	674
TITLE 47			
Ch.2	Heading Amended	Ch. 11 -	26
Ch.3			
47-306	Amended	Ch. 11 -	26
47-307	Amended	Ch. 11 -	26
TITLE 48			
Ch.4			
48-405A	Repealed	Ch.146 -	438
Ch.6			
48-606	Referred to	Ch.170 -	517
TITLE 49			
Ch.1			
49-102	Amended	Ch.157 -	458
49-114	Amended	Ch. 11 -	26
49-117	Referred to	Ch.184 -	586
49-119	Referred to	Ch.153 -	448
49-120	Amended	Ch.157 -	460
49-121	Referred to	Ch.336 -	973
49-122	Amended	Ch.157 -	462
49-123	Amended	Ch. 11 -	28
49-123	Amended	Ch.157 -	462
49-123	Referred to	Ch.157 -	461
49-124	Referred to	Ch.336 -	973
Ch.2			
49-202	Amended	Ch.331 -	947
49-202	Referred to	Ch.141 -	424
49-203	Referred to	Ch.141 -	424
49-203A	Referred to	Ch.141 -	424
Ch.3			
49-302	Amended	Ch.157 -	465
49-304	Amended	Ch. 30 -	84
49-306	Amended	Ch.331 -	951
49-313	Amended	Ch. 30 -	85
49-314	Amended	Ch. 30 -	86
49-328	Amended	Ch.331 -	955
49-335	Amended	Ch.155 -	453
49-337	Amended	Ch.155 -	455
Ch.4	Referred to	Ch.199 -	638
Ch.4	Referred to	Ch.287 -	861
49-401B	Amended	Ch.141 -	424
49-402	Amended	Ch. 11 -	31
49-402	Amended	Ch.157 -	466
49-402	Amended	Ch.196 -	631
49-402	Amended	Ch.199 -	637
49-402	Amended	Ch.287 -	860
49-402	Referred to	Ch.157 -	474
49-402C	Referred to	Ch.213 -	673
49-402C	Referred to	Ch.330 -	942

49-403B	New Section Added	Ch.213 -	672
49-403B	Referred to	Ch.213 -	673
49-415G	New Section Added	Ch.330 -	942
49-416C	Amended	Ch.162 -	487
49-417B	Amended	Ch.114 -	368
49-417B	Referred to	Ch.114 -	369
49-420H	New Section Added	Ch.196 -	632
49-420H	New Section Added	Ch.199 -	638
49-420H	Referred to	Ch.199 -	638
49-426	Amended	Ch.157 -	468
49-428	Amended	Ch.287 -	862
49-432	Amended	Ch.336 -	973
49-434	Amended	Ch.330 -	942
49-434	Referred to	Ch.213 -	673
49-434	Referred to	Ch.330 -	942
Ch.450			
49-450	Referred to	Ch.213 -	672
Ch.4			
49-456	Amended	Ch.157 -	469
Ch.5			
49-504	Amended	Ch.141 -	424
49-523	Amended	Ch.331 -	956
Ch.6			
49-663	Amended	Ch.194 -	628
Ch.9			
49-948	Amended	Ch.157 -	470
Ch.12			
49-1212	Referred to	Ch.159 -	477
49-1223	Amended	Ch.159 -	477
49-1224	Amended	Ch.331 -	958
49-1229	Referred to	Ch.159 -	477
49-1230	Referred to	Ch.159 -	477
49-1232	Referred to	Ch.159 -	477
Ch.14			
49-1421A	New Section Added	Ch.192 -	626
49-1428	Referred to	Ch.159 -	477
Ch.16	Referred to	Ch.276 -	838
49-1607	Amended	Ch.331 -	958
49-1614	Amended	Ch.153 -	445
Ch.21			
49-2101	Repealed	Ch.251 -	765
49-2102	Repealed	Ch.251 -	765
49-2103	Repealed	Ch.251 -	765
49-2104	Repealed	Ch.251 -	765
49-2105	Repealed	Ch.251 -	765
49-2106	Repealed	Ch.251 -	765
Ch.24			
49-2427	Amended	Ch. 85 -	235
49-2444	Amended	Ch.331 -	959
Ch.28			
49-2805A	New Section Added	Ch.276 -	838
49-2805A	Referred to	Ch.276 -	839
49-2806	Amended	Ch.276 -	839
49-2806	Referred to	Ch.276 -	839
49-2811	New Section Added	Ch.276 -	839

Ch.29			
49-2902	Amended	Ch.198 -	635
49-2904	Amended	Ch. 92 -	268
TITLE 50			
Ch.2	Referred to	Ch.341 -	1051
50-211	Repealed	Ch.341 -	1049
50-222	Amended	Ch. 53 -	145
Ch.4			
50-402	Amended	Ch.341 -	1049
50-403	Amended	Ch.341 -	1050
50-404	Redesignated from 50-414	Ch.341 -	1051
50-404	Repealed	Ch.341 -	1051
50-405	Redesignated from 50-429	Ch.341 -	1051
50-405	Referred to	Ch.341 -	1056
50-405	Referred to	Ch.341 -	1057
50-405	Repealed	Ch.341 -	1051
50-406	Redesignated from 50-430	Ch.341 -	1052
50-406	Repealed	Ch.341 -	1051
50-407	Redesignated from 50-431	Ch.341 -	1052
50-407	Referred to	Ch.341 -	1053
50-407	Repealed	Ch.341 -	1051
50-408	Repealed	Ch.341 -	1051
50-409	Repealed	Ch.341 -	1051
50-410	Redesignated from 50-432	Ch.341 -	1053
50-410	Repealed	Ch.341 -	1051
50-411	Redesignated from 50-435	Ch.341 -	1053
50-411	Repealed	Ch.341 -	1051
50-412	Redesignated from 50-467	Ch.341 -	1054
50-412	Repealed	Ch.341 -	1051
50-413	Redesignated from 50-468	Ch.341 -	1054
50-414	Amended and Redesignated 50-404	Ch.341 -	1051
50-414	Redesignated from 50-469	Ch.341 -	1054
50-415	Redesignated from 50-470	Ch.341 -	1054
50-415	Repealed	Ch.341 -	1051
50-416	Redesignated from 50-471	Ch.341 -	1054
50-417	Redesignated from 50-472	Ch.341 -	1055
50-418	Redesignated from 50-473	Ch.341 -	1055
50-419	Redesignated from 50-475	Ch.341 -	1055
50-420	Redesignated from 50-477	Ch.341 -	1055
50-427	Repealed	Ch.341 -	1051
50-428	Repealed	Ch.341 -	1051
50-429	Amended and Redesignated 50-405	Ch.341 -	1051
50-430	Amended and Redesignated 50-406	Ch.341 -	1052
50-431	Amended and Redesignated 50-407	Ch.341 -	1052
50-432	Amended and Redesignated 50-410	Ch.341 -	1053
50-435	Amended and Redesignated 50-411	Ch.341 -	1053
50-436	Repealed	Ch.341 -	1054
50-437	Repealed	Ch.341 -	1054
50-438	Repealed	Ch.341 -	1054
50-439	Repealed	Ch.341 -	1054
50-440	Repealed	Ch.341 -	1054
50-441	Repealed	Ch.341 -	1054
50-442	Repealed	Ch.341 -	1054
50-443	Repealed	Ch.341 -	1054
50-445	Repealed	Ch.341 -	1054

50-446	Repealed	Ch.341	- 1054
50-447	Repealed	Ch.341	- 1054
50-448	Repealed	Ch.341	- 1054
50-449	Repealed	Ch.341	- 1054
50-450	Repealed	Ch.341	- 1054
50-451	Repealed	Ch.341	- 1054
50-452	Repealed	Ch.341	- 1054
50-453	Repealed	Ch.341	- 1054
50-454	Repealed	Ch.341	- 1054
50-455	Repealed	Ch.341	- 1054
50-456	Repealed	Ch.341	- 1054
50-457	Repealed	Ch.341	- 1054
50-458	Repealed	Ch.341	- 1054
50-459	Repealed	Ch.341	- 1054
50-460	Repealed	Ch.341	- 1054
50-461	Repealed	Ch.341	- 1054
50-462	Repealed	Ch.341	- 1054
50-463	Repealed	Ch.341	- 1054
50-464	Repealed	Ch.341	- 1054
50-465	Repealed	Ch.341	- 1054
50-466	Repealed	Ch.341	- 1054
50-467	Amended and Redesignated 50-412	Ch.341	- 1054
50-468	Amended and Redesignated 50-413	Ch.341	- 1054
50-469	Amended and Redesignated 50-414	Ch.341	- 1054
50-470	Amended and Redesignated 50-415	Ch.341	- 1054
50-471	Amended and Redesignated 50-416	Ch.341	- 1054
50-472	Amended and Redesignated 50-417	Ch.341	- 1055
50-473	Amended and Redesignated 50-418	Ch.341	- 1055
50-474	Repealed	Ch.341	- 1055
50-475	Amended and Redesignated 50-419	Ch.341	- 1055
50-477	Amended and Redesignated 50-420	Ch.341	- 1055
Ch.6			
50-612	Amended	Ch.341	- 1055
50-612	Referred to	Ch.341	- 1035
Ch.7			
50-707B	Amended	Ch.341	- 1056
50-707B	Referred to	Ch.341	- 1035
Ch.8			
50-803	Amended	Ch.341	- 1056
50-806	Amended	Ch.341	- 1056
Ch.9			
50-909	Amended	Ch. 11	- 33
Ch.10			
50-1026	Amended	Ch.341	- 1057
50-1035	Amended	Ch.341	- 1057
Ch.21			
50-2104	Amended	Ch.341	- 1058
50-2105	Amended	Ch.341	- 1058
50-2106	Amended	Ch.341	- 1059
50-2107	Amended	Ch.341	- 1059
50-2114	Amended	Ch.341	- 1059
Ch.22			
50-2201	Amended	Ch.341	- 1059
50-2202	Amended	Ch.341	- 1060
50-2203	Amended	Ch.341	- 1060

50-2204	Amended	Ch.341	-	1060
Ch.23				
50-2302	Amended	Ch.341	-	1061
50-2303	Amended	Ch.341	-	1061
50-2308	Amended	Ch.341	-	1061
Ch.29				
50-2904	Amended	Ch.218	-	680
50-2908	Amended	Ch. 50	-	131
TITLE 54				
Ch.2	Referred to	Ch. 97	-	289
Ch.3				
54-302	Amended	Ch. 76	-	213
Ch.4				
54-402	Amended	Ch. 93	-	270
54-405	Amended	Ch. 93	-	272
54-406	Amended	Ch. 93	-	273
54-407	Amended	Ch. 93	-	274
54-408	Amended	Ch. 93	-	275
54-410	Amended	Ch. 93	-	276
54-411	Amended	Ch. 93	-	276
54-414	Amended	Ch. 93	-	277
54-415	Amended	Ch. 93	-	277
54-416	Amended	Ch. 93	-	278
54-417	Amended	Ch. 93	-	278
54-418	Amended	Ch. 93	-	278
54-420	Amended	Ch. 93	-	279
54-421	Amended	Ch. 93	-	279
54-422	Amended	Ch. 93	-	279
Ch.5				
54-504	Amended	Ch. 73	-	208
Ch.6				
54-607	Amended	Ch. 94	-	280
Ch.8				
54-803	Amended	Ch. 47	-	128
54-827	Amended	Ch. 47	-	128
Ch.10	Referred to	Ch.219	-	682
54-1007	Amended	Ch.112	-	364
54-1008	Amended	Ch.112	-	365
54-1008	Referred to	Ch.112	-	367
54-1013	Amended	Ch.112	-	366
54-1013	Referred to	Ch.112	-	367
54-1014	Amended	Ch.112	-	367
Ch.11				
54-1112	Amended	Ch. 72	-	207
54-1139	Amended	Ch. 51	-	132
54-1141	Amended	Ch. 51	-	133
54-1142	Amended	Ch. 51	-	133
54-1142	Referred to	Ch. 51	-	133
Ch.12				
54-1213	Amended	Ch. 20	-	46
54-1214	Amended	Ch. 20	-	46
Ch.14	Referred to	Ch. 65	-	183
54-1407	Amended	Ch. 67	-	190
54-1408	Amended	Ch. 67	-	190
Ch.15				

54-1501	Amended	Ch.118 -	376
54-1502	Amended	Ch.118 -	377
54-1502A	New Section Added	Ch.118 -	378
54-1503	Amended	Ch.118 -	378
54-1505	Repealed	Ch.118 -	379
54-1509	Amended	Ch.118 -	379
54-1510	Amended	Ch.118 -	380
54-1514	Amended	Ch.118 -	381
Ch.17			
54-1704	Amended	Ch.244 -	748
54-1705	Amended	Ch.244 -	749
54-1705	Referred to	Ch.143 -	428
54-1723A	New Section Added	Ch.244 -	752
54-1729	Amended	Ch.244 -	753
54-1751 thru			
54-1759	Referred to	Ch.143 -	430
54-1752	Amended	Ch.105 -	320
54-1752	Amended	Ch.143 -	430
54-1755	Amended	Ch.105 -	323
54-1760	New Section Added	Ch.143 -	428
54-1760 thru			
54-1765	Referred to	Ch.143 -	428
54-1761	New Section Added	Ch.143 -	428
54-1762	New Section Added	Ch.143 -	428
54-1763	New Section Added	Ch.143 -	429
54-1764	New Section Added	Ch.143 -	430
54-1765	New Section Added	Ch.143 -	430
Ch.18			
Ch.18	Referred to	Ch. 65 -	180
Ch.18	Referred to	Ch. 65 -	180
Ch.18	Referred to	Ch. 65 -	184
Ch.20			
54-2041	Amended	Ch.134 -	415
54-2041	Referred to	Ch.133 -	414
54-2042	Referred to	Ch.134 -	416
54-2050	Amended	Ch.135 -	416
54-2087	Amended	Ch.133 -	414
Ch.21			
54-2101	Amended	Ch. 84 -	235
54-2103	Amended	Ch. 82 -	229
54-2108	New Section Added	Ch. 83 -	234
54-2112	Referred to	Ch. 83 -	234
Ch.22			
54-2205	Amended	Ch. 95 -	281
54-2212	Amended	Ch. 95 -	281
Ch.23			
54-2302	Amended	Ch. 33 -	90
54-2303	Amended	Ch. 33 -	90
54-2304	Amended	Ch. 33 -	91
54-2305	Amended	Ch. 33 -	92
54-2306	Repealed	Ch. 33 -	92
54-2307	Amended	Ch. 33 -	93
54-2309	Amended	Ch. 33 -	93
54-2312	Amended	Ch. 33 -	93
54-2312A	Amended	Ch. 33 -	94
54-2315	Amended	Ch. 33 -	94

Ch.26	Referred to	Ch.219 -	682
54-2606	Amended	Ch.126 -	405
54-2614	Amended	Ch.111 -	363
54-2614A	Amended	Ch.111 -	364
54-2617	Amended	Ch.126 -	406
Ch.27			
54-2701	New Section Added	Ch.152 -	441
54-2701	Repealed	Ch.152 -	441
54-2702	Amended	Ch. 11 -	33
54-2702	New Section Added	Ch.152 -	442
54-2702	Referred to	Ch.152 -	443
54-2702	Repealed	Ch.152 -	441
54-2703	New Section Added	Ch.152 -	443
54-2703	Repealed	Ch.152 -	441
54-2704	New Section Added	Ch.152 -	443
54-2704	Repealed	Ch.152 -	441
54-2705	New Section Added	Ch.152 -	444
54-2705	Repealed	Ch.152 -	441
54-2706	New Section Added	Ch.152 -	444
54-2707	New Section Added	Ch.152 -	444
54-2708	New Section Added	Ch.152 -	444
Ch.28			
54-2804	Amended	Ch. 75 -	210
54-2808	Amended	Ch. 75 -	210
54-2810	Repealed	Ch. 75 -	211
54-2818	Amended	Ch. 75 -	211
54-2819	Amended	Ch. 75 -	211
54-2821	Amended	Ch. 75 -	212
Ch.31	Referred to	Ch.251 -	769
Ch.32			
54-3209	Amended	Ch.149 -	439
Ch.36			
54-3607	Amended	Ch. 59 -	164
54-3610	Amended	Ch. 60 -	165
Ch.37			
54-3701	Amended	Ch.222 -	691
54-3702	Amended	Ch.222 -	691
54-3703	Amended	Ch.222 -	694
54-3704	Amended	Ch.222 -	694
54-3705	Amended	Ch.222 -	695
54-3706	Amended	Ch.222 -	695
54-3707	Amended and Redesignated 54-3708	Ch.222 -	696
54-3707	New Section Added	Ch.222 -	695
54-3708	Amended and Redesignated 54-3709	Ch.222 -	696
54-3708	Redesignated from 54-3707	Ch.222 -	696
54-3708	Referred to	Ch.222 -	695
54-3709	Amended and Redesignated 54-3710	Ch.222 -	697
54-3709	Redesignated from 54-3708	Ch.222 -	696
54-3710	Amended and Redesignated 54-3711	Ch.222 -	697
54-3710	Redesignated from 54-3709	Ch.222 -	697
54-3710	Referred to	Ch.222 -	695
54-3711	Amended and Redesignated 54-3712	Ch.222 -	697
54-3711	Redesignated from 54-3710	Ch.222 -	697
54-3712	Amended and Redesignated 54-3713	Ch.222 -	697
54-3712	Redesignated from 54-3711	Ch.222 -	697

54-3713	Amended and Redesignated 54-3714	Ch.222 -	698
54-3713	Redesignated from 54-3712	Ch.222 -	697
54-3714	Amended and Redesignated 54-3717	Ch.222 -	700
54-3714	Redesignated from 54-3713	Ch.222 -	698
54-3715	Amended and Redesignated 54-3719	Ch.222 -	701
54-3715	New Section Added	Ch.222 -	699
54-3715	Referred to	Ch.222 -	695
54-3716	Amended and Redesignated 54-3720	Ch.222 -	702
54-3716	New Section Added	Ch.222 -	699
54-3717	Amended and Redesignated 54-3722	Ch.222 -	703
54-3717	Redesignated from 54-3714	Ch.222 -	700
54-3717	Referred to	Ch.222 -	691
54-3718	New Section Added	Ch.222 -	700
54-3719	Redesignated from 54-3715	Ch.222 -	701
54-3720	Redesignated from 54-3716	Ch.222 -	702
54-3720	Referred to	Ch.222 -	698
54-3721	New Section Added	Ch.222 -	702
54-3722	Redesignated from 54-3717	Ch.222 -	703
Ch.47			
54-4702	Amended	Ch.244 -	754
Ch.50	Referred to	Ch.219 -	682
54-5003	Amended	Ch.280 -	842
54-5012	Amended	Ch.113 -	367
Ch.51			
54-5110	Amended	Ch.244 -	754
Ch.52			
54-5210	Amended	Ch. 89 -	258
Ch.53			
54-5308	Amended	Ch. 74 -	208
Ch.54	Referred to	Ch. 65 -	185
Ch.54	Referred to	Ch.251 -	769
54-5401	New Section Added	Ch. 65 -	177
54-5401	New Section Added	Ch.251 -	765
54-5402	New Section Added	Ch. 65 -	177
54-5402	New Section Added	Ch.251 -	765
54-5403	New Section Added	Ch. 65 -	178
54-5403	New Section Added	Ch.251 -	765
54-5404	New Section Added	Ch. 65 -	179
54-5404	New Section Added	Ch.251 -	767
54-5405	New Section Added	Ch. 65 -	179
54-5405	New Section Added	Ch.251 -	767
54-5405	Referred to	Ch. 65 -	184
54-5406	New Section Added	Ch. 65 -	182
54-5406	New Section Added	Ch.251 -	767
54-5406	Referred to	Ch. 65 -	183
54-5407	New Section Added	Ch. 65 -	182
54-5407	New Section Added	Ch.251 -	767
54-5407	Referred to	Ch. 65 -	182
54-5408	New Section Added	Ch. 65 -	183
54-5408	New Section Added	Ch.251 -	768
54-5408	Referred to	Ch. 65 -	182
54-5409	New Section Added	Ch. 65 -	183
54-5409	New Section Added	Ch.251 -	768
54-5410	New Section Added	Ch. 65 -	183
54-5411	New Section Added	Ch. 65 -	183

54-5411	Referred to	Ch. 65 -	180
54-5412	New Section Added	Ch. 65 -	184
54-5413	New Section Added	Ch. 65 -	184
TITLE 55			
Ch.10	Referred to	Ch.101 -	311
55-1005	Referred to	Ch. 90 -	262
TITLE 56			
Ch.1			
Sub.Ch.A			
56-102	Amended	Ch. 34 -	95
Sub.Ch.B			
56-113	Amended	Ch. 34 -	97
Sub.Ch.E			
56-136	Amended	Ch. 34 -	98
Ch.2			
56-227	Referred to	Ch.295 -	881
56-227A	Referred to	Ch.295 -	881
56-255	Amended	Ch. 34 -	99
Ch.10			
56-1004	Amended	Ch. 15 -	41
56-1005	Amended	Ch.109 -	360
56-1011	Amended	Ch.189 -	611
56-1011 thru			
56-1023	Referred to	Ch.189 -	611
56-1012	Amended	Ch.189 -	611
56-1013	Amended	Ch.189 -	614
56-1013A	Amended	Ch.189 -	614
56-1014	Amended	Ch.189 -	615
56-1015	Amended	Ch.189 -	616
56-1016	Amended	Ch.189 -	616
56-1016	Referred to	Ch.189 -	616
56-1017	Amended and Redesignated 56-1023	Ch.189 -	618
56-1019	Referred to	SCR112 -	1100
56-1020	New Section Added	Ch.189 -	617
56-1021	New Section Added	Ch.189 -	617
56-1022	New Section Added	Ch.189 -	618
56-1023	Redesignated from 56-1017	Ch.189 -	618
Ch.14			
56-1401	Amended	Ch. 34 -	102
56-1402	Amended	Ch. 34 -	102
56-1403	Referred to	Ch. 34 -	105
56-1404	Amended	Ch. 34 -	103
56-1404	Referred to	Ch. 34 -	103
56-1406	Amended	Ch. 34 -	103
56-1410	Amended	Ch. 34 -	104
Ch.15			
56-1501	New Section Added	Ch.221 -	687
56-1502	New Section Added	Ch.221 -	687
56-1503	New Section Added	Ch.221 -	687
56-1504	New Section Added	Ch.221 -	688
56-1505	New Section Added	Ch.221 -	688
56-1506	New Section Added	Ch.221 -	689
56-1507	New Section Added	Ch.221 -	689
56-1508	New Section Added	Ch.221 -	689
56-1509	New Section Added	Ch.221 -	689

56-1510	New Section Added	Ch.221 -	690
56-1511	New Section Added	Ch.221 -	690
56-1511	Referred to	Ch.221 -	688
TITLE 57			
Ch.7			
57-719	Amended	Ch. 19 -	45
57-728	Amended	Ch.185 -	605
57-728	Referred to	Ch.185 -	605
Ch.8			
57-814	Referred to	Ch.275 -	825
57-814A	Referred to	Ch.275 -	825
57-815	Amended	Ch.114 -	369
57-816	Amended	Ch.108 -	359
57-816	Referred to	Ch.108 -	347
57-824	New Section Added	Ch. 63 -	174
57-824	Referred to	Ch. 63 -	173
Ch.11			
57-1108	Referred to	Ch.170 -	517
57-1113	Amended	Ch. 23 -	70
TITLE 59			
Ch.2			
	Referred to	Ch.168 -	507
Ch.5			
59-509	Referred to	Ch. 95 -	281
59-514	Amended	Ch.193 -	627
Ch.7			
	Referred to	Ch.168 -	507
Ch.12			
59-1205	Repealed	Ch. 6 -	7
59-1212	Repealed	Ch. 6 -	7
Ch.13			
59-1302	Referred to	Ch.168 -	507
59-1303	Referred to	Ch.158 -	476
59-1342	Amended	Ch.237 -	729
59-1343	Referred to	Ch.144 -	434
59-1346	Amended	Ch.237 -	732
59-1351	Amended	Ch.144 -	433
59-1352	Amended	Ch.144 -	435
59-1352A	New Section Added	Ch.158 -	476
59-1355	Amended	Ch.144 -	435
TITLE 61			
Ch.2			
61-215	Referred to	Ch.290 -	866
Ch.3			
61-327	Referred to	Ch.241 -	742
61-328	Referred to	Ch.241 -	742
61-329	Referred to	Ch.241 -	742
61-330	Referred to	Ch.241 -	742
61-331	Referred to	Ch.241 -	742
Ch.5			
61-516	New Section Added	Ch. 9 -	11
61-541	New Section Added	Ch.145 -	436
TITLE 63			
Ch.1			
63-102	Referred to	Ch.179 -	578
63-103	Amended	Ch.120 -	384
63-115	Referred to	Ch. 3 -	5

Ch.2		
63-201	Amended	Ch. 11 - 34
63-201	Amended	Ch.163 - 488
63-201	Referred to	Ch.341 - 1035
63-205A	New Section Added	Ch.140 - 422
63-206	Referred to	Ch. 42 - 121
63-215	Referred to	Ch.107 - 339
Ch.3		
63-316	Amended	Ch.341 - 1061
63-317	Referred to	Ch. 42 - 123
Ch.5		
63-510	Amended	Ch. 11 - 37
Ch.6		
63-602G	Amended	Ch. 7 - 7
63-602KK	Amended	Ch. 42 - 119
Ch.8		
63-802	Amended	Ch. 42 - 122
63-802	Amended	Ch.341 - 1062
63-802	Referred to	Ch. 42 - 121
63-802C	Amended	Ch.341 - 1064
63-803	Amended	Ch. 42 - 123
63-803	Referred to	Ch. 99 - 309
Ch.9		
63-903	Referred to	Ch. 42 - 121
Ch.13		
63-1309	Amended	Ch.341 - 1064
Ch.17		
63-1703	Amended	Ch. 11 - 37
Ch.24		
63-2406	Amended	Ch. 3 - 5
63-2407	Amended	Ch.332 - 962
63-2412	Amended	Ch.332 - 963
63-2412	Amended	Ch.333 - 968
63-2412	Referred to	Ch.269 - 811
63-2412	Referred to	Ch.332 - 966
63-2418	Amended	Ch.332 - 964
63-2418	Referred to	Ch.332 - 966
63-2421	Amended	Ch. 21 - 50
63-2425	Amended	Ch.150 - 439
63-2427A	Amended	Ch. 21 - 51
63-2427A	Referred to	Ch. 21 - 49
63-2434	Referred to	Ch.150 - 440
63-2443	Referred to	Ch.150 - 440
Ch.25		
63-2506	Referred to	Ch.273 - 821
63-2520	Amended	Ch.344 - 1078
63-2552A	Referred to	Ch.273 - 821
Ch.30		
63-3004	Amended	Ch. 35 - 105
63-3004	Amended	Ch.228 - 711
	(as amended by Sec. 1, H.B. 64 aaS,aaS)	
63-3022	Referred to	Ch. 35 - 105
63-3022J	Amended	Ch. 40 - 114
63-3022K	Referred to	Ch.121 - 386
63-3026A	Referred to	Ch.216 - 676

63-3027B	Amended	Ch. 2 -	3
63-3027B thru			
63-3027E	Referred to	Ch. 2 -	3
63-3029	Amended	Ch.216 -	675
63-3037	Amended	Ch. 3 -	5
63-3045	Referred to	Ch.150 -	440
63-3047	Amended	Ch.120 -	384
63-3048	Amended	Ch.120 -	385
63-3048	Referred to	Ch.120 -	384
63-3067A	Amended	Ch. 63 -	173
63-3067A	Amended	Ch.108 -	359
63-3067B	Amended	Ch. 63 -	174
63-3067B	Amended	Ch.108 -	360
Ch.36			
63-3609	Referred to	Ch. 62 -	172
63-3610	Referred to	Ch. 62 -	172
63-3615A	Referred to	Ch. 62 -	172
63-3620	Referred to	Ch. 62 -	171
63-3621	Amended	Ch. 91 -	265
63-3622M	Amended	Ch. 23 -	70
63-3622O	Referred to	Ch.168 -	507
63-3622GG	Amended	Ch. 91 -	268
63-3638	Amended	Ch. 62 -	168
63-3638	Amended	Ch.341 -	1065
63-3638	Referred to	Ch.272 -	818
63-3638A	Amended	Ch. 23 -	70
63-3641	Amended	Ch.341 -	1068
63-3641	New Section Added	Ch. 62 -	171
63-3641	Repealed	Ch. 62 -	171
Ch.41			
63-4103	Amended	Ch.341 -	1070
Ch.44			
63-4402	Amended	Ch.191 -	622
63-4403	Amended	Ch.191 -	623
63-4404	Amended	Ch.191 -	624
63-4405	Amended	Ch.191 -	624
63-4408	Amended	Ch.191 -	625
TITLE 65			
Ch.1			
65-101	Amended	Ch.277 -	840
Ch.2			
65-202	Amended	Ch. 10 -	12
65-209	Amended	Ch.213 -	673
65-209	Referred to	Ch.213 -	672
Ch.6			
65-602	Amended	Ch.277 -	840
TITLE 66			
Ch.3			
66-329	Referred to	Ch. 45 -	126
Ch.4	Referred to	Ch. 86 -	236
66-404	Amended	Ch. 86 -	237
66-405	Amended	Ch. 86 -	238
Ch.13			
66-1301	Referred to	Ch. 45 -	126

TITLE 67

Ch. 2

67-201	Repealed	Ch. 52 -	136
67-202	Repealed	Ch. 52 -	136

Ch. 4

67-401	Amended	Ch. 52 -	136
67-406	Amended	Ch. 52 -	136
67-406b	Referred to	Ch. 52 -	136
67-406c	Repealed	Ch. 52 -	136
67-412	Repealed	Ch. 52 -	136
67-428	Amended	Ch. 52 -	136
67-429	Amended	Ch. 52 -	137
67-429	Referred to	Ch. 52 -	143
67-431	Amended	Ch. 52 -	139
67-434	Repealed	Ch. 52 -	136
67-435	Amended	Ch. 52 -	140
67-435	Referred to	Ch. 52 -	137
67-436	Repealed	Ch. 52 -	136
67-450B	Amended	Ch. 52 -	140
67-450B	Referred to	Ch. 52 -	143
67-450C	Amended	Ch. 52 -	141
67-450C	Referred to	Ch. 52 -	143
67-451	Referred to	Ch. 170 -	540
67-451	Referred to	Ch. 226 -	707
67-454	Referred to	Ch. 52 -	144
67-454	Referred to	Ch. 224 -	705

Ch. 5

67-509	Referred to	HCR 3 -	1104
67-509	Referred to	HCR 3 -	1105
67-509	Referred to	HCR 5 -	1107
67-509	Referred to	HCR 5 -	1108

Ch. 7

67-701	New Section Added	Ch. 52 -	143
67-701	Repealed	Ch. 52 -	136
67-702	New Section Added	Ch. 52 -	143
67-702	Repealed	Ch. 52 -	136
67-703	New Section Added	Ch. 52 -	143
67-703	Repealed	Ch. 52 -	136
67-704	Amended	Ch. 224 -	704
	(as enacted by Sec. 11, S.B. 1043)		
67-704	New Section Added	Ch. 52 -	144
67-704	Repealed	Ch. 52 -	136
67-705	Repealed	Ch. 52 -	136
67-706	Repealed	Ch. 52 -	136
67-707	Repealed	Ch. 52 -	136
67-708	Repealed	Ch. 52 -	136

Ch. 8

67-802	Amended	Ch. 23 -	70
67-805	Amended	Ch. 29 -	80
67-809	Amended	Ch. 29 -	81

Ch. 9

67-904	Referred to	HCR 2 -	1102
--------	-------------------	---------	------

Ch. 16

67-1611	Referred to	Ch. 170 -	516
---------	-------------------	-----------	-----

Ch. 18

67-1801	Referred to	Ch. 24 -	72
Ch.20			
67-2008	Referred to	Ch.131 -	411
Ch.23	Referred to	Ch.168 -	507
67-2323	Amended	Ch.278 -	840
67-2343	Amended	Ch.161 -	483
67-2344	Amended	Ch.161 -	484
67-2345	Amended	Ch.161 -	484
67-2347	Amended	Ch.161 -	485
Ch.26			
67-2601	Amended	Ch. 65 -	185
67-2601	Amended	Ch.167 -	497
67-2601	Amended	Ch.178 -	575
67-2601	Amended	Ch.251 -	768
67-2602	Amended	Ch. 65 -	186
67-2605	Referred to	Ch. 74 -	209
67-2614	Referred to	Ch. 65 -	182
Ch.27			
67-2702	Referred to	Ch. 97 -	285
Ch.28			
67-2803	Amended	Ch.174 -	554
Ch.29			
67-2914	Amended	Ch.333 -	970
Ch.32			
67-3206	Repealed	Ch. 5 -	7
Ch.35	Referred to	Ch.275 -	827
67-3511	Referred to	Ch.236 -	727
67-3511	Referred to	Ch.243 -	747
67-3516	Referred to	Ch.170 -	516
67-3519	Referred to	Ch.179 -	578
67-3519	Referred to	Ch.180 -	579
67-3519	Referred to	Ch.182 -	581
67-3519	Referred to	Ch.183 -	583
67-3531	Referred to	Ch.229 -	712
67-3531	Referred to	Ch.231 -	715
Ch.36	Referred to	Ch.275 -	827
Ch.41	Referred to	Ch.167 -	499
67-4111	New Section Added	Ch.167 -	499
67-4112	New Section Added	Ch.167 -	499
67-4123	Amended	Ch.167 -	499
67-4123	Referred to	Ch.167 -	499
67-4124	Amended	Ch.167 -	500
Ch.42			
67-4223	Amended	Ch. 58 -	162
Ch.47			
67-4725	Amended	Ch.162 -	487
67-4726	Amended	Ch.162 -	488
Ch.49			
67-4907	Amended	Ch.341 -	1070
67-4911	Amended	Ch.341 -	1072
67-4922	Amended	Ch.341 -	1072
67-4923	Amended	Ch.341 -	1073
67-4924	Amended	Ch.341 -	1073
67-4929	Amended	Ch.341 -	1073
67-4930	Amended	Ch.341 -	1074

Ch.52	Referred to	Ch. 9 - 12
Ch.52	Referred to	Ch. 65 - 179
Ch.52	Referred to	Ch. 97 - 290
Ch.52	Referred to	Ch.120 - 385
Ch.52	Referred to	Ch.169 - 512
Ch.52	Referred to	Ch.189 - 618
Ch.52	Referred to	Ch.189 - 618
Ch.52	Referred to	Ch.222 - 698
Ch.52	Referred to	Ch.225 - 705
Ch.52	Referred to	Ch.251 - 766
67-5201	Referred to	Ch.225 - 705
67-5221	Referred to	Ch.173 - 552
67-5291	Referred to	HCR 9 - 1109
67-5291	Referred to	HCR 10 - 1110
67-5291	Referred to	HCR 17 - 1113
67-5291	Referred to	HCR 29 - 1119
67-5292	Referred to	Ch.225 - 705
Ch.53	Referred to	Ch.168 - 506
67-5314	Referred to	Ch.324 - 933
67-5333	Amended	Ch.164 - 492
67-5333	Referred to	Ch. 22 - 52
67-5333	Referred to	Ch.168 - 509
67-5333A	New Section Added	Ch. 22 - 53
Ch.57	Referred to	Ch.168 - 506
67-5745D	Amended	Ch.131 - 411
67-5745D	Referred to	Ch.131 - 410
67-5761	Amended	Ch.164 - 493
67-5767	Amended	Ch.148 - 438
Ch.69		
67-6902	Amended	Ch.283 - 851
Ch.70	Referred to	Ch.137 - 420
67-7003	Referred to	Ch.137 - 420
67-7008	Referred to	Ch.137 - 420
67-7008A	New Section Added	Ch.137 - 419
67-7034	Referred to	Ch. 79 - 220
Ch.71		
67-7101	Amended	Ch.157 - 472
67-7101	Referred to	Ch.157 - 458
67-7101	Referred to	Ch.159 - 477
67-7105	Amended	Ch.157 - 473
67-7112	Amended	Ch.138 - 420
67-7114	Amended	Ch.157 - 473
67-7114	Referred to	Ch. 79 - 220
67-7122	Amended	Ch.157 - 473
67-7124	Amended	Ch.157 - 474
67-7126	Amended	Ch.157 - 475
Ch.73		
67-7304	Amended	Ch.168 - 510
Ch.74		
67-7428	Referred to	Ch.320 - 927
67-7434	Amended	Ch.344 - 1078
67-7434	Referred to	Ch.344 - 1079
67-7439	Referred to	Ch.273 - 821
Ch.79		
67-7903	Amended	Ch.177 - 572

67-7903	Amended	Ch.197 -	633
TITLE 68			
Ch.10			
Pt.4			
68-10-409	Amended	Ch. 64 -	175
Pt.5			
68-10-505	Amended	Ch. 64 -	176
TITLE 69			
Ch.2			
69-262	Amended	Ch. 39 -	112
69-264	Amended	Ch. 39 -	113
Ch.5			
69-503	Amended	Ch. 37 -	107
TITLE 70			
Ch.12			
70-1210	Amended	Ch.341 -	1075
70-1215	Amended	Ch.341 -	1075
70-1217	Amended	Ch.341 -	1075
70-1219	Amended	Ch.341 -	1076
70-1220	Amended	Ch.341 -	1076
TITLE 72			
Ch.1			
72-101	Referred to	Ch.195 -	630
Ch.3			
72-301	Referred to	Ch. 48 -	129
Ch.5			
72-517	Amended	Ch. 48 -	129
Ch.8			
72-802	Amended	Ch.312 -	912
72-802	Referred to	Ch.101 -	311
Ch.9			
72-915	Repealed	Ch.294 -	871
Ch.10			
72-1025	Amended	Ch.139 -	421
Ch.13			
72-1306	Amended	Ch.238 -	733
72-1316A	Amended	Ch. 70 -	204
72-1346	Referred to	Ch.288 -	863
72-1366	Amended	Ch.238 -	734
72-1367A	Amended	Ch.300 -	891
72-1367A	Referred to	Ch.238 -	738
Ch.14			
72-1403	Referred to	Ch.158 -	476
Ch.15			
72-1502	Amended	Ch.252 -	770
72-1506	Amended	Ch.252 -	771
72-1507	Amended	Ch. 52 -	145

IDAHO CONSTITUTION

Art.I, Sec.2	Referred to	HJM 4 -	1087
Art.III, Sec.23	Referred to	HCR 6 -	1109
Art.IV, Sec.20	Referred to	Ch.178 -	576
Art.VII, Sec.11	Referred to	Ch.170 -	515
Art.IX, Sec.10	Amendment Proposed	SJR101 -	1080

LAWS OF 2003

Ch.236, Sec.2 Amended Ch.147 - 438

LAWS OF 2005

Ch.55, Sec.2 Repealed Ch. 78 - 214

LAWS OF 2006

Ch.392, Sec.3 Amended Ch.323 - 932

Ch.455, Sec.4 Referred to Ch.226 - 707

Ch.455, Sec.6 Referred to Ch.226 - 707

Ch.455, Sec.8 Referred to Ch.293 - 870

Ch.455, Sec.8 Referred to Ch.319 - 927

SCR136 Referred to Ch.223 - 703

LAWS OF 2007

Ch.153, Sec.5 Referred to Ch.226 - 707

Ch.363, Sec.11 Referred to Ch.203 - 657

HCR 12 Referred to HCR 13 - 1111

LAWS OF 2008

Ch.121, Sec.1 Referred to Ch.293 - 870

Ch.184, Sec.1 Referred to Ch.246 - 756

Ch.245, Sec.1 Referred to Ch.248 - 759

Ch.247, Sec.1 Referred to Ch.255 - 775

Ch.265, Sec.1 Referred to Ch.325 - 935

Ch.268, Sec.1 Referred to Ch.170 - 540

Ch.268, Sec.1 Referred to Ch.170 - 541

Ch.269, Sec.4 Referred to Ch.262 - 793

Ch.273, Sec.1 Referred to Ch.319 - 926

Ch.277, Sec.1 Referred to Ch.325 - 934

Ch.292, Sec.1 Referred to Ch.253 - 773

Ch.322, Sec.1 Referred to Ch.235 - 725

Ch.326, Sec.1 Referred to Ch.236 - 727

Ch.326, Sec.2 Referred to Ch.236 - 727

Ch.326, Sec.4 Referred to Ch.236 - 728

Ch.353, Sec.1 Referred to Ch.258 - 782

Ch.354, Sec.3 Referred to Ch.260 - 787

Ch.355, Sec.1 Referred to Ch.263 - 796

Ch.358, Sec.1 Referred to Ch.243 - 746

Ch.360, Sec.1 Referred to Ch.269 - 812

Ch.360, Sec.1 Referred to Ch.275 - 826

Ch.391, Sec.1 Amended Ch.170 - 516

Ch.391, Sec.1 Referred to Ch.170 - 516

Ch.391, Sec.2 Amended Ch.170 - 516

Ch.391, Sec.2 Referred to Ch.170 - 516

H 292, Sec.1 Referred to Ch.246 - 756

LAWS OF 2009

Ch.170, Sec.4 Amended Ch.335 - 971

Ch.170, Sec.5	Amended	Ch.335 - 972
Ch.272, Sec.1	Amended	Ch.335 - 972
Ch.272, Sec.2	Amended	Ch.335 - 972
H 213, Sec.1	Referred to	Ch.325 - 935
H 298, Sec.2	Referred to	Ch.289 - 865
H 302, Sec.1	Referred to	Ch.325 - 935
H 303aaS,aaS, Sec.4	Repealed	Ch.342 - 1076
H 303aaS,aaS, Sec.6	Amended	Ch.342 - 1077
H 312, Sec.1	Referred to	Ch.311 - 911
S1074, Sec.4	Referred to	Ch.326 - 936
S1178, Sec.1	Referred to	Ch.249 - 760
S1178, Sec.1	Referred to	Ch.325 - 935
S1195, Sec.2	Referred to	Ch.289 - 864
S1199, Sec.3	Referred to	Ch.258 - 782
S1218, Sec.2	Referred to	Ch.275 - 826

RULES

Certified Shorthand Reporters

IDAPA 49.01.01		
Section 500		
Subsection 01	Rejected	SCR107 - 1095
Education, State Board of		
IDAPA 08.02.03	Referred to	Ch.271 - 816
Section 106	Referred to	Ch.273 - 823
Environmental Quality, Department of		
IDAPA 58.01.03	Rejected	SCR103 - 1093
Fish and Game Commission		
IDAPA 13.01.04	Rejected	SCR104 - 1093
IDAPA 13.01.08	Rejected	SCR105 - 1094
Health and Welfare, Department of		
IDAPA 16.05.03	Referred to	Ch.189 - 617
IDAPA 16.06.12		
Section 009		
Subsection 03	Rejected	SCR107 - 1095
Industrial Commission		
IDAPA 17.02.08	Rejected	HCR 29 - 1119
Lottery Commission, Idaho State		
IDAPA 52.01.02		
Section 303	Rejected	HCR 10 - 1110
Section 304	Rejected	HCR 10 - 1110
IDAPA 52.01.03	Rejected	SCR107 - 1095
Occupational Licenses, Bureau of		
IDAPA 24.24.01	Rejected	SCR107 - 1095
Parks and Recreation, Department of		
IDAPA 26.01.20	Rejected	SCR106 - 1094
Transportation Department, Idaho		
IDAPA 39.02.22	Rejected	HCR 17 - 1113
Vocational Rehabilitation, Division of		
IDAPA 47.01.01		
Section 100		
Subsection 01	Rejected	HCR 9 - 1110
Subsection 02	Rejected	HCR 9 - 1110
Subsection 03	Rejected	HCR 9 - 1110
Section 301	Rejected	HCR 9 - 1110

ACTS

Idaho Public Records Act	Referred to	HCR 22 - 1116
Idaho Secure and Fair Enforcement for Mortgage Licensing Act of 2009	Referred to	Ch. 97 - 296

FEDERAL LAWS

American Recovery and Reinvestment Act, Title VII	Referred to	Ch.234 - 723
American Recovery and Reinvestment Act of 2009	Referred to	Ch.238 - 738
American Recovery and Reinvestment Act of 2009	Referred to	Ch.300 - 892
Americans with Disabilities Act of 1990	Referred to	Ch.192 - 626
Assistance for Unemployed Workers and Struggling Families Act	Referred to	Ch.238 - 738
Assistance for Unemployed Workers and Struggling Families Act	Referred to	Ch.300 - 892
8 CFR 214.12	Referred to	Ch.106 - 326
8 CFR 245	Referred to	Ch.106 - 326
12 CFR 226 et seq.	Referred to	Ch. 97 - 284
17 CFR 230.144A	Referred to	Ch. 69 - 195
17 CFR 230.501(a)	Referred to	Ch. 69 - 193
24 CFR 3500 et seq.	Referred to	Ch. 97 - 284
42 CFR 447.272	Referred to	Ch.221 - 687
45 CFR 164.508	Referred to	Ch. 87 - 246
Employee Retirement Income Security Act of 1974	Referred to	Ch. 87 - 245
Endangered Species Act, Sec. 10(j)	Referred to	HJM 1 - 1084
Fair Credit Reporting Act	Referred to	HCR 22 - 1116
Fair Credit Reporting Act, Sec. 603(p)	Referred to	Ch. 97 - 299
Fair Credit Reporting Act, Sec. 603(p)	Referred to	Ch. 97 - 305
Federal Deposit Insurance Act, Sec. 3	Referred to	Ch. 97 - 296
Federal Food, Drug and Cosmetic Act, Sec. 503(b)	Referred to	Ch.143 - 431
Federal Water Pollution Control Act	Referred to	HJM 6 - 1088
Internal Revenue Code, Sec.42	Referred to	Ch.140 - 422
Internal Revenue Code, Sec. 401(a)	Referred to	Ch.286 - 859
Internal Revenue Code, Sec. 403(b)	Referred to	Ch.286 - 859
Internal Revenue Code, Sec. 415(m)	Referred to	Ch.286 - 859
Internal Revenue Code, Sec. 457(b)	Referred to	Ch.286 - 859
Internal Revenue Code, Sec. 457(f) of the Internal Revenue Code	Referred to	Ch.286 - 859

Internal Revenue Code, Sec.501(c)(3)			
	Referred to	Ch.117 -	376
Internal Revenue Code, Sec. 1504			
	Referred to	Ch.143 -	430
Internal Revenue Code, Sec. 2056(b)(5)			
	Referred to	Ch. 64 -	176
Internal Revenue Code, Sec. 2056(b)(7)			
	Referred to	Ch. 64 -	176
Internal Revenue Code, Sec. 2056(b)(7)(C)			
	Referred to	Ch. 64 -	176
Internal Revenue Code, Sec. 7520			
	Referred to	Ch. 64 -	176
P.L. 110-289	Referred to	Ch. 35 -	105
P.L. 110-289	Referred to	Ch. 97 -	308
P.L. 110-289, Title V	Referred to	Ch. 97 -	297
P.L. 110-289, Sec. 1507(a)(2)			
	Referred to	Ch. 97 -	308
P.L. 110-289, Sec. 1508	Referred to	Ch. 97 -	285
P.L. 110-289, Sec. 1508	Referred to	Ch. 97 -	285
P.L. 110-289, Sec. 1508	Referred to	Ch. 97 -	285
P.L. 110-289, Sec. 1508(a)			
	Referred to	Ch. 97 -	298
P.L. 110-289, Sec. 1508(a)			
	Referred to	Ch. 97 -	298
P.L. 110-289, Sec. 1512	Referred to	Ch. 97 -	304
P.L. 111-5	Referred to	Ch.238 -	738
P.L. 111-5	Referred to	Ch.300 -	892
Real Estate Settlement Procedures Act			
	Referred to	Ch. 97 -	304
Securities Act of 1933	Referred to	Ch. 69 -	195
Social Security Act, Sec. 1861 (t)(2)			
	Referred to	Ch. 87 -	244
Social Security Act, Title XIX			
	Referred to	Ch.177 -	562
Tax Reform Act of 1986	Referred to	Ch.140 -	422
Truth in Lending Act	Referred to	Ch. 97 -	304
Truth in Lending Act, Sec. 103(v)			
	Referred to	Ch. 97 -	284
Truth in Lending Act, Sec. 103(v)			
	Referred to	Ch. 97 -	284
11 USC 101(53D)	Referred to	Ch. 97 -	297
12 USC 2601 et seq.	Referred to	Ch. 97 -	284
15 USC 77a et seq.	Referred to	Ch. 69 -	195
15 USC 1601 et seq.	Referred to	Ch. 97 -	284
26 USC 2056(b)(5)	Referred to	Ch. 64 -	176
26 USC 2056(b)(7)	Referred to	Ch. 64 -	176
26 USC 2056(b)(7)(C)	Referred to	Ch. 64 -	176
26 USC 7520, as amended	Referred to	Ch. 64 -	176
33 USC 1251, et seq.	Referred to	HJM 6 -	1088
38 USC 101(11)	Referred to	Ch.213 -	672
42 USC, ch. 7, subchapter XVIII, parts C and D			
	Referred to	Ch. 54 -	151
USC Title 10, Ch. 55	Referred to	Ch. 87 -	245

UNITED STATES CONSTITUTION

10th Amendment Referred to HJM 4 - 1087

FEDERAL LEGISLATION

Blair Holt's Firearm Licensing and Record of Sale Act of 2009
Referred to HJM 3 - 1086
H.R. 2421 Referred to HJM 6 - 1088

MISCELLANEOUS

Comprehensive Aquifer Management Plan for the Eastern Snake Plain Aquifer
Referred to Ch.223 - 704
Comprehensive State Water Plan
Referred to Ch.223 - 703
Framework Reaffirming the Swan Falls Settlement, Article II
Referred to Ch.241 - 742
Idaho Invasive Species Act of 2008
Referred to SCR109 - 1097
Idaho Transportation Board Policy B-11-04
Referred to Ch.275 - 827
National Fire Protection Association (NFPA) 1192 Standard on Recreational
Vehicles
Referred to Ch. 11 - 27
New York v. United States, 505 U.S. 144 (1992)
Referred to HJM 4 - 1087
US Supreme Court, District of Columbia v. Heller, 128 S.Ct. 2783 (2008)
Referred to HJM 3 - 1086

NUMERICAL LIST OF SENATE BILLS

that became law with a brief synopsis and the
chapter number of each bill

		Chapter	- Page
S 1003	Prisoners, sexual contact terms	Ch.116	- 372
S 1004aaH	Vehicular manslaughter, punishment	Ch.166	- 496
S 1005aa	Vulnerable adults, definitn revised	Ch.100	- 309
S 1006aa	Crime victim compensation, collectn	Ch.101	- 310
S 1007	Crime victims, compenstn/restitutn	Ch.102	- 312
S 1008	F&G, mil vets/licenses/free permits	Ch.117	- 373
S 1009	Vets Services/admnstrtr pwr, duties	Ch. 10	- 12
S 1011	Historicl Society, provisions rev'd	Ch.167	- 497
S 1012	Postsecondary/proprietary schools	Ch. 26	- 73
S 1013	Bd of library commissnrs/provisions	Ch.178	- 574
S 1015	F&G, soliciting wolves transfer	Ch.186	- 608
S 1016	Approp/pest cntrl/hzrdous substnc	Ch. 1	- 3
S 1017aa,aa	School attendance, requirements	Ch.103	- 316
S 1018	Prisoner ed, professionl/technicl	Ch. 28	- 80
S 1019	Ed tech initiative, Ed Dept role	Ch. 27	- 79
S 1020aa	Wildlife, purchase prohibition	Ch.187	- 608
S 1022	F&G, fees, violators	Ch.188	- 610
S 1041	Salaries, acting Governor/Lt Gov	Ch. 29	- 80
S 1042	Prisoner prosecution costs, rev'd	Ch.104	- 319
S 1043	Legislature/Leg Council/recodify	Ch. 52	- 135
S 1044	Codifier corrections	Ch. 11	- 13
S 1046	Crime victims comp, fine increase	Ch.139	- 421
S 1050	Med Savings Accts/exmpt frm attchmt	Ch.121	- 385
S 1052	Farm produce dealrs, repeal	Ch. 31	- 87
S 1053aa	Motor vehicles, registration, title	Ch.141	- 423
S 1054	Rural econ dev freight transp prog	Ch.198	- 635
S 1056aa	Corrections Bd, director authority	Ch. 45	- 125
S 1061	Snowmobile trails	Ch.138	- 420
S 1062	Human remains, disposition	Ch. 51	- 132
S 1065	Mental Health Bds, revised	Ch.122	- 386
S 1066	Wholesale Drug Distrib Act, revised	Ch.105	- 320
S 1067	Approp, Medical Boards, increased	Ch. 12	- 39
S 1068	Approp, Regulatory Board, increased	Ch. 13	- 39
S 1069	Approp, Labor Dept, increased	Ch. 14	- 40
S 1070	Ag Dept, beef cattle feeding ops	Ch. 46	- 127
S 1071aa	Ag Dept, range program	Ch.123	- 387
S 1073	Cosmeticians, permit revised	Ch. 47	- 127
S 1074aa,aa	Education services, deaf and blind	Ch.168	- 501
S 1075	Industrial Comm, authority revised	Ch. 48	- 129
S 1076	J-1 visa/nat'l intrst waiver progs	Ch.106	- 324
S 1078	Ed Bd/school district/consolidatn	Ch.107	- 339
S 1079	Motorcycle training program, revisd	Ch. 30	- 82
S 1080	Real estate, investmnts, revised	Ch. 49	- 129

S 1086aaH	License plate, freemason, created	Ch.199 -	636
S 1088aaH	License plates/earth sci/lapidary	Ch.196 -	630
S 1091	Urban Renewal Dist, school levies	Ch. 50 -	131
S 1096	Procuremnt, requirmnt excep, prop	Ch.174 -	554
S 1097	Public highways/utilities/relocatn	Ch.142 -	426
S 1098aa	Off-highway vehicles	Ch.157 -	457
S 1106	Crimes/punishments, restitution	Ch.108 -	344
S 1108aa	Emergency medical servcs, revisions	Ch.189 -	610
S 1109aa	Pharmacist/Legend Drug Donation Act	Ch.143 -	428
S 1110aaH	Public benefits/documntatn revised	Ch.197 -	633
S 1111	Pub safty officr, disbility benefit	Ch.158 -	476
S 1112aa,aaH	Basic daycare license	Ch.295 -	872
S 1115	Optometrists, provisions revised	Ch.118 -	376
S 1117	H&W, board mtgs/frequency	Ch.109 -	360
S 1121aaH	Public chrtr schls, notice/comment	Ch.200 -	639
S 1122	PERSI, provisions revised	Ch.144 -	433
S 1123	Pub util rates, new electric facil	Ch.145 -	436
S 1126	Unfair Sales Act	Ch.146 -	438
S 1127	Rural health care access program	Ch.119 -	382
S 1128	Tax Comm, tax liability/individuals	Ch.120 -	384
S 1129	Revised Uniform Anatomical Gift Act	Ch.176 -	556
S 1130	Motor vehicle reg, permit limits	Ch.336 -	973
S 1131	Motr vehicl financial rsponsibility	Ch.159 -	477
S 1132	Education, school bldgs	Ch.169 -	511
S 1133	Driving Businesses Licensure Board	Ch.251 -	764
S 1134	Motor vehicles/financl rsp/annl rpt	Ch.147 -	438
S 1138	Low income properties, section 42	Ch.140 -	421
S 1141aa,aa	F&G, hunt bonus/pref pts/lic fees	Ch.201 -	643
S 1142	Open public mtgs/notice requiremnts	Ch.161 -	482
S 1145	Firearms/explosives/deadly weapons	Ch.202 -	650
S 1146	Food establishments/license fees	Ch.190 -	619
S 1151	Payday loans, licensing requirement	Ch.175 -	555
S 1152	Worker's compensation	Ch.312 -	911
S 1153	DUI/restricted noncomml drvng prvlg	Ch.184 -	584
S 1154	School districts, fiscal affairs	Ch.185 -	600
S 1158	Medically indigent program	Ch.177 -	557
S 1165	Public schools/rural school distrct	Ch.239 -	739
S 1166aa	State insurance fund	Ch.294 -	871
S 1167	Water resource brd, proj proposals	Ch.240 -	740
S 1169	PUC, Swan Falls Agreement	Ch.241 -	741
S 1170	Approp, Finance Dept	Ch.183 -	583
S 1171	Approp,Invstmnt Board, Endwmnt Fnd	Ch.182 -	581
S 1172	Approp, Lava Hot Springs Foundation	Ch.181 -	580
S 1173	Approp, Tax Appeals Board	Ch.180 -	579
S 1174	Approp, Tax Commission	Ch.179 -	577
S 1180	Approp, Permanent Building Fund	Ch.208 -	664
S 1183	Motor vehicle reg, wrecker plates	Ch.287 -	860
S 1184	Commission for Reapportionment	Ch.252 -	770
S 1185	Ground water recharge	Ch.242 -	742
S 1186	Highway projects/GARVEE bnding auth	Ch.203 -	655
S 1193	Approp, Attorney General	Ch.209 -	666
S 1199	Approp, Catastrophic Health Care	Ch.210 -	668
S 1200	Approp, Millennium Fund	Ch.211 -	669
S 1204	Alcoholic beverages/provisions rvsd	Ch.282 -	849
S 1207	Approp, Colleges and Universities	Ch.207 -	662
S 1208	Approp, Prof/Tech Education	Ch.248 -	758

S 1209	Approp, Commission on Aging	Ch.206 -	661
S 1210	Approp, Deaf/Blind School	Ch.204 -	657
S 1211	Approp, Financial Mgmt, Division of	Ch.245 -	755
S 1212	Approp, Military Division	Ch.246 -	756
S 1215	State capitol bldg, food service	Ch.283 -	851
S 1216	Approp, Secretary of State	Ch.313 -	912
S 1217	Approp, Veterans Services Division	Ch.247 -	757
S 1218	Approp, Administration Department	Ch.205 -	659
S 1219	Approp, add'l, Parks & Rec Dept.	Ch.249 -	760
S 1220	Approp, Exec Office of Governor	Ch.212 -	670
S 1221	Approp, H&W, Public Health	Ch.243 -	745
S 1224	Approp, Labor Dept	Ch.288 -	862
S 1225	Approp, Parks & Rec, add'l	Ch.325 -	934
S 1226	Approp, Midwifery Bd/Occ Thrpy Bd	Ch.289 -	864
S 1227	Approp, Year-End Transfers/Omnibus	Ch.275 -	824
S 1228	Appropriations, State Police	Ch.337 -	974
S 1229	Approp, Public Utilities Com'n	Ch.290 -	865
S 1230	Approp, Education Bd, Office of	Ch.291 -	866
S 1231	Approp, Energy Resources Office	Ch.292 -	867
S 1232aa	F&G, bighorn sheep relocation	Ch.314 -	913
S 1233	Bureau Ed Services, Deaf and Blind	Ch.326 -	936
S 1234	Approp, 2010 Human Rights Comm	Ch.322 -	930
S 1235	Approp, Appellate Public Defender	Ch.327 -	936
S 1236	Approp, Correction Dept	Ch.338 -	978
S 1237	Approp, Ed Public Broadcasting	Ch.315 -	919
S 1238	Approp, Medical/Regulatory Boards	Ch.316 -	921
S 1239	Approp, Vocational Rehabilitation	Ch.328 -	937
S 1240	Approp, Blind Comm	Ch.317 -	923
S 1241	Approp, Liquor Dispensary	Ch.323 -	931
S 1242	Approp, Historical Society	Ch.293 -	869
S 1243	Approp, Library Commission	Ch.318 -	924
S 1244	Approp, Capitol Commission	Ch.319 -	926
S 1245	Approp, Ag Research/Coop Extension	Ch.339 -	981
S 1246	Legislative sessn, effective dates	Ch.343 -	1077

NUMERICAL LIST OF HOUSE BILLS

that became law with a brief synopsis and the
chapter number of each bill

		Chapter	Page
H 1	Engineers and surveyors, fees rev'd	Ch. 20	- 46
H 3	Corporate tax, waters edge election	Ch. 2	- 3
H 4	Tax Comm, homeowner's exemption	Ch. 7	- 7
H 6	Bunker Hill Cleanup Site	Ch. 8	- 10
H 7	PUC, electric transmission projects	Ch. 9	- 11
H 9	Motor fuels tax, biodiesel fuel	Ch. 21	- 47
H 10	Aircraft sales/use tax, exemptions	Ch. 91	- 265
H 11	Motor fuels tax, electronic filing	Ch. 3	- 4
H 12	Taxation, beer/wine	Ch. 4	- 6
H 13	Insurance, grp policy, repealed	Ch. 6	- 7
H 14aa,aaS	Admin Dept/grp insurance, services	Ch.148	- 438
H 15	Real property, owned by state	Ch. 5	- 6
H 18	Bd of Ed, employee sick leave	Ch. 22	- 52
H 20	Endowmnt Fnd Investmt Bd, membr cmp	Ch. 19	- 45
H 22	Veterans homes/H&W director duties	Ch. 15	- 40
H 24	License plates, gold star	Ch.213	- 672
H 28	Liquor dispensary, terms revised	Ch. 23	- 53
H 31aaS	Forestry act, wildfire costs/revise	Ch. 36	- 106
H 32aa	Athletic Comm, definitions revised	Ch. 93	- 269
H 34aaS	Commodity dealers, license	Ch. 37	- 107
H 35	Ag Dept, director's duties	Ch. 32	- 87
H 36	Pure seed law/seed advsry brd	Ch. 38	- 108
H 37	Ag Dept, bonded warehouses	Ch. 39	- 112
H 38	Podiatrists, license fee, incr	Ch. 94	- 280
H 40	Life/Health Insurance Guaranty Assc	Ch. 54	- 150
H 41	Insurance policies/grp coverage	Ch. 66	- 187
H 43	License plate, innovation, created	Ch.162	- 486
H 44	Physical therapy practice,	Ch. 95	- 280
H 45	Psychologists, requirements revised	Ch. 33	- 89
H 46aa	Soc work licensing act, fees rev'd	Ch.149	- 439
H 51	Income tax deduction/tech equipmnt	Ch. 40	- 114
H 55	Nursing, licenses	Ch. 67	- 190
H 57	Digital learning academy, revisions	Ch. 55	- 155
H 59	Violent crime, victim compensation	Ch. 56	- 159
H 60	Electronic communctn srvc, subpoena	Ch. 61	- 166
H 64aaS,aaS	Real property tx/stdnrd deduction	Ch. 35	- 105
H 65aa	Firearms, out-of-state purchase	Ch.110	- 363
H 66	Approp, Industrial Comm, increased	Ch. 16	- 41
H 67	Approp, Agriculture, increased	Ch. 17	- 42
H 70aaS	Sexual offndr reg act/reg requirmnt	Ch. 68	- 191
H 72	Fines/forfeitures/costs/repealed	Ch. 96	- 282
H 75	Insurance Dept., life settlements	Ch. 69	- 192
H 76aaS	Employment security/exmpt employmnt	Ch. 70	- 204

H 78	Ed, distict trustees, appointmnts	Ch. 57 -	160
H 79aaS	Chartr school, enrolmnt opportunity	Ch. 41 -	115
H 80	H&W, approp changed	Ch. 18 -	42
H 83	Taxation, personal property/exmptn	Ch. 42 -	119
H 85	Approp, Millenium Fnd, cash trnsfer	Ch. 24 -	71
H 86	Correction Dept, approp change	Ch. 25 -	72
H 87	Vulnerable adults, definition rev'd	Ch. 71 -	206
H 88	Morticians, resident training licns	Ch. 72 -	207
H 89	Barbers licensure, exceptions	Ch. 73 -	208
H 90	Liquefied petrol gas, pub safety	Ch. 74 -	208
H 91	Geologists, bd mbrshp, qualificatns	Ch. 75 -	210
H 92	Architects, exam/licensure revised	Ch. 76 -	212
H 97aa	High occupancy vehicle lanes	Ch.192 -	626
H 99	Grape growrs/wine producers commisn	Ch. 59 -	164
H 100	Grape grwrs/wine producers/taxes	Ch. 60 -	165
H 101	Assessmnts, refund	Ch. 77 -	213
H 102	Districts/estabshmt/dissolutn of	Ch. 43 -	124
H 103	Disabled persons, financl protectn	Ch. 78 -	214
H 104	Domestic violence, family services	Ch. 79 -	218
H 105	Fees, filing/small claims cases	Ch. 80 -	221
H 106aa	Defendants, mental illness, exams	Ch.124 -	390
H 107	Execution, provisions revised	Ch. 81 -	228
H 108	Insurance contracts, coverage	Ch.125 -	391
H 109	Contractor Registration Act	Ch. 89 -	258
H 110	Plumbing/apprentices/fees/rgstrn	Ch.111 -	363
H 111	Electrical contractrs/exam/licensng	Ch.112 -	364
H 112	Bldg safety, apprentice reg fee	Ch.113 -	367
H 113	Plumbers, brd pwr, certif renewal	Ch.126 -	405
H 115	Modular buildings	Ch.127 -	407
H 119	Sales/use tax/dvlprs/rebate	Ch. 62 -	167
H 121	Income tax/donatns/Id Food Bank	Ch. 63 -	173
H 123	Public assistance, hlth & welfare	Ch. 34 -	94
H 124	Idaho ag in the classrm/Transp Dept	Ch.114 -	368
H 125	Veterinarians, definition revised	Ch. 82 -	229
H 126	Veterinarians, criminal backgrnd ck	Ch. 83 -	234
H 127	Veterinarians/animals/safeguarded	Ch. 84 -	234
H 128	Pea and Lentil Comm, compensation	Ch.128 -	407
H 129	Pea and Lentil Commission, members	Ch.129 -	408
H 132aaS	Military leave, state employees	Ch. 44 -	125
H 137	Park & Rec Bd, powers, revised	Ch. 58 -	162
H 141aaS	Floating homes, definition revised	Ch.163 -	488
H 142	Uniform Principal and Income Act	Ch. 64 -	175
H 143	Municipal corporations/annexation	Ch. 53 -	145
H 145aa	Sterilization/definition revised	Ch.130 -	409
H 146aa	Resdent care/assisted living act	Ch.214 -	673
H 147	Commercial driver's licenses, fines	Ch.155 -	453
H 151	Fuels tax, penalties	Ch.150 -	439
H 152aaS	Rural econ dev/grant prvsns/rvrsd	Ch. 92 -	268
H 154aa	State police, vehicle ident	Ch. 85 -	235
H 157aa	Id Ed Network/ed dept/duties rvrsd	Ch.131 -	410
H 159aaS	Insurance/grp life/revised	Ch.151 -	440
H 160aa	Library districts, bond issuance	Ch.132 -	413
H 163	Scrap dealers	Ch.152 -	441
H 164	Peace Officer Stndrds/Traing Cncl	Ch.115 -	369
H 168	Sxual Offndr Reg Act, rport reqmnts	Ch.156 -	456
H 169	Residential Mortgage Practices Act	Ch. 97 -	282

H 170	Lead acid battery, fee increase	Ch.172 -	549
H 173	Insurance Dept, group insurance	Ch.164 -	491
H 178aa	Sex Offendr Reg Act, provisions	Ch.250 -	761
H 179	Guardianship, developmntly disabled	Ch. 86 -	235
H 184	Bail, Bail Act, provisions	Ch. 90 -	259
H 185	Midwifery, board powers/duties	Ch. 65 -	177
H 187aaS	Motor vehicles, contracts/notices	Ch.276 -	838
H 188	Real estate license law	Ch.133 -	414
H 189	Real estate brokers, licensees	Ch.134 -	415
H 190	Real estate law, sellr rep agreemnt	Ch.135 -	416
H 191	Liens, foreclosurs, notices	Ch.136 -	417
H 192	Health insurance, external review	Ch. 87 -	240
H 193	Education Board/mand duty removed	Ch. 88 -	257
H 194aaS	Sport shooting activities	Ch.195 -	628
H 195	Veterans/Memorial Comm/revised	Ch.277 -	839
H 198aa	Publication of notice/pers property	Ch.278 -	840
H 199	Education Board, retirement plans	Ch.286 -	859
H 205	Highway district, elections	Ch. 98 -	308
H 206	Highway dist commissnrs/budgets	Ch. 99 -	309
H 211	Higher ed, residency requirements	Ch.329 -	939
H 212	Public charter schools, non-vrtual	Ch.160 -	477
H 213	Vessels, add'l fees/stickers	Ch.137 -	419
H 217aaS	Motor vehicles/dealers/salesmen	Ch.153 -	445
H 218aaS	Building codes, provisions deleted	Ch.279 -	841
H 220	Bldg code board membership, revised	Ch.173 -	551
H 222	Juv Corect Act, state insuranc fund	Ch.154 -	448
H 226	Motor vehicles, reg fees/lic plates	Ch.330 -	942
H 229	Martial law, firearm restrictions	Ch.215 -	674
H 230	Prsonl servic contracts/publication	Ch.193 -	627
H 231	PERSI/retirement allowances	Ch.237 -	729
H 232aaS	Income taxation, estate/trust	Ch.216 -	675
H 240aa	F&G, big game depredation fund pmts	Ch.217 -	677
H 241	Neighborhood electric vehicles	Ch.194 -	628
H 242	Small Employr Incentive Act, sunset	Ch.191 -	621
H 244aa	Local Econ Dev Act, revised	Ch.218 -	680
H 248	Employment security law	Ch.238 -	733
H 250	Approp, Omnibus, FY2009 Changed	Ch.170 -	515
H 251	Building Code Act, schools	Ch.219 -	681
H 252	School district financial emergency	Ch.171 -	541
H 253	Cooperative srvc agncies/tax levies	Ch.220 -	684
H 255	Approp, Energy Resources Office	Ch.165 -	495
H 256aaS,aaS	Pub schools/transport support prog	Ch.284 -	852
H 258aaS	Specialty lmtd htg contrctr/jrnyymn	Ch.280 -	842
H 260	Skilled Nursing Fac Assessment Act	Ch.221 -	687
H 261	Occupational Therapy Act	Ch.222 -	690
H 262aaS	Education, provisions revised	Ch.285 -	858
H 264	Comprehensive aquifer manage plan	Ch.223 -	703
H 265	Legislative Services Office, duties	Ch.224 -	704
H 266	Administrative rules, effect cont	Ch.225 -	705
H 267aaS	Hazardous substance emergency rspns	Ch.281 -	844
H 268	Approp, Legislative Council	Ch.226 -	706
H 269	Cooperative service agencies	Ch.227 -	708
H 275	Lottery, xfers, net income	Ch.344 -	1077
H 276	Approp, DEQ	Ch.234 -	719
H 277	Approp, Lands Dept	Ch.235 -	723
H 281	Income taxation, internal rev code	Ch.228 -	711

H 287	Employee firearm storage	Ch.265 -	802
H 290	Approp, State Treasurer	Ch.229 -	712
H 291	Approp, Lt Governor	Ch.230 -	713
H 294	Approp, State Controller	Ch.231 -	714
H 296	Approp, Supreme Court	Ch.232 -	716
H 299	Approp, Office of Drug Policy	Ch.266 -	803
H 301	Approp, Juvenile Corrections	Ch.267 -	804
H 302	Approp, Agriculture Dept	Ch.268 -	806
H 303aaS,aaS	Education/virtual school/attendance	Ch.340 -	982
H 306	Pharmacists, telepharmacy	Ch.244 -	748
H 308	Approp, Health Education Programs	Ch.253 -	772
H 309	Approp, Community Colleges	Ch.254 -	774
H 310	Approp, Education/Special Programs	Ch.255 -	774
H 311	Approp, Transportation Department	Ch.269 -	809
H 312	Approp, Supt of Public Instruction	Ch.233 -	718
H 313	Approp, H&W, Div. of Welfare	Ch.236 -	726
H 314	Approp, H&W Independent Councils	Ch.256 -	776
H 315	Approp H&W, Substance Abuse	Ch.257 -	779
H 316	Approp, H&W, Indirect Supp Services	Ch.258 -	781
H 317	Approp, H&W, Service Integration	Ch.259 -	784
H 318	Approp/H&W/Developmentally Disabled	Ch.260 -	786
H 319	Approp, H&W Child Welfare	Ch.261 -	789
H 320	Approp/H&W Psychiatric Hospitaliztn	Ch.262 -	792
H 321	Approp, H&W, Mental Health	Ch.263 -	795
H 322	Approp, H&W Medicaid	Ch.264 -	799
H 323	Approp, Pub Schools, Admin Division	Ch.270 -	813
H 324	Approp, Pub Schools, Teachers Div	Ch.271 -	815
H 325	Approp, Pub Schools, Operations Div	Ch.272 -	817
H 326	Approp, Pub Schools, Child Prog Div	Ch.273 -	820
H 327	Approp, Pub Schools, Facilities Div	Ch.274 -	823
H 330	Approp, Species Conservation Office	Ch.296 -	883
H 331	Approp, Parks & Recreation	Ch.297 -	884
H 332	Approp, PERSI	Ch.298 -	886
H 333	Approp, Fish and Game	Ch.299 -	888
H 334	Motor vehicle fees, increases	Ch.331 -	947
H 335	Unemployment benefits	Ch.300 -	891
H 338aaS	Fuels, deductions, deleted	Ch.332 -	962
H 341	Approp, Water Resources Dept	Ch.301 -	897
H 342	Approp, Insurance Dept	Ch.302 -	898
H 343	Approp, Industrial Commission	Ch.303 -	900
H 344	Approp, State Lottery	Ch.320 -	927
H 345	Approp, Building Safety Div	Ch.321 -	928
H 346	Approp, Human Resources Div	Ch.324 -	932
H 347	Approp, Arts Commission	Ch.304 -	902
H 348	Approp, Military Division	Ch.305 -	903
H 349	Approp, Commerce Dept	Ch.306 -	905
H 350	Approp, Soil Conservation Comm	Ch.307 -	906
H 351	Approp, Independent Living Council	Ch.308 -	908
H 352	Approp, Comm on Hispanic Affairs	Ch.309 -	909
H 353	Approp, Public Health Trust Fund	Ch.310 -	910
H 371	Approp, Public Instruct Supr, add'l	Ch.311 -	911
H 372aaS	Elections	Ch.341 -	986
H 374	Education	Ch.342 -	1076
H 376	Roads, hwy distrib acct distrib	Ch.333 -	966
H 377	Approp, Trasport Dept, add'l	Ch.334 -	970
H 378	Approp, Public Schools, revised	Ch.335 -	971

NUMERICAL LIST OF SENATE AND HOUSE JOINT RESOLUTIONS, JOINT MEMORIALS AND CONCURRENT RESOLUTIONS

SENATE JOINT RESOLUTIONS

		Page
SJR 101	U of I, tuition rates/fees/imposed	1080

SENATE JOINT MEMORIALS

SJM 101	Medical residency programs	1081
SJM 102	Employee Free Choice Act	1082

HOUSE JOINT MEMORIALS

HJM 1	Wolf delisting	1083
HJM 2	Idaho Natl Laboratory, anniversary	1085
HJM 3	Right to keep & bear arms	1086
HJM 4	Sovereignty/state/fed/constitutions	1087
HJM 6	Clean Water Restoration Act/opposed	1088
HJM 7	Doctor of medicine degree in Idaho	1089

SENATE CONCURRENT RESOLUTIONS

SCR 101	2009 Special Olympics	1091
SCR 102	Honorary Governor, Lincoln	1091
SCR 103	Environ Quality Dept, rule rejected	1092
SCR 104	F&G, rules, rejected	1093
SCR 105	F&G, rules, rejected	1093
SCR 106	Parks and Rec, rules, rejected	1094
SCR 107	Fee rules, exceptions	1094
SCR 108	Administrative rules, temporary	1096
SCR 109	Quagga & zebra mussel prevention	1097
SCR 110	Telework policies/programs	1098
SCR 111	M. Allyn Dingel, commended	1099
SCR 112	H&W, cystic fibrosis program	1100

HOUSE CONCURRENT RESOLUTIONS

		Page
HCR 1	Governor, State of State Address	1102
HCR 2	Printing contract, session laws	1102
HCR 3	Printing contract, permanent journal	1104
HCR 4	Printing contract, bills	1106
HCR 5	Printing contract, daily journals	1107
HCR 6	Legislative comp/increase rejected	1109
HCR 9	Voc Rehab, rules, rejected	1109
HCR 10	Lottery Commission, rules rejected	1110
HCR 12	Moscow community walk/like events	1110
HCR 13	Natural resource issues, study comm	1111
HCR 16	Energy/envirom/tech, study comm	1112
HCR 17	Transp Dept, rule docket rejected	1113
HCR 18	Nat resourc int comm, info request	1114
HCR 21	Fiber optics/Grangeville/Riggins	1115
HCR 22	Identity theft/state agencies	1115
HCR 23	Equal pay day	1116
HCR 25	Soil Conservation Commission, study	1117
HCR 28	Fiber/wireless comm facilities, new	1118
HCR 29	Industrial Comm, rules, rejected	1119
HCR 30	North Idaho College, commended	1119
HCR 32	Task Force, alternative fund study	1121
HCR 34	Gubernatorial Task Force	1122

APPENDIX

IDAHO STATE OFFICIAL DIRECTORY

ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS

Senator James E. Risch (R)
350 N. 9th St., Ste. 302
Boise, Idaho 83702

Senator Mike Crapo (R)
251 E. Front St., Ste. 205
Boise, Idaho 83702

REPRESENTATIVES IN CONGRESS

Walt Minnick (D), First District
33 Broadway, Ste. 251
Meridian, Idaho 83642

Mike Simpson (R), Second District
802 W. Bannock, Ste. 600
Boise, Idaho 83702

STATE ELECTED OFFICIALS

GOVERNOR C. L. "Butch" Otter (R)

LIEUTENANT GOVERNOR Brad Little (R)

SECRETARY OF STATE Ben Ysursa (R)

STATE CONTROLLER Donna Jones (R)

STATE TREASURER Ron G. Crane (R)

ATTORNEY GENERAL Lawrence Wasden (R)

SUPERINTENDENT OF PUBLIC INSTRUCTION Tom Luna (R)

700 W Jefferson St.
P.O. Box 83720
Boise, Idaho 83720-0054

LEGISLATORS BY DISTRICT

1 - BONNER & BOUNDARY COUNTIES

Shawn Keough (R) Senate 7th Term
P.O. Box 101, Sandpoint 83864
Home 263-1839
Email: skeough@senate.idaho.gov
Public Relations
VICE CHAIR-Finance/JFAC
Transportation
Spouse - Mike

Eric Anderson (R) House Seat A 3rd Term
33 Match Bay Rd., Priest Lake 83856-5049
Home 265-6316 FAX 443-1201
Email: eanderso@house.idaho.gov
General Contracting/Real Estate
VICE CHAIR-State Affairs
Environment, Energy & Technology; Legislative Council
Spouse - Nicky

George E. Eskridge (R) House Seat B 5th Term
P.O. Box 112, Dover 83825
Home 265-0123
Email: geskridg@house.idaho.gov
Real Estate
Appropriations/JFAC; Environment, Energy & Technology; Resources & Conservation
Spouse - Jenise

2 - BENEWAH, BONNER, KOOTENAI & SHOSHONE COUNTIES

Joyce M. Broadsword (R) Senate 3rd Term
590 Heath Lake Rd., Sagle 83860
Home 263-7735 Bus 263-3250
Email: jbroadsw@senate.idaho.gov
Business Owner, Log Home Company
VICE CHAIR-Health & Welfare
Finance/JFAC; Transportation
Spouse - John

Mary Lou Shepherd (D) House Seat A 6th Term
273 Crescent Dr., Wallace 83873
Home 682-4771 FAX 682-2319
Email: mshepher@house.idaho.gov
Retired Business Owner
State Affairs; Transportation & Defense
Spouse - James

R. J. "Dick" Harwood (R) House Seat B 5th Term
81527 Hwy. 3 South, St. Maries 83861
Home 245-4446
Email: dharwood@house.idaho.gov
Self-Employed Businesses
VICE CHAIR-Environment, Energy & Technology
Resources & Conservation; Revenue & Taxation
Spouse - Carole

3 - KOOTENAI COUNTY

Mike Jorgenson (R) Senate 3rd Term
2953 Point Hayden Dr., Hayden Lake 83835
Home 762-5514 Bus 762-7784 FAX 762-1485
Email: mnjorgen@senate.idaho.gov
Consultant
VICE CHAIR-Judiciary & Rules
Local Government & Taxation
Spouse - Cynthia

Jim Clark (R) House Seat A 7th Term
8798 N. Clarkview Pl., Hayden Lake 83835
Home 772-5992 FAX 772-7718
Email: jclark@house.idaho.gov
Retired
CHAIR-Judiciary, Rules & Administration
Local Government; Revenue & Taxation
Spouse - Vickie Parker-Clark

Phil Hart (R) House Seat B 3rd Term
P.O. Box 1988, Hayden 83835
Home 683-0456 Bus 772-2522 FAX 772-1881
Email: plhart@house.idaho.gov
Structural Engineer
VICE CHAIR-Transportation & Defense
Judiciary, Rules & Administration; Revenue & Taxation

4 - KOOTENAI COUNTY

John W. Goedde (R) Senate 5th Term
1010 E. Mullan, Unit 203, Coeur d'Alene 83814
Home 664-4652 Bus 664-9223 FAX 664-9336
Email: jgoedde@senate.idaho.gov
Property/Casualty Insurance Sales
CHAIR-Education
Commerce & Human Resources
Spouse - Terri

Marge Chadderdon (R) House Seat A 3rd Term
109 Lakeview Dr., Coeur d'Alene 83814
Home 769-9309 FAX 667-7920
Email: mchadder@house.idaho.gov
Co-owned Chain of Stores
Business; Education; Local Government

George C. Sayler (D) House Seat B 4th Term
1102 Ash Ave., Coeur d'Alene 83814
Home 664-2787 FAX 665-9704
Email: gsayler@house.idaho.gov
Retired Teacher
Health & Welfare; Resources & Conservation; Revenue & Taxation
Spouse - Kathleen

LEGISLATORS BY DISTRICT (Continued)

5 - KOOTENAI COUNTY

James C. "Jim" Hammond (R) Senate 2nd Term
 4757 W. Foothill Dr., Coeur d'Alene 83814
 Home 773-5748
 Email: jhammond@senate.idaho.gov
 Consultant Spouse - Cynthia
 VICE CHAIR-Transportation
 Finance/JFAC; Health & Welfare; Joint Legislative Oversight/JLOC

Bob Nonini (R) House Seat A 3rd Term
 5875 W. Harbor Dr., Coeur d'Alene 83814
 Home 765-1904 Bus 667-5762 FAX 667-5959
 Email: bnonini@house.idaho.gov
 Financial Consulting Spouse - Cathyanne
 CHAIR-Education
 Transportation & Defense

Frank N. Henderson (R) House Seat B 3rd Term
 362 S. Ponderosa Loop, Post Falls 83854
 Home 773-2269 FAX 446-0673
 Email: fhenders@house.idaho.gov
 Newspaper Publisher/Marketing Spouse - Betty Ann
 Executive (Retired)
 VICE CHAIR-Business
 Appropriations/JFAC; Local Government

6 - LATAH COUNTY

Gary J. Schroeder (R) Senate 9th Term
 1289 Highland, Moscow 83843
 Bus 882-0601 FAX 882-5715
 Email: gschroed@senate.idaho.gov
 Business Owner/Outdoor Writer
 CHAIR-Resources & Environment
 Agricultural Affairs; Education

Tom Trail (R) House Seat A 7th Term
 1375 Mountain View Rd., Moscow 83843
 Home 882-6077 Bus 882-6077 FAX 882-0896
 Email: ttrail@house.idaho.gov
 Education Consultant/Farmer Spouse - Jo Ann
 CHAIR-Agricultural Affairs
 Commerce & Human Resources; Education

Shirley G. Ringo (D) House Seat B 4th Term
 (Served 1 term, House 1999-2000)
 1021 Herrington Rd., Moscow 83843
 Home 883-1005 Bus 301-2272 FAX 883-1005
 Email: sringo@house.idaho.gov
 Retired Teacher Spouse - John A.
 Appropriations/JFAC; Commerce & Human Resources; Joint Legislative
 Oversight/JLOC; Transportation & Defense

7 - NEZ PERCE COUNTY

Joe Stegner (R) Senate 6th Term
 ASSISTANT MAJORITY LEADER
 216 Prospect Blvd., Lewiston 83501
 Home 743-3032 FAX 743-3032
 Email: jstegner@senate.idaho.gov
 Retired Grain Dealer Spouse - Deborah
 Commerce & Human Resources; Local Government & Taxation; State
 Affairs

Liz Chavez (D) House Seat A 2nd Term
 1521 15th Ave., Lewiston 83501
 Home 746-1169
 Email: lchavez@house.idaho.gov
 Retired Middle School Teacher Spouse - Jerry
 Agricultural Affairs; Education; Resources & Conservation

John Rusche (D) House Seat B 3rd Term
 MINORITY LEADER
 1405 27th Ave., Lewiston 83501
 Home 743-1339 FAX (866) 821-0184
 Email: jrusche@house.idaho.gov
 Physician Spouse - Kay
 Business; Health & Welfare; Legislative Council; Revenue & Taxation;
 Ways & Means

8 - CLEARWATER, IDAHO, LEWIS & VALLEY COUNTIES

Leland G. "Lee" Heinrich (R) Senate 2nd Term
 P.O. Box 1092, Cascade 83611
 Home 382-3244 Bus 271-6243
 Email: lheinrich@senate.idaho.gov
 Retired Spouse - Brenda
 VICE CHAIR-Local Government & Taxation
 Agricultural Affairs; Transportation

Ken A. Roberts (R) House Seat A 5th Term
 MAJORITY CAUCUS CHAIR
 P.O. Box 1177, Donnelly 83615
 Home 634-0050
 Email: kroberts@house.idaho.gov
 Farmer/Construction Contractor Spouse - Mary Jo
 Revenue & Taxation; Transportation & Defense; Ways & Means

Paul E. Shepherd (R) House Seat B 3rd Term
 P.O. Box 277, Riggins 83549
 Home 628-3695 Bus 628-3563 FAX 628-3695
 Email: pshepher@house.idaho.gov
 Partner/Manager, Shepherd Sawmill & Spouse - Dawn
 Log Homes Inc.
 VICE CHAIR-Resources & Conservation
 Education; Health & Welfare

LEGISLATORS BY DISTRICT (Continued)

9 - ADAMS, CANYON, PAYETTE & WASHINGTON COUNTIES

Monty J. Pearce (R) Senate 4th Term
 (Served 2 terms, House 1999-2002)
 2001 County Line Rd., New Plymouth 83655
 Home 278-5408
 Email: mpearce@senate.idaho.gov
 Rancher
 VICE CHAIR-State Affairs
 Education; Resources & Environment

Spouse - Merry

Lawrence Denney (R) House Seat A 7th Term
 SPEAKER OF THE HOUSE
 P.O. Box 114, Midvale 83645
 Home 355-2374 FAX 334-2491
 Email: ldenney@house.idaho.gov
 Farmer
 CO-CHAIR-Legislative Council

Spouse - Donna

Judy Boyle (R) House Seat B 1st Term
 P.O. Box 57, Midvale 83645
 Home 355-3225 Bus 631-2123 FAX 355-3225
 Email: jboyle@house.idaho.gov
 Rancher/Freelance Writer
 Health & Welfare; Resources & Conservation

10 - CANYON COUNTY

John McGee (R) Senate 3rd Term
 2607 Aspen Falls Ave., Caldwell 83605
 Home 459-8404 Bus 455-3950 FAX 455-3836
 Email: jmcgee@senate.idaho.gov
 Marketing Director, West Valley Medical Center
 CHAIR-Transportation
 Agricultural Affairs; Health & Welfare; Joint Legislative Oversight/JLOC;
 Legislative Council

Spouse - Hanna

Pat Takasugi (R) House Seat A 1st Term
 17777 Allendale Road, Wilder 83676-5893
 Home 337-3077 Bus 573-2882 FAX 337-3075
 Email: ptakasugi@house.idaho.gov
 Farmer/Partner, Snake River Produce Company
 Commerce & Human Resources; Environment, Energy & Technology

Spouse - Suzanne

Darrell Bolz (R) House Seat B 5th Term
 3412 College Ave., Caldwell 83605-6136
 Home 454-1334
 Email: dbolz@house.idaho.gov
 U of I Extension Professor Emeritus
 VICE CHAIR-Appropriations/JFAC
 Agricultural Affairs; Judiciary, Rules & Administration

Spouse - Carol

11 - CANYON & GEM COUNTIES

Melinda Smyser (R) Senate 1st Term
 26298 Lee Lane, Parma 83660
 Home 722-6658 FAX 332-1422
 Email: mmsmyser@senate.idaho.gov
 Safe & Drug Free School Program Coordinator
 Agricultural Affairs; Commerce & Human Resources; Health & Welfare

Spouse - Skip

Steven P. Thayne (R) House Seat A 2nd Term
 5655 Hillview Rd., Emmett 83617
 Home 365-6614 Bus 365-8656
 Email: sthayne@house.idaho.gov
 Teacher, Farmer
 Commerce & Human Resources; Education; Health & Welfare

Spouse - Sherry

Carlos Bilbao (R) House Seat B 3rd Term
 2062 Corral Rd., Emmett 83617
 Home 365-9438 Bus 284-0539
 Email: cbilbao@house.idaho.gov
 Retired Sr. Quality Manager, Boeing Company
 VICE CHAIR-Local Government
 Business; State Affairs

Spouse - Nancy

12 - CANYON COUNTY

Curt McKenzie (R) Senate 4th Term
 1004 W. Fort St., Boise 83702
 Bus 367-9400 FAX 947-0014
 Email: cmckenzi@senate.idaho.gov
 Attorney
 CHAIR-State Affairs
 Local Government & Taxation

Spouse - Renee

Robert E. Schaefer (R) House Seat A 13th Term
 P.O. Box 55, Nampa 83653
 Home 466-3636 Bus 466-3636
 Email: rschaefer@house.idaho.gov
 Architect
 CHAIR-Commerce & Human Resources
 Revenue & Taxation

Spouse - Betty

Gary E. Collins (R) House Seat B 5th Term
 2019 E. Massachusetts, Nampa 83686
 Home 466-5460
 Email: gcollins@house.idaho.gov
 Insurance Broker
 VICE CHAIR-Revenue & Taxation
 Business; Legislative Council; Local Government

Spouse - Ann

LEGISLATORS BY DISTRICT (Continued)

13 - CANYON COUNTY

Patti Anne Lodge (R) Senate 5th Term
 P.O. Box 96, Huston 83630
 Home 459-7158
 Email: palodge@senate.idaho.gov
 Business Owner/Media Educator Spouse - Edward J.
 (Retired)
 CHAIR-Health & Welfare
 Commerce & Human Resources; Judiciary & Rules; Legislative Council

Brent Crane (R) House Seat A 2nd Term
 P.O. Box 86, Nampa 83653
 Bus 466-0613 FAX 461-4815
 Email: bcrane@house.idaho.gov
 Vice President, Crane Alarm Service Spouse - Rochenda
 Business; State Affairs

Steve A. Kren (R) House Seat B 2nd Term
 3478 S. Windy Ridge Dr., Nampa 83686
 Home 461-5900
 Email: skren@house.idaho.gov
 Vice President, Stephen's Electric Spouse - Kalah
 Environment, Energy & Technology; Judiciary, Rules & Administration;
 State Affairs

14 - ADA COUNTY

Chuck Winder (R) Senate 1st Term
 5528 N. Ebbetts Ave., Boise 83713
 Home 853-9090 Bus 343-2300 FAX 389-2088
 Email: cwinder@senate.idaho.gov
 Businessman Spouse - Dianne
 VICE CHAIR-Agricultural Affairs
 Education; Transportation

Mike Moyle (R) House Seat A 6th Term
 MAJORITY LEADER
 480 N. Plummer Rd., Star 83669
 Home 286-7842 Bus 286-7842 FAX 286-9540
 Email: mmoyle@house.idaho.gov
 Agribusiness Spouse - Sue Ann
 Legislative Council; Resources & Conservation; Revenue & Taxation; Ways
 & Means

Raúl R. Labrador (R) House Seat B 2nd Term
 1846 W. Rush Rd., Eagle 83616
 Home 938-1286 Bus 465-9988 FAX 465-9893
 Email: rlabrador@house.idaho.gov
 Attorney Spouse - Rebecca
 Judiciary, Rules & Administration; State Affairs; Transportation & Defense

15 - ADA COUNTY

John C. Andreason (R) Senate 8th Term
 (Served 2 terms, Senate 1966-1970)
 5120 N. Mountain View Dr., Boise 83704
 Home 322-8558 FAX 376-0455
 Email: jandreas@senate.idaho.gov
 Retired Director, Legislative Budget Spouse - Darlene
 Office
 CHAIR-Commerce & Human Resources
 Education

Lynn M. Luker (R) House Seat A 2nd Term
 514 S. El Blanco Dr., Boise 83709
 Home 375-8254 Bus 343-0022 FAX 375-0501
 Email: lluker@house.idaho.gov
 Attorney Spouse - Helen
 Health & Welfare; Judiciary, Rules & Administration; State Affairs

Max C. Black (R) House Seat B 9th Term
 3731 Buckingham Dr., Boise 83704
 Home 375-2635 FAX 375-8250
 Email: mblack@house.idaho.gov
 Retired Insurance Spouse - Clydene
 CHAIR-Business
 State Affairs

16 - ADA COUNTY

Les Bock (D) Senate 1st Term
 (Served 1 term, House 2006-2008)
 MINORITY CAUCUS CHAIR
 950 W. Bannock St., Suite 1100, Boise 83702
 Bus 319-3526
 Email: lbock@senate.idaho.gov
 Attorney Spouse - Mary
 Agricultural Affairs; Health & Welfare; Judiciary & Rules; Legislative
 Council

Grant Burgoyne (D) House Seat A 1st Term
 2203 Mountain View Dr., Boise 83706
 Home 377-5729 Bus 345-2654 FAX 345-3319
 Email: gburgoyne@house.idaho.gov
 Attorney Spouse - Christy
 Judiciary, Rules & Administration; Local Government; Revenue & Taxation

Elfreda Higgins (D) House Seat B 1st Term
 8741 W. Atwater Dr., Garden City 83714
 Home 658-4594
 Email: ehiggins@house.idaho.gov
 Retired Spouse - Paul
 Commerce & Human Resources; Local Government; State Affairs

LEGISLATORS BY DISTRICT (Continued)

17 - ADA COUNTY

Elliot Werk (D) Senate 4th Term
 ASSISTANT MINORITY LEADER
 6810 Randolph Dr., Boise 83709
 Bus 658-0388
 Email: ewerk@senate.idaho.gov
 Spouse - Nancy Greenwald
 CO-CHAIR-Joint Legislative Oversight/JLOC
 Local Government & Taxation; Resources & Environment; Transportation

William M. "Bill" Killen (D) House Seat A 2nd Term
 MINORITY CAUCUS CHAIR
 734 S. Coral Pl., Boise 83705
 Home 345-2956
 Email: bkillen@house.idaho.gov
 Retired Attorney
 Agricultural Affairs; Judiciary, Rules & Administration; Revenue & Taxation; Ways & Means

Susan B. "Sue" Chew (D) House Seat B 2nd Term
 1304 Lincoln Ave., Boise 83706
 Home 344-0098
 Email: schew@house.idaho.gov
 Adjunct Biology Professor/Licensed Pharmacist
 Education; Health & Welfare

18 - ADA COUNTY

Kate Kelly (D) Senate 3rd Term
 MINORITY LEADER
 P.O. Box 654, Boise 83701
 Home 850-7217
 Email: kkelly@senate.idaho.gov
 Attorney
 Education; Judiciary & Rules; Legislative Council; State Affairs

Branden J. Durst (D) House Seat A 2nd Term
 P.O. Box 170117, Boise 83717
 Bus 891-2255
 Email: bdurst@house.idaho.gov
 Researcher
 Business; Education; Health & Welfare
 Spouse - Jaime

Phylis K. King (D) House Seat B 2nd Term
 2107 Palouse, Boise 83705
 Home 344-0202 Bus 344-0202
 Email: pking@house.idaho.gov
 Commercial Photographer
 Resources & Conservation; State Affairs; Transportation & Defense

19 - ADA COUNTY

Nicole LeFavour (D) Senate 1st Term
 (Served 2 terms, House 2005-2008)
 1210 N. 11th, Boise 83702
 Home 724-0468 Bus 724-0468
 Email: nlefavou@senate.idaho.gov
 Teacher/Nonprofit Organizer/Small Business Owner
 Partner - Carol Growhoski
 Commerce & Human Resources; Finance/JFAC; Health & Welfare; Legislative Council

Anne Pasley-Stuart (D) House Seat A 4th Term
 749 High Point Ln., Boise 83712
 Bus 424-0440
 Email: aps@house.idaho.gov
 President/CEO, Pasley-Stuart Consulting
 Spouse - Tom
 Commerce & Human Resources; Legislative Council; State Affairs

Brian Cronin (D) House Seat B 1st Term
 825 E. Jefferson St., Boise 83712
 Home 344-8849 Bus 429-8493
 Email: bcronin@house.idaho.gov
 Owner, Marketing/Communications Firm
 Spouse - Veronica
 Business; Environment, Energy & Technology

20 - ADA COUNTY

Shirley McKague (R) Senate 2nd Term
 (Served 5 terms, House 1997-2006)
 933 E. Pine, Meridian 83642
 Home 888-2842
 Email: smckague@senate.idaho.gov
 Retired, Family Service Station Business
 Spouse - Paul
 Judiciary & Rules; Local Government & Taxation

Joe Palmer (R) House Seat A 1st Term
 1523 W. 1st, Meridian 83642
 Bus 887-9488 FAX 884-0181
 Email: jpalmer@house.idaho.gov
 Self Employed
 Spouse - Leslie
 Business; Local Government; State Affairs

Marv Hagedorn (R) House Seat B 2nd Term
 5285 W. Ridgeside St., Meridian 83646
 Home 867-5643 FAX 887-9383
 Email: mhagedorn@house.idaho.gov
 Retired Naval Officer/CEO, International Trading Firm
 Spouse - Patty
 Resources & Conservation; Transportation & Defense

LEGISLATORS BY DISTRICT (Continued)

21 - ADA COUNTY

Russell M. Fulcher (R) Senate 3rd Term
 MAJORITY CAUCUS CHAIR
 P.O. Box 1166, Meridian 83680-1166
 Bus 332-1304 FAX 332-1422
 Email: rfulcher@senate.idaho.gov
 Commercial Real Estate Spouse - Kara
 Education; State Affairs

Rich Jarvis (R) House Seat A 1st Term
 5875 S. Linder Rd., Meridian 83642
 Home 888-7505 Bus 466-1234 FAX 465-0125
 Email: rjarvis@house.idaho.gov
 State Farm Insurance Agent Spouse - Mary
 Business; Transportation & Defense

Clifford R. Bayer (R) House Seat B 4th Term
 8020 W. Amity, Boise 83709
 Home 362-5058 FAX 362-5058
 Email: cbayer@house.idaho.gov
 Medical Research Scientist Spouse - Nicole
 CO-CHAIR-Joint Legislative Oversight/JLOC
 Appropriations/JFAC; Business; Local Government

22 - BOISE & ELMORE COUNTIES

Tim Corder (R) Senate 3rd Term
 357 S.E. Corder Dr., Mountain Home 83647
 Home 587-8562 Bus 599-0427 FAX 587-5871
 Email: tcorder@senate.idaho.gov
 Trucking Company Spouse - LaVonne
 CHAIR-Agricultural Affairs
 Local Government & Taxation; Transportation

Richard "Rich" Wills (R) House Seat A 4th Term
 P.O. Box 602, Glens Ferry 83623
 Home 366-7408 Bus 484-0403 FAX 366-2457
 Email: rwills@house.idaho.gov
 Business Owner, Opera Theatre/ Spouse - Connie
 Communications Consulting Business
 CHAIR-Ways & Means
 Education; Judiciary, Rules & Administration; Transportation & Defense

Pete Nielsen (R) House Seat B 4th Term
 4303 S.W. Easy St., Mountain Home 83647
 Home 832-4382 FAX 832-4013
 Email: pnielsen@house.idaho.gov
 Life & Health Insurance Agent Spouse - Connie
 VICE CHAIR-Health & Welfare
 Education; Judiciary, Rules & Administration

23 - OWYHEE & TWIN FALLS COUNTIES

Bert Brackett (R) Senate 1st Term
 (Served 2 terms, House 2005-2008)
 Flat Creek Ranch, Rogerson 83302
 Home 857-2217
 Email: bbrackett@senate.idaho.gov
 Rancher Spouse - Paula
 Finance/JFAC; Resources & Environment

Jim Patrick (R) House Seat A 2nd Term
 2231 E. 3200 N., Twin Falls 83301
 Home 733-6897 Bus 733-6897 FAX 734-8968
 Email: jpatrick@house.idaho.gov
 Farmer Spouse - Afton
 Agricultural Affairs; Appropriations/JFAC; Business;

Stephen Hartgen (R) House Seat B 1st Term
 1681 Wildflower Lane, Twin Falls 83301
 Home 733-5790 Bus 733-5790 FAX 733-5790
 Email: shartgen@house.idaho.gov
 Business Consultant/Economic Spouse - Linda
 Development
 Commerce & Human Resources; Education; Environment, Energy &
 Technology

24 - TWIN FALLS COUNTY

Charles H. Coiner (R) Senate 3rd Term
 528 Ballingrude Dr., Twin Falls 83301
 Home 734-1675 Bus 423-4015 FAX 423-9089
 Email: ccoiner@senate.idaho.gov
 Farmer Spouse - Carolyn
 VICE CHAIR-Commerce & Human Resources
 Health & Welfare; Resources & Environment

Leon E. Smith (R) House Seat A 6th Term
 1381 Galena Dr., Twin Falls 83301
 Home 733-0843 Bus 736-2006
 Email: lsmith@house.idaho.gov
 Lawyer/Mediator Spouse - Janice Mittleider-Smith
 VICE CHAIR-Judiciary, Rules & Administration
 Revenue & Taxation; Transportation & Defense

Sharon L. Block (R) House Seat B 5th Term
 1093 Lakewood Dr., Twin Falls 83301
 Home 734-6360 FAX 736-7187
 Email: sblock@house.idaho.gov
 Property Mgr./Former Teacher Spouse - D.W. "Bill"
 CHAIR-Health & Welfare
 Education

LEGISLATORS BY DISTRICT (Continued)

25 - BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

Clint Stennett (D) Senate 8th Term
 (Served 2 terms, House 1991-1994)
 P.O. Box 475, Ketchum 83340
 Home 726-8106 FAX 726-8106
 Email: cstennet@senate.idaho.gov
 Entrepreneur Spouse - Michelle
 Resources & Environment; State Affairs
 * (2009 session substitute: Jon Thorson)

Wendy Jaquet (D) House Seat A 8th Term
 P.O. Box 783, Ketchum 83340
 Home 726-3100 FAX 334-2133
 Email: wjaquet@house.idaho.gov
 Conference Tour Guide Spouse - Jim
 Appropriations/JFAC; Environment, Energy & Technology; Judiciary, Rules
 & Administration

Donna L. Pence (D) House Seat B 3rd Term
 1960 U.S. Highway 26, Gooding 83330
 Home 934-5302 FAX 934-5302
 Email: dpence@house.idaho.gov
 Retired Teacher/Tree Farmer Spouse - Lew
 Agricultural Affairs; Education; Legislative Council; Resources &
 Conservation

26 - JEROME & MINIDOKA COUNTIES

Dean L. Cameron (R) Senate 10th Term
 1101 Ruby Dr., Rupert 83350
 Home 436-5624 Bus 436-4424 FAX 436-3776
 Email: dcameron@senate.idaho.gov
 Owner, Insurance & Investment Agency Spouse - Linda
 CHAIR-Finance
 CO-CHAIR-JFAC
 Commerce & Human Resources; Resources & Environment

John A. "Bert" Stevenson (R) House Seat A 7th Term
 1099 N. 400 W., Rupert 83350
 Home 532-4524 FAX 532-4720
 Email: jstevens@house.idaho.gov
 Semi-retired Farmer Spouse - Elaine
 CHAIR-Resources & Conservation
 Agricultural Affairs; State Affairs

Maxine T. Bell (R) House Seat B 11th Term
 194 S. 300 E., Jerome 83338
 Home 324-4296
 Email: mbell@house.idaho.gov
 Retired Farmer/Retired School Librarian Spouse - H. Jack
 CHAIR-Appropriations
 CO-CHAIR-JFAC
 Joint Legislative Oversight/JLOC; Resources & Conservation

27 - BINGHAM, CASSIA, ONEIDA & POWER COUNTIES

Denton Darrington (R) Senate 14th Term
 302 S. Hwy. 77, Declo 83323
 Home 654-2712
 Email: ddarring@senate.idaho.gov
 Farmer/Teacher Spouse - Virgene
 CHAIR-Judiciary & Rules
 Health & Welfare; State Affairs

Scott Bedke (R) House Seat A 5th Term
 ASSISTANT MAJORITY LEADER
 P.O. Box 89, Oakley 83346
 Home 862-3619 FAX 862-3688
 Email: sbedke@house.idaho.gov
 Rancher Spouse - Sarah
 Resources & Conservation; Revenue & Taxation; Transportation & Defense;
 Ways & Means

Fred Wood (R) House Seat B 2nd Term
 P.O. Box 1207, Burley 83318-0828
 Home 312-1056 FAX 677-3136
 Email: fwood@house.idaho.gov
 Physician/Medical Director, Cassia Spouse - Amy
 Regional Medical Center
 Appropriations/JFAC; Health & Welfare; Resources & Conservation

28 - BINGHAM COUNTY

Steve Bair (R) Senate 2nd Term
 947 W. 200 S., Blackfoot 83221
 Home 684-5209 FAX 684-5209
 Email: sbair@senate.idaho.gov
 Retired Farmer Spouse - Lori Kae
 VICE CHAIR-Resources & Environment
 Finance/JFAC;

Dennis M. Lake (R) House Seat A 7th Term
 830 Taber Rd., Blackfoot 83221
 Home 684-4967
 Email: dlake@house.idaho.gov
 Agribusiness Spouse - Luann
 CHAIR-Revenue & Taxation
 Agricultural Affairs; Commerce & Human Resources

Jim Marriott (R) House Seat B 2nd Term
 799 W. 200 S., Blackfoot 83221
 Home 684-4863
 Email: jmarriott@house.idaho.gov
 Retired Medical Business Administrator/ Spouse - Colleen
 Small Cattle Operation
 VICE CHAIR-Commerce & Human Resources
 Education; Health & Welfare

LEGISLATORS BY DISTRICT (Continued)

29 - BANNOCK COUNTY

Diane Bilyeu (D) Senate 2nd Term
 (Served 1 term, Senate 1969-1970)
 11076 N. Philbin, Pocatello 83202
 Home 237-3158
 Email: dbilyeu@senate.idaho.gov
 Retired Spouse - Chick (deceased)
 Finance/JFAC; Local Government & Taxation; Transportation

Ken Andrus (R) House Seat A 3rd Term
 6948 E. Old Oregon Trail Rd., Lava Hot Springs 83246
 Home 776-5380
 Email: kandrus@house.idaho.gov
 Cattle & Sheep Rancher Spouse - Colleen
 VICE CHAIR-Agricultural Affairs
 Resources & Conservation; State Affairs

James D. Ruchti (D) House Seat B 2nd Term
 ASSISTANT MINORITY LEADER
 5100 Pinyon Rd., Pocatello 83204
 Home 233-6619 Bus 235-1145
 Email: jruchti@house.idaho.gov
 Attorney Spouse - Wendy
 Revenue & Taxation; Transportation & Defense; Ways & Means

30 - BANNOCK COUNTY

Edgar J. Malepeai (D) Senate 4th Term
 585 S. 19th, Pocatello 83201
 Home 232-2038 Bus 237-1300 FAX 237-1350
 Email: emalepea@senate.idaho.gov
 Teacher Spouse - Brenda K. (deceased)
 Agricultural Affairs; Commerce & Human Resources; Education; Joint
 Legislative Oversight/JLOC
 * (2009 session substitute: Richard Sagness)

Donna H. Boe (D) House Seat A 7th Term
 226 S. 16th, Pocatello 83201
 Home 233-5651 FAX 234-4223
 Email: dboe@house.idaho.gov
 Retired Spouse - Roger
 Education; Joint Legislative Oversight/JLOC; Judiciary, Rules &
 Administration; Local Government

Elaine Smith (D) House Seat B 5th Term
 3759 Heron Ave., Pocatello 83201
 Home 237-1462 Bus 235-3231 FAX 235-3280
 Email: esmith@house.idaho.gov
 Volunteer Services Coordinator, School Spouse - Rich
 District #25
 Business; Environment, Energy & Technology; State Affairs

31 - BEAR LAKE, BONNEVILLE, CARIBOU, FRANKLIN & TETON COUNTIES

Robert L. Geddes (R) Senate 8th Term
 PRESIDENT PRO TEMPORE
 240 E. 3rd N., Soda Springs 83276
 Home 547-2423
 Statehouse: Ph 332-1300 FAX 334-2320
 Email: rlgeddes@senate.idaho.gov
 Environmental Engineer Spouse - Tammy
 CO-CHAIR-Legislative Council
 State Affairs

Marc Gibbs (R) House Seat A 1st Term
 632 Highway 34, Grace 83241
 Home 425-3385 FAX 425-3329
 Email: mgibbs@house.idaho.gov
 Farmer Spouse - Bonne
 Business; Education; Health & Welfare

Thomas F. Loertscher (R) House Seat B 3rd Term
 (Served 8 terms, House 1987-2002)
 1357 Bone Rd., Iona 83427
 Home 522-3072 FAX 522-1141
 Email: tloertsch@house.idaho.gov
 Farmer/Rancher Spouse - Linda
 CHAIR-State Affairs
 Health & Welfare

32 - BONNEVILLE COUNTY

Dean M. Mortimer (R) Senate 1st Term
 (Served 1 term, House 2007-2008)
 7403 S. 1st E., Idaho Falls 83404
 Home 528-6377 Bus 524-9000 FAX 524-9999
 Email: dmortimer@senate.idaho.gov
 Builder/Developer Spouse - Judy
 VICE CHAIR-Education
 Finance/JFAC; Judiciary & Rules

Janice K. McGeachin (R) House Seat A 4th Term
 6121 N. 5th W., Idaho Falls 83401
 Bus 523-1718 FAX 529-9936
 Email: jmcgeach@house.idaho.gov
 Business Owner Spouse - James J.
 Appropriations/JFAC; Health & Welfare; Judiciary, Rules & Administration

Erik Simpson (R) House Seat B 1st Term
 6117 N. 5th W., Idaho Falls 83401
 Home 542-5447 Bus 360-0426 FAX 542-5447
 Email: esimpson@house.idaho.gov
 Communications/Public Involvement Spouse - Fawn
 Specialist
 Commerce & Human Resources; Environment, Energy & Technology; State
 Affairs

LEGISLATORS BY DISTRICT (Continued)

33 - BONNEVILLE COUNTY

Bart M. Davis (R) Senate 6th Term
 MAJORITY LEADER
 2638 Bellin Circle, Idaho Falls 83402
 Home 529-4993 Bus 522-8100 FAX 522-1334
 Email: bmdavis@senate.idaho.gov
 Attorney Spouse - Marion
 Judiciary & Rules; Legislative Council; State Affairs

35 - BUTTE, CLARK, CUSTER, FREMONT, JEFFERSON & LEMHI
 COUNTIES
Jeff C. Siddoway (R) Senate 2nd Term
 1764 E. 1200 N., Terreton 83450
 Home 663-4585 FAX 663-4428
 Email: jsiddoway@senate.idaho.gov
 Rancher Spouse - Cindy
 Finance/JFAC; Resources & Environment

Jeff Thompson (R) House Seat A 1st Term
 1739 Peggy's Lane, Idaho Falls 83402
 Home 524-7367 Bus 681-4310 FAX 524-7367
 Email: jthompson@house.idaho.gov
 Businessman/Educator Spouse - Chanin
 Business; Education; Health & Welfare

JoAn E. Wood (R) House Seat A 14th Term
 3778 E. 500 N., Rigby 83442
 Home 745-7846 FAX 745-8420
 Email: jawood@house.idaho.gov
 Partner, Ranch/Farm Spouse - Tom (deceased)
 CHAIR-Transportation & Defense
 Resources & Conservation; Revenue & Taxation

Russ Mathews (R) House Seat B 3rd Term
 2583 Genevieve Way, Idaho Falls 83402
 Home 528-7893
 Email: rmathews@house.idaho.gov
 Business Consultant Spouse - Virginia
 Business; State Affairs; Transportation & Defense

Lenore Hardy Barrett (R) House Seat B 9th Term
 P.O. Box 347, Challis 83226
 Home 879-2797 FAX 879-4257
 Email: lbarrett@house.idaho.gov
 Mining/Investments Spouse - Robert
 CHAIR-Local Government
 Resources & Conservation; Revenue & Taxation

34 - FREMONT & MADISON COUNTIES

Brent Hill (R) Senate 5th Term
 1010 S. 2nd E., Rexburg 83440
 Home 356-7495 Bus 356-3677 FAX 356-3689
 Email: bhill@senate.idaho.gov
 Certified Public Accountant Spouse - Julie
 CHAIR-Local Government & Taxation
 Agricultural Affairs; Judiciary & Rules

Mack G. Shirley (R) House Seat A 4th Term
 443 W. Moran View, Rexburg 83440-5177
 Home 356-3831
 Email: mshirley@house.idaho.gov
 Retired College Administrator Spouse - Shanna
 VICE CHAIR-Education
 Agricultural Affairs; Judiciary, Rules & Administration

Dell Raybould (R) House Seat B 5th Term
 3215 N. 2000 W., Rexburg 83440
 Home 356-6837 Bus 356-6837
 Email: drayboul@house.idaho.gov
 Farmer/Businessman Spouse - Vera
 CHAIR-Environment, Energy & Technology
 Resources & Conservation; Revenue & Taxation

