GENERAL LAWS

OF THE

STATE OF IDAHO

PASSED BY
THE SECOND REGULAR SESSION OF THE
FIFTY-EIGHTH IDAHO LEGISLATURE

Convened January 9, 2006
Adjourned April 11, 2006

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 258
(S.B. No. 1374)

AN ACT

RELATING TO PERSONAL AND FINANCIAL INFORMATION ON COMPUTERIZED DATABASES; AMENDING PART 1, CHAPTER 51, TITLE 28, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 28-51-104, 28-51-105, 28-51-106 AND 28-51-107, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR DISCLOSURE OF BREACH OF SECURITY OF COMPUTERIZED PERSONAL INFORMATION BY AN AGENCY, INDIVIDUAL OR A COMMERCIAL ENTITY, TO PROVIDE PROCEDURES DEEMED IN COMPLIANCE WITH SECURITY BREACH REQUIREMENTS AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

SECTION 1. That Part 1, Chapter 51, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 28-51-104, 28-51-105, 28-51-106 and 28-51-107, Idaho Code, and to read as follows:

28-51-104. DEFINITIONS. For purposes of sections 28-51-104 through 28-51-107, Idaho Code:

(1) "Agency" means any "public agency" as defined in section 9-337, Idaho Code.

(2) "Breach of the security of the system" means the illegal acquisition of unencrypted computerized data that materially compromises the security, confidentiality, or integrity of personal information for one (1) or more persons maintained by an agency, individual or a commercial entity. Good faith acquisition of personal information by an employee or agent of an agency, individual or a commercial entity for the purposes of the agency, individual or the commercial entity is not a breach of the security of the system, provided that the personal information is not used or subject to further unauthorized disclosure.

(3) "Commercial entity" includes corporation, business trust, estate, trust, partnership, limited partnership, limited liability partnership, limited liability company, association, organization, joint venture and any other legal entity, whether for profit or not-for-profit.

(4) "Notice" means:

(a) Written notice to the most recent address the agency, individual or commercial entity has in its records;

(b) Telephonic notice;

(c) Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 U.S.C. section 7001; or

(d) Substitute notice, if the agency, individual or the commercial entity required to provide notice demonstrates that the cost of providing notice will exceed twenty-five thousand dollars ($25,000), or that the number of Idaho residents to be notified exceeds fifty thousand (50,000), or that the agency, individual or the commercial entity does not have sufficient contact information to provide notice. Substitute notice consists of all of the following:

(i) E-mail notice if the agency, individual or the commercial entity has e-mail addresses for the affected Idaho residents; and

(ii) Conspicuous posting of the notice on the website page of the agency, individual or the commercial entity if the agency, individual or the commercial entity maintains one; and

(iii) Notice to major statewide media.

(5) "Personal information" means an Idaho resident's first name or first initial and last name in combination with any one (1) or more of the following data elements that relate to the resident, when either the name or the data elements are not encrypted:

(a) Social security number;

(b) Driver's license number or Idaho identification card number; or

(c) Account number, or credit or debit card number, in combination with any required security code, access code, or password that would permit access to a resident's financial account.

The term "personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or widely distributed media.

(6) "Primary regulator" of a commercial entity or individual licensed or chartered by the United States is that commercial entity's or individual's primary federal regulator, the primary regulator of a commercial entity or individual licensed by the department of finance is the department of finance, the primary regulator of a commercial entity or individual licensed by the department of insurance is the department of insurance and, for all agencies and all other commercial entities or individuals, the primary regulator is the attorney general.

28-51-105. DISCLOSURE OF BREACH OF SECURITY OF COMPUTERIZED PERSONAL INFORMATION BY AN AGENCY, INDIVIDUAL OR A COMMERCIAL ENTITY. (1) An agency, individual or a commercial entity that conducts business in Idaho and that owns or licenses computerized data that includes personal information about a resident of Idaho shall, when it becomes aware of a breach of the security of the system, conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information has been or will be misused. If the investigation determines that the misuse of information about an Idaho resident has occurred or is reasonably likely to occur, the agency, individual or the commercial entity shall give notice as soon as possible to the affected Idaho resident. Notice must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement and consistent with any measures necessary to determine the scope of the breach, to identify the individuals affected, and to restore the reasonable integrity of the computerized data system.

(2) An agency, individual or a commercial entity that maintains computerized data that includes personal information that the agency, individual or the commercial entity does not own or license shall give notice to and cooperate with the owner or licensee of the information of any breach of the security of the system immediately following discovery of a breach, if misuse of personal information about an Idaho resident occurred or is reasonably likely to occur. Cooperation includes sharing with the owner or licensee information relevant to the breach.

(3) Notice required by this section may be delayed if a law enforcement agency advises the agency, individual or commercial entity

that the notice will impede a criminal investigation. Notice required by this section must be made in good faith, without unreasonable delay and as soon as possible after the law enforcement agency advises the agency, individual or commercial entity that notification will no longer impede the investigation.

28-51-106. PROCEDURES DEEMED IN COMPLIANCE WITH SECURITY BREACH REQUIREMENTS. (1) An agency, individual or a commercial entity that maintains its own notice procedures as part of an information security policy for the treatment of personal information, and whose procedures are otherwise consistent with the timing requirements of section 28-51-105, Idaho Code, is deemed to be in compliance with the notice requirements of section 28-51-105, Idaho Code, if the agency, individual or the commercial entity notifies affected Idaho residents in accordance with its policies in the event of a breach of security of the system.

(2) An individual or a commercial entity that is regulated by state or federal law and that maintains procedures for a breach of the security of the system pursuant to the laws, rules, regulations, guidances, or guidelines established by its primary or functional state or federal regulator is deemed to be in compliance with section 28-51-105, Idaho Code, if the individual or the commercial entity complies with the maintained procedures when a breach of the security of the system occurs.

28-51-107. VIOLATIONS. In any case in which an agency's, commercial entity's or individual's primary regulator has reason to believe that an agency, individual or commercial entity subject to that primary regulator's jurisdiction under section 28-51-104(6), Idaho Code, has violated section 28-51-105, Idaho Code, by failing to give notice in accordance with that section, the primary regulator may bring a civil action to enforce compliance with that section and enjoin that agency, individual or commercial entity from further violations. Any agency, individual or commercial entity that intentionally fails to give notice in accordance with section 28-51-105, Idaho Code, shall be subject to a fine of not more than twenty-five thousand dollars ($25,000) per breach of the security of the system.

Approved March 30, 2006.

CHAPTER 259
(S.B. No. 1379)

AN ACT

RELATING TO THE SCHOOL LUNCH PROGRAM; AMENDING SECTION 33-1015, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT EMPLOYER PAID CONTRIBUTIONS TO THE IDAHO PUBLIC EMPLOYEE RETIREMENT SYSTEM FOR SCHOOL LUNCH PERSONNEL BE PAID FROM FUNDS RECEIVED BY SCHOOL DISTRICTS FROM GENERAL ACCOUNT APPROPRIATIONS.

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

SECTION 1. That Section 33-1015, Idaho Code, be, and the same is hereby amended to read as follows:

33-1015. STATE REVENUE MATCHING UNDER THE NATIONAL SCHOOL LUNCH ACT. In school districts where personnel are employed to operate a school lunch program partially funded under provisions of the national school lunch act, all employer paid contributions to the social security administration ~~and Idaho's public employee retirement system~~ for school lunch personnel shall be paid from funds received by school districts from the state general account appropriation for public school support.

Approved March 30, 2006.

CHAPTER 260
(S.B. No. 1395, As Amended)

AN ACT

RELATING TO THE EXPERIENCE FACTOR FOR PUBLIC SCHOOL TEACHERS; AMENDING SECTION 33-1004A, IDAHO CODE, TO PROVIDE THAT BEGINNING IN THE 2005-06 SCHOOL YEAR AND THEREAFTER ACTUAL YEARS OF TEACHING OR ADMINISTRATIVE SERVICE IN AN ACCREDITED COLLEGE OR UNIVERSITY SHALL COUNT IN DETERMINING THE EXPERIENCE FACTOR FOR PUBLIC SCHOOL TEACHERS.

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:

EXPERIENCE AND EDUCATION

Years	BA	BA + 12	BA + 24	MA BA + 36	MA + 12 BA + 48	MA + 24 BA + 60	MA + 36 ES/DR
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 an accredited public school, ~~or~~ 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.

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 initial 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.

Approved March 30, 2006.

CHAPTER 261
(S.B. No. 1397)

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING SUBSTANCES; AMENDING SECTION 18-8002, IDAHO CODE, TO INCREASE PENALTIES AND TO INCREASE THE PERIOD OF TIME APPLICABLE TO REPEAT REFUSALS TO EVIDENTIARY TESTING; AMENDING SECTION 18-8002A, IDAHO CODE, TO REVISE INFORMATION TO BE GIVEN TO PERSONS SUBJECT TO EVIDENTIARY TESTING; AMENDING SECTION 18-8005, IDAHO CODE, TO PROVIDE CLARIFYING LANGUAGE, TO INCREASE THE PERIOD OF TIME APPLICABLE TO REPEAT VIOLATIONS AND TO INCREASE PENALTIES; AND AMENDING SECTION 18-8006, IDAHO CODE, TO INCREASE A PENALTY.

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

SECTION 1. That Section 18-8002, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002. TESTS OF DRIVER FOR ALCOHOL CONCENTRATION, PRESENCE OF DRUGS OR OTHER INTOXICATING SUBSTANCES -- SUSPENSION UPON REFUSAL OF TESTS. (1) Any person who drives or is in actual physical control of a motor vehicle in this state shall be deemed to have given his consent to evidentiary testing for concentration of alcohol as defined in section 18-8004, Idaho Code, and to have given his consent to evidentiary test-

ing for the presence of drugs or other intoxicating substances, provided that such testing is administered at the request of a peace officer having reasonable grounds to believe that person has been driving or in actual physical control of a motor vehicle in violation of the provisions of section 18-8004, Idaho Code, or section 18-8006, Idaho Code.

(2) Such person shall not have the right to consult with an attorney before submitting to such evidentiary testing.

(3) At the time evidentiary testing for concentration of alcohol, or for the presence of drugs or other intoxicating substances is requested, the person shall be informed that if he refuses to submit to or if he fails to complete, evidentiary testing:

(a) His driver's license will be seized by the peace officer and a temporary permit will be issued; provided, however, that no peace officer shall issue a temporary permit pursuant to this section to a driver whose driver's license or permit has already been and is suspended or revoked because of previous violations, and in no instance shall a temporary permit be issued to a driver of a commercial vehicle who refuses to submit to or fails to complete an evidentiary test;

(b) He has the right to request a hearing within seven (7) days to show cause why he refused to submit to, or complete evidentiary testing;

(c) If he does not request a hearing or does not prevail at the hearing, his driver's license will be suspended absolutely for one ~~hundred--eighty-(180)-days~~ year if this is his first refusal and ~~one~~ two (~~1~~2) years if this is his second refusal within ~~five~~ ten (~~5~~10) years; and

(d) After submitting to evidentiary testing he may, when practicable, at his own expense, have additional tests made by a person of his own choosing.

(4) If the motorist refuses to submit to or complete evidentiary testing after the information has been given in accordance with subsection (3) above:

(a) His driver's license or permit shall be seized by the peace officer and forwarded to the court and a temporary permit shall be issued by the peace officer which allows him to operate a motor vehicle until the date of his hearing, if a hearing is requested, but in no event for more than thirty (30) days; provided, however, that no peace officer shall issue a temporary permit pursuant to this section to a driver whose driver's license or permit has already been and is suspended or revoked because of previous violations and in no instance shall a temporary permit be issued to a driver of a commercial vehicle who refuses to submit to or fails to complete an evidentiary test;

(b) A written request may be made within seven (7) calendar days for a hearing before the court; if requested, the hearing must be held within thirty (30) days of the seizure unless this period is, for good cause shown, extended by the court for one (1) additional thirty (30) day period. The court, in granting such an extension, may, for good cause shown, extend the defendant's temporary driving privileges for one (1) additional thirty (30) day period. The hearing shall be limited to the question of why the defendant did not submit to, or complete, evidentiary testing, and the burden of proof shall be upon the defendant; the court shall suspend all his driving

privileges immediately for one ~~hundred eighty (180) days~~ year for a first refusal and ~~one~~ two (~~1~~2) years for a second refusal within ~~five~~ ten (~~5~~10) years unless it finds that the peace officer did not have legal cause to stop and request him to take the test or that the request violated his civil rights;

(c) If a hearing is not requested by written notice to the court concerned within seven (7) calendar days, upon receipt of a sworn statement by the peace officer of the circumstances of the refusal, the court shall suspend his driving privileges for one ~~hundred eighty (180) days~~ year for a first refusal and ~~one~~ two (~~1~~2) years for a second refusal within ~~five~~ ten (~~5~~10) years, during which time he shall have absolutely no driving privileges of any kind; and

(d) After submitting to evidentiary testing at the request of the peace officer, he may, when practicable, at his own expense, have additional tests made by a person of his own choosing. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission of results of evidentiary testing for alcohol concentration or for the presence of drugs or other intoxicating substances taken at the direction of the peace officer unless the additional test was denied by the peace officer.

(5) Any suspension of driving privileges under this section or section 18-8002A, Idaho Code, shall be a civil penalty separate and apart from any other suspension imposed for a violation of other Idaho motor vehicle codes or for a conviction of an offense pursuant to this chapter, and may be appealed to the district court.

(6) No hospital, hospital officer, agent, or employee, or health care professional licensed by the state of Idaho, whether or not such person has privileges to practice in the hospital in which a body fluid sample is obtained or an evidentiary test is made, shall incur any civil or criminal liability for any act arising out of administering an evidentiary test for alcohol concentration or for the presence of drugs or other intoxicating substances at the request or order of a peace officer in the manner described in this section and section 18-8002A, Idaho Code: provided, that nothing in this section shall relieve any such person or legal entity from civil liability arising from the failure to exercise the community standard of care.

(a) This immunity extends to any person who assists any individual to withdraw a blood sample for evidentiary testing at the request or order of a peace officer, which individual is authorized to withdraw a blood sample under the provisions of section 18-8003, Idaho Code, regardless of the location where the blood sample is actually withdrawn.

(b) A peace officer is empowered to order an individual authorized in section 18-8003, Idaho Code, to withdraw a blood sample for evidentiary testing when the peace officer has probable cause to believe that the suspect has committed any of the following offenses:

(i) Aggravated driving under the influence of alcohol, drugs or other intoxicating substance as provided in section 18-8006, Idaho Code;

(ii) Vehicular manslaughter as provided in subsections (3)(a), (b) and (c) of section 18-4006, Idaho Code;

(iii) Aggravated operating of a vessel on the waters of the state while under the influence of alcohol, drugs or other

intoxicating substances as provided in section 67-7035, Idaho Code; or

(iv) Any criminal homicide involving a vessel on the waters of the state while under the influence of alcohol, drugs or other intoxicating substances.

(c) Nothing herein shall limit the discretion of the hospital administration to designate the qualified hospital employee responsible to withdraw the blood sample.

(d) The law enforcement agency that requests or orders withdrawal of the blood sample shall pay the reasonable costs to withdraw such blood sample, perform laboratory analysis, preserve evidentiary test results, and testify in judicial proceedings.

(e) The withdrawal of the blood sample may be delayed or terminated if:

(i) In the reasonable judgment of the hospital personnel withdrawal of the blood sample may result in serious bodily injury to hospital personnel or other patients; or

(ii) The licensed health care professional treating the suspect believes the withdrawal of the blood sample is contraindicated because of the medical condition of the suspect or other patients.

(7) "Actual physical control" as used in this section and section 18-8002A, Idaho Code, shall be defined as being in the driver's position of the motor vehicle with the motor running or with the motor vehicle moving.

(8) Any written notice required by this section shall be effective upon mailing.

(9) For the purposes of this section and section 18-8002A, Idaho Code, "evidentiary testing" shall mean a procedure or test or series of procedures or tests, including the additional test authorized in subsection (10) of this section, utilized to determine the concentration of alcohol or the presence of drugs or other intoxicating substances in a person.

(10) A person who submits to a breath test for alcohol concentration, as defined in subsection (4) of section 18-8004, Idaho Code, may also be requested to submit to a second evidentiary test of blood or urine for the purpose of determining the presence of drugs or other intoxicating substances if the peace officer has reasonable cause to believe that a person was driving under the influence of any drug or intoxicating substance or the combined influence of alcohol and any drug or intoxicating substance. The peace officer shall state in his or her report the facts upon which that belief is based.

SECTION 2. That Section 18-8002A, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002A. TESTS OF DRIVER FOR ALCOHOL CONCENTRATION, PRESENCE OF DRUGS OR OTHER INTOXICATING SUBSTANCES -- SUSPENSION UPON FAILURE OF TESTS. (1) Definitions. As used in this section:

(a) "Actual physical control" means being in the driver's position of a motor vehicle with the motor running or with the vehicle moving.

(b) "Administrative hearing" means a hearing conducted by a hearing officer to determine whether a suspension imposed by the provisions

of this section should be vacated or sustained.

(c) "Department" means the Idaho transportation department and, as the context requires, shall be construed to include any agent of the department designated by rule as hereinafter provided.

(d) "Director" means the director of the Idaho transportation department.

(e) "Evidentiary testing" means a procedure or test or series of procedures or tests utilized to determine the concentration of alcohol or the presence of drugs or other intoxicating substances in a person, including additional testing authorized by subsection (6) of this section. An evidentiary test for alcohol concentration shall be based on a formula of grams of alcohol per one hundred (100) cubic centimeters of blood, per two hundred ten (210) liters of breath, or sixty-seven (67) milliliters of urine. Analysis of blood, breath or urine for the purpose of determining alcohol concentration shall be performed by a laboratory operated by the Idaho state police or by a laboratory approved by the Idaho state police under the provisions of approval and certification standards to be set by the Idaho state police, or by any other method approved by the Idaho state police. Notwithstanding any other provision of law or rule of court, the results of any test for alcohol concentration and records relating to calibration, approval, certification or quality control performed by a laboratory operated and approved by the Idaho state police or by any other method approved by the Idaho state police shall be admissible in any proceeding in this state without the necessity of producing a witness to establish the reliability of the testing procedure for examination.

(f) "Hearing officer" means a person designated by the department to conduct administrative hearings. The hearing officer shall have authority to administer oaths, examine witnesses and take testimony, receive relevant evidence, issue subpoenas, regulate the course and conduct of the hearing and make a final ruling on the issues before him.

(g) "Hearing request" means a request for an administrative hearing on the suspension imposed by the provisions of this section.

(2) Information to be given. At the time of evidentiary testing for concentration of alcohol, or for the presence of drugs or other intoxicating substances is requested, the person shall be informed that if the person refuses to submit to or fails to complete evidentiary testing, or if the person submits to and completes evidentiary testing and the test results indicate an alcohol concentration or the presence of drugs or other intoxicating substances in violation of section 18-8004, 18-8004C or 18-8006, Idaho Code, the person shall be informed substantially as follows (but need not be informed verbatim):

If you refuse to submit to or if you fail to complete and pass evidentiary testing for alcohol or other intoxicating substances:

(a) The peace officer will seize your driver's license and issue a notice of suspension and a temporary driving permit to you, but no peace officer will issue you a temporary driving permit if your driver's license or permit has already been and is suspended or revoked. No peace officer shall issue a temporary driving permit to a driver of a commercial vehicle who refuses to submit to or fails to complete and pass an evidentiary test;

(b) You have the right to request a hearing within seven (7) days

of the notice of suspension of your driver's license to show cause why you refused to submit to or to complete and pass evidentiary testing and why your driver's license should not be suspended;

(c) If you refused or failed to complete evidentiary testing and do not request a hearing before the court or do not prevail at the hearing, your driver's license will be suspended. The suspension will be for one ~~hundred eighty (180) days~~ year if this is your first refusal. The suspension will be for ~~one~~ two (~~1~~2) years if this is your second refusal within ~~five~~ ten (~~5~~10) years. You will not be able to obtain a temporary restricted license during that period; and

(d) If you complete evidentiary testing and fail the testing and do not request a hearing before the department or do not prevail at the hearing, your driver's license will be suspended. This suspension will be for ninety (90) days if this is your first failure of evidentiary testing, but you may request restricted noncommercial vehicle driving privileges after the first thirty (30) days. The suspension will be for one (1) year if this is your second failure of evidentiary testing within five (5) years. You will not be able to obtain a temporary restricted license during that period;

(e) After submitting to evidentiary testing you may, when practicable, at your own expense, have additional tests made by a person of your own choosing.

(3) Rulemaking authority of the Idaho state police. The Idaho state police may, pursuant to chapter 52, title 67, Idaho Code, prescribe by rule:

(a) What testing is required to complete evidentiary testing under this section; and

(b) What calibration or checking of testing equipment must be performed to comply with the department's requirements. Any rules of the Idaho state police shall be in accordance with the following: a test for alcohol concentration in breath as defined in section 18-8004, Idaho Code, and subsection (1)(e) of this section will be valid for the purposes of this section if the breath alcohol testing instrument was approved for testing by the Idaho state police in accordance with section 18-8004, Idaho Code, at any time within ninety (90) days before the evidentiary testing. A test for alcohol concentration in blood or urine as defined in section 18-8004, Idaho Code, that is reported by the Idaho state police or by any laboratory approved by the Idaho state police to perform this test will be valid for the purposes of this section.

(4) Suspension.

(a) Upon receipt of the sworn statement of a peace officer that there existed legal cause to believe a person had been driving or was in actual physical control of a motor vehicle while under the influence of alcohol, drugs or other intoxicating substances and that the person submitted to a test and the test results indicated an alcohol concentration or the presence of drugs or other intoxicating substances in violation of section 18-8004, 18-8004C or 18-8006, Idaho Code, the department shall suspend the person's driver's license, driver's permit, driving privileges or nonresident driving privileges:

(i) For a period of ninety (90) days for a first failure of evidentiary testing under the provisions of this section. The

first thirty (30) days of the suspension shall be absolute and the person shall have absolutely no driving privileges of any kind. Restricted noncommercial vehicle driving privileges applicable during the remaining sixty (60) days of the suspension may be requested as provided in subsection (9) of this section.

(ii) For a period of one (1) year for a second and any subsequent failure of evidentiary testing under the provisions of this section within the immediately preceding five (5) years. No driving privileges of any kind shall be granted during the suspension imposed pursuant to this subsection.

The person may request an administrative hearing on the suspension as provided in subsection (7) of this section. Any right to contest the suspension shall be waived if a hearing is not requested as therein provided.

(b) The suspension shall become effective thirty (30) days after service upon the person of the notice of suspension. The notice shall be in a form provided by the department and shall state:

(i) The reason and statutory grounds for the suspension;

(ii) The effective date of the suspension;

(iii) The suspension periods to which the person may be subject as provided in subsection (4)(a) of this section;

(iv) The procedures for obtaining restricted noncommercial vehicle driving privileges;

(v) The rights of the person to request an administrative hearing on the suspension and that if an administrative hearing is not requested within seven (7) days of service of the notice of suspension the right to contest the suspension shall be waived;

(vi) The procedures for obtaining an administrative hearing on the suspension;

(vii) The right to judicial review of the hearing officer's decision on the suspension and the procedures for seeking such review.

(5) Service of suspension by peace officer or the department. If the driver submits to evidentiary testing after the information in subsection (2) of this section has been provided and the results of the test indicate an alcohol concentration or the presence of drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code:

(a) The peace officer shall take possession of the person's driver's license, shall issue a temporary permit which shall be valid for a period not to exceed thirty (30) days from the date of issuance, and, acting on behalf of the department, will serve the person with a notice of suspension in the form and containing the information required under subsection (4) of this section. The department may serve the person with a notice of suspension if the peace officer failed to issue the notice of suspension or failed to include the date of service as provided in subsection (4)(b) of this section.

(b) Within five (5) business days following service of a notice of suspension the peace officer shall forward to the department a copy of the completed notice of suspension form upon which the date of service upon the driver shall be clearly indicated, a copy of any

completed temporary permit form along with any confiscated driver's license, a certified copy or duplicate original of the results of all tests for alcohol concentration, as shown by analysis of breath administered at the direction of the peace officer, and a sworn statement of the officer, which may incorporate any arrest or incident reports relevant to the arrest and evidentiary testing setting forth:

(i) The identity of the person;

(ii) Stating the officer's legal cause to stop the person;

(iii) Stating the officer's legal cause to believe that the person had been driving or was in actual physical control of a motor vehicle while under the influence of alcohol, drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code;

(iv) That the person was advised of the consequences of taking and failing the evidentiary test as provided in subsection (2) of this section;

(v) That the person was lawfully arrested;

(vi) That the person was tested for alcohol concentration, drugs or other intoxicating substances as provided in this chapter, and that the results of the test indicated an alcohol concentration or the presence of drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code.

If an evidentiary test of blood or urine was administered rather than a breath test, the peace officer or the department shall serve the notice of suspension once the results are received. The sworn statement required in this subsection shall be made on forms in accordance with rules adopted by the department.

(c) The department may serve the person with a notice of suspension if the peace officer failed to issue the notice of suspension or failed to include the date of service as provided in subsection (4)(b) of this section.

(6) Additional tests. After submitting to evidentiary testing at the request of the peace officer, the person may, when practicable, at his own expense, have additional tests for alcohol concentration or for the presence of drugs or other intoxicating substances made by a person of his own choosing. The person's failure or inability to obtain additional tests shall not preclude admission of the results of evidentiary tests administered at the direction of the peace officer unless additional testing was denied by the peace officer.

(7) Administrative hearing on suspension. A person who has been served with a notice of suspension after submitting to an evidentiary test may request an administrative hearing on the suspension before a hearing officer designated by the department. The request for hearing shall be in writing and must be received by the department within seven (7) calendar days of the date of service upon the person of the notice of suspension, and shall include what issue or issues shall be raised at the hearing. The date on which the hearing request was received shall be noted on the face of the request.

If a hearing is requested, the hearing shall be held within twenty (20) days of the date the hearing request was received by the department unless this period is, for good cause shown, extended by the hearing officer for one ten (10) day period. Such extension shall not operate as

a stay of the suspension and any temporary permit shall expire thirty (30) days after service of the notice of suspension, notwithstanding an extension of the hearing date beyond such thirty (30) day period. Written notice of the date and time of the hearing shall be sent to the party requesting the hearing at least seven (7) days prior to the scheduled hearing date. The department may conduct all hearings by telephone if each participant in the hearing has an opportunity to participate in the entire proceeding while it is taking place.

The hearing shall be recorded. The sworn statement of the arresting officer, and the copy of the notice of suspension and any temporary permit issued by the officer shall be admissible at the hearing without further evidentiary foundation. The results of any tests for alcohol concentration or the presence of drugs or other intoxicating substances by analysis of blood, urine or breath administered at the direction of the peace officer and the records relating to calibration, certification, approval or quality control pertaining to equipment utilized to perform the tests shall be admissible as provided in section 18-8004(4), Idaho Code. The arresting officer shall not be required to participate unless directed to do so by a subpoena issued by the hearing officer.

The burden of proof shall be on the person requesting the hearing. The hearing officer shall not vacate the suspension unless he finds, by a preponderance of the evidence, that:

(a) The peace officer did not have legal cause to stop the person; or

(b) The officer did not have legal cause to believe the person had been driving or was in actual physical control of a vehicle while under the influence of alcohol, drugs or other intoxicating substances in violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code; or

(c) The test results did not show an alcohol concentration or the presence of drugs or other intoxicating substances in violation of section 18-8004, 18-8004C or 18-8006, Idaho Code; or

(d) The tests for alcohol concentration, drugs or other intoxicating substances administered at the direction of the peace officer were not conducted in accordance with the requirements of section 18-8004(4), Idaho Code, or the testing equipment was not functioning properly when the test was administered; or

(e) The person was not informed of the consequences of submitting to evidentiary testing as required in subsection (2) of this section.

If the hearing officer finds that the person has not met his burden of proof, he shall sustain the suspension. The hearing officer shall make findings of fact and conclusions of law on each issue and shall enter an order vacating or sustaining the suspension. If the suspension is vacated, the person's driver's license, unless unavailable by reason of an existing suspension, revocation, cancellation, disqualification or denial shall be returned to him. The findings of fact, conclusions of law and order entered by the hearing officer shall be considered a final order pursuant to the provisions of chapter 52, title 67, Idaho Code, except that motions for reconsideration of such order shall be allowed and new evidence can be submitted.

The facts as found by the hearing officer shall be independent of the determination of the same or similar facts in the adjudication of any criminal charges arising out of the same occurrence. The disposition

of those criminal charges shall not affect the suspension required to be imposed under the provisions of this section. If a license is suspended under this section and the person is also convicted on criminal charges arising out of the same occurrence for a violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, both the suspension under this section and the suspension imposed pursuant to the provisions of section 18-8005 or 18-8006, Idaho Code, shall be imposed, but the periods of suspension shall run concurrently, with the total period of suspension not to exceed the longer of the applicable suspension periods, unless the court ordering the suspension in the criminal case orders to the contrary.

(8) Judicial review. A party aggrieved by the decision of the hearing officer may seek judicial review of the decision in the manner provided for judicial review of final agency action provided in chapter 52, title 67, Idaho Code.

(9) Restricted noncommercial vehicle driving privileges. A person served with a notice of suspension for ninety (90) days pursuant to this section may apply to the department for restricted noncommercial vehicle driving privileges, to become effective after the thirty (30) day absolute suspension has been completed. The request may be made at any time after service of the notice of suspension. Restricted noncommercial vehicle driving privileges will be issued for the person to travel to and from work and for work purposes not involving operation of a commercial vehicle, to attend an alternative high school, work on a GED, for postsecondary education, or to meet the medical needs of the person or his family if the person is eligible for restricted noncommercial vehicle driving privileges. Any person whose driving privileges are suspended under the provisions of this chapter may be granted privileges to drive a noncommercial vehicle but shall not be granted privileges to operate a commercial motor vehicle.

(10) Rules. The department may adopt rules under the provisions of chapter 52, title 67, Idaho Code, deemed necessary to implement the provisions of this section.

SECTION 3. That Section 18-8005, Idaho Code, be, and the same is hereby amended to read as follows:

18-8005. PENALTIES. (1) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a) or (5), Idaho Code, for the first time is guilty of a misdemeanor; and, except as provided in section 18-8004C, Idaho Code:

(a) May be sentenced to jail for <u>a term</u> not to exceed six (6) months;

(b) May be fined an amount not to exceed one thousand dollars ($1,000);

(c) Shall be advised by the court in writing at the time of sentencing of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney; and

(d) Shall have his driving privileges suspended by the court for a period of thirty (30) days which shall not be reduced and during which thirty (30) day period absolutely no driving privileges of any kind may be granted. After the thirty (30) day period of absolute

suspension of driving privileges has passed, the defendant shall have driving privileges suspended by the court for an additional period of at least sixty (60) days, not to exceed one hundred fifty (150) days during which the defendant may request restricted driving privileges which the court may allow, if the defendant shows by a preponderance of the evidence that driving privileges are necessary for his employment or for family health needs.

(2) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(b), Idaho Code, for the first time is guilty of a misdemeanor and subject to:

(a) The provisions of section 18-8005(1)(a), (b) and (c), Idaho Code; and

(b) The provisions of section 49-335, Idaho Code.

(3) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(c), Idaho Code, for the first time, is guilty of a misdemeanor and is subject to:

(a) The provisions of section 18-8005(1)(a), (b) and (c), Idaho Code; and

(b) The provisions of section 49-335, Idaho Code.

(4) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, who previously has been found guilty of or has pled guilty to a violation of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, or any substantially conforming foreign criminal violation within ~~five~~ ten (~~5~~10) years, notwithstanding the form of the judgment(s) or withheld judgment(s), and except as provided in section 18-8004C, Idaho Code, is guilty of a misdemeanor; and, except as provided in section 18-8004C, Idaho Code:

(a) Shall be sentenced to jail for a mandatory minimum period of not less than ten (10) days the first forty-eight (48) hours of which must be consecutive, and five (5) days of which must be served in jail, as required by 23 U.S.C. section 164, and may be sentenced to not more than one (1) year, provided however, that in the discretion of the sentencing judge, the judge may authorize the defendant to be assigned to a work detail program within the custody of the county sheriff during the period of incarceration;

(b) May be fined an amount not to exceed two thousand dollars ($2,000);

(c) Shall be advised by the court in writing at the time of sentencing, of the penalties that will be imposed for subsequent violations of the provisions of section 18-8004, Idaho Code, which advice shall be signed by the defendant, and a copy retained by the court and another copy retained by the prosecuting attorney;

(d) Shall surrender his driver's license or permit to the court;

(e) Shall have his driving privileges suspended by the court for an additional mandatory minimum period of one (1) year after release from confinement, during which one (1) year period absolutely no driving privileges of any kind may be granted; and

(f) Shall, while operating a motor vehicle, be required to drive only a motor vehicle equipped with a functioning ignition interlock system, as provided in section 18-8008, Idaho Code, following the one (1) year mandatory license suspension period.

(g) If the person has pled guilty or was found guilty for the second time within ~~five~~ ten (~~5~~10) years of a violation of the provi-

sions of section 18-8004(1)(b) or (c), Idaho Code, then the provisions of section 49-335, Idaho Code, shall apply.

(5) Except as provided in section 18-8004C, Idaho Code, any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, who previously has been found guilty of or has pled guilty to two (2) or more violations of the provisions of section 18-8004(1)(a), (b) or (c), Idaho Code, or any substantially conforming foreign criminal violation, or any combination thereof, within ~~five~~ ten (~~5~~10) years, notwithstanding the form of the judgment(s) or withheld judgment(s), shall be guilty of a felony; and

(a) Shall be sentenced to the custody of the state board of correction for not to exceed ~~five~~ ten (~~5~~10) years; provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence ~~other than~~ incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum period of not less than thirty (30) days, the first forty-eight (48) hours of which must be consecutive, and ten (10) days of which must be served in jail, as required by 23 U.S.C. section 164; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall be deemed a felony;

(b) May be fined an amount not to exceed five thousand dollars ($5,000);

(c) Shall surrender his driver's license or permit to the court; and

(d) Shall have his driving privileges suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his driving privileges suspended by the court for not to exceed five (5) years after release from imprisonment, during which time he shall have absolutely no driving privileges of any kind; and

(e) Shall, while operating a motor vehicle, be required to drive only a motor vehicle equipped with a functioning ignition interlock system, as provided in section 18-8008, Idaho Code, following the mandatory one (1) year license suspension period.

(6) For the purpose of computation of the enhancement period in subsections (4), (5) and (7) of this section, the time that elapses between the date of commission of the offense and the date the defendant pleads guilty or is found guilty for the pending offense shall be excluded. If the determination of guilt against the defendant is reversed upon appeal, the time that elapsed between the date of the commission of the offense and the date the defendant pleads guilty or is found guilty following the appeal shall also be excluded.

(7) Notwithstanding the provisions of subsections (4) and (5) of this section, any person who has pled guilty or has been found guilty of a felony violation of the provisions of section 18-8004, Idaho Code, a felony violation of the provisions of section 18-8004C, Idaho Code, a violation of the provisions of section 18-8006, Idaho Code, a violation of the provisions of section 18-4006 3.(b), Idaho Code, or any substantially conforming foreign criminal felony violation, and within ~~ten~~ fifteen (~~10~~15) years pleads guilty or is found guilty of a further violation of the provisions of section 18-8004, Idaho Code, shall be guilty of a felony and shall be sentenced pursuant to subsection (5) of this section.

(8) For the purpose of subsections (4), (5) and (7) of this section and the provisions of section 18-8004C, Idaho Code, a substantially conforming foreign criminal violation exists when a person has pled guilty to or has been found guilty of a violation of any federal law or law of another state, or any valid county, city, or town ordinance of another state substantially conforming to the provisions of section 18-8004, Idaho Code. The determination of whether a foreign criminal violation is substantially conforming is a question of law to be determined by the court.

(9) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, shall undergo, at his own expense, (or at county expense through the procedures set forth in chapters 34 and 35, title 31, Idaho Code,) and prior to the sentencing date, an alcohol evaluation by an alcohol evaluation facility approved by the Idaho department of health and welfare; provided however, if the defendant has no prior or pending charges with respect to the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, and the court has the records and information required under subsections (10)(a), (b) and (c) of this section or possesses information from other reliable sources relating to the defendant's use or nonuse of alcohol or drugs which does not give the court any reason to believe that the defendant regularly abuses alcohol or drugs and is in need of treatment, the court may, in its discretion, waive the evaluation with respect to sentencing for a violation of section 18-8004 or 18-8004C(1), Idaho Code, and proceed to sentence the defendant. The court may also, in its discretion, waive the requirement of an alcohol evaluation with respect to a defendant's violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, and proceed to sentence the defendant if the court has a presentence investigation report, substance abuse assessment, criminogenic risk assessment, or other assessment which evaluates the defendant's degree of alcohol abuse and need for alcohol treatment conducted within twelve (12) months preceding the date of the defendant's sentencing. In the event an alcohol evaluation indicates the need for alcohol treatment, the evaluation shall contain a recommendation by the evaluator as to the most appropriate treatment program, together with the estimated cost thereof, and recommendations for other suitable alternative treatment programs, together with the estimated costs thereof. The person shall request that a copy of the completed evaluation be forwarded to the court. The court shall take the evaluation into consideration in determining an appropriate sentence. If a copy of the completed evaluation has not been provided to the court, the court may proceed to sentence the defendant; however, in such event, it shall be presumed that alcohol treatment is required unless the defendant makes a showing by a preponderance of evidence that treatment is not required. If the defendant has not made a good faith effort to provide the completed copy of the evaluation to the court, the court may consider the failure of the defendant to provide the report as an aggravating circumstance in determining an appropriate sentence. If treatment is ordered, in no event shall the person or facility doing the evaluation be the person or facility that provides the treatment unless this requirement is waived by the sentencing court, with the exception of federally recognized Indian tribes or federal military installations, where diagnosis and treatment are appropriate and available. Nothing herein contained shall preclude the use of funds authorized pursuant to

the provisions of chapter 3, title 39, Idaho Code, for court-ordered alcohol treatment for indigent defendants.

(10) At the time of sentencing, the court shall be provided with the following information:

(a) The results, if administered, of any evidentiary test for alcohol and/or drugs;

(b) A computer or teletype or other acceptable copy of the person's driving record;

(c) Information as to whether the defendant has pled guilty to or been found guilty of violation of the provisions of section 18-8004, 18-8004C or 18-8006, Idaho Code, or a similar offense within the past five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s); and

(d) The alcohol evaluation required in subsection (9) of this section, if any.

(11) A minor may be prosecuted for a violation of the provisions of section 18-8004 or 18-8004C, Idaho Code, under chapter 5, title 20, Idaho Code. In addition to any other penalty, if a minor pleads guilty to or is found guilty of a violation of the provisions of section 18-8004(1)(a), (b) or (c) or 18-8004C, Idaho Code, he shall have his driving privileges suspended or denied for an additional one (1) year following the end of any period of suspension or revocation existing at the time of the violation, or until he reaches the age of twenty-one (21) years, whichever period is greater. During the period of additional suspension or denial, absolutely no driving privileges shall be allowed.

(12) In the event that the alcohol evaluation required in subsection (9) of this section recommends alcohol treatment, the court shall order the person to complete a treatment program in addition to any other sentence which may be imposed, unless the court determines that alcohol treatment would be inappropriate or undesirable, in which event, the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such treatment. In that event, the court may order the defendant to complete a less costly alternative set forth in the evaluation, or a comparable program. Such treatment shall, to the greatest extent possible, be at the expense of the defendant. In the event that funding is provided for or on behalf of the defendant by an entity of state government, restitution shall be ordered to such governmental entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code. Nothing contained herein shall be construed as requiring a court to order that a governmental entity shall provide alcohol treatment at government expense unless otherwise required by law.

(13) Any person who is disqualified, or whose driving privileges have been suspended, revoked or canceled under the provisions of this chapter, shall not be granted restricted driving privileges to operate a commercial motor vehicle.

SECTION 4. That Section 18-8006, Idaho Code, be, and the same is hereby amended to read as follows:

18-8006. AGGRAVATED DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES. (1) Any person causing great bodily harm, permanent disability or permanent disfigurement to any person other than himself in committing a violation of the provisions of section 18-8004(1)(a) or (1)(c), Idaho Code, is guilty of a felony, and upon conviction:

(a) Shall be sentenced to the state board of correction for not to exceed ~~ten~~ fifteen (~~10~~15) years, provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum period of not less than thirty (30) days, the first forty-eight (48) hours of which must be consecutive; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall be deemed a felony;

(b) May be fined an amount not to exceed five thousand dollars ($5,000);

(c) Shall surrender his driver's license or permit to the court; and

(d) Shall have his driving privileges suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his driving privileges suspended by the court for not to exceed five (5) years after release from imprisonment, during which time he shall have absolutely no driving privileges of any kind; and

(e) Shall be ordered by the court to pay restitution in accordance with chapter 53, title 19, Idaho Code.

(2) Notwithstanding any other provision of law, any evidence of conviction under this section shall be admissible in any civil action for damages resulting from the occurrence. A conviction for the purposes of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment(s) or withheld judgment(s).

Approved March 30, 2006.

CHAPTER 262
(S.B. No. 1399)

AN ACT

RELATING TO HOMESTEADS; AMENDING SECTION 55-1003, IDAHO CODE, TO INCREASE THE MAXIMUM PERMITTED HOMESTEAD EXEMPTION AMOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 55-1003, Idaho Code, be, and the same is hereby amended to read as follows:

55-1003. HOMESTEAD EXEMPTION LIMITED. A homestead may consist of lands, as described in section 55-1001, Idaho Code, regardless of area, but the homestead exemption amount shall not exceed the lesser of (i)

the total net value of the lands, mobile home, and improvements as described in section 55-1001, Idaho Code; or (ii) the sum of ~~fifty~~ one hundred thousand dollars ($~~50~~100,000).

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 March 30, 2006.

CHAPTER 263
(S.B. No. 1400, As Amended)

AN ACT

RELATING TO THE MAGISTRATE DIVISION OF THE DISTRICT COURT AND TO THE SMALL CLAIMS DEPARTMENT OF THE MAGISTRATE DIVISION; AMENDING SECTION 1-2208, IDAHO CODE, TO INCREASE THE ALLOWABLE CLAIM LIMIT TO FIVE THOUSAND DOLLARS FOR SPECIFIED CIVIL PROCEEDINGS ASSIGNED TO MAGISTRATES; AMENDING SECTION 1-2210, IDAHO CODE, TO INCREASE THE ALLOWABLE CLAIM LIMIT TO FIVE THOUSAND DOLLARS FOR CERTAIN CIVIL ACTIONS ASSIGNED TO NON-ATTORNEY MAGISTRATES; AMENDING SECTION 1-2301, IDAHO CODE, TO INCREASE THE ALLOWABLE CLAIM TO FIVE THOUSAND DOLLARS IN CASES UNDER JURISDICTION OF THE SMALL CLAIMS DEPARTMENT; AMENDING SECTION 1-2310, IDAHO CODE, TO PROVIDE FOR COLLECTION OF ATTORNEY'S FEES AND COSTS BY A PREVAILING PLAINTIFF; AND AMENDING SECTION 39-6316, IDAHO CODE, TO INCREASE THE ALLOWABLE LIMIT REFERRED TO IN SMALL CLAIMS COURT TO FIVE THOUSAND DOLLARS.

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

SECTION 1. That Section 1-2208, Idaho Code, be, and the same is hereby amended to read as follows:

1-2208. ASSIGNMENT OF CASES TO MAGISTRATES. Subject to rules promulgated by the supreme court, the administrative judge in each judicial district or any district judge in the district designated by him may assign to magistrates, severally, or by designation of office, or by class or category of cases, or in specific instances the following matters:

(1) Civil proceedings as follows:

(a) When the amount of money or damages or the value of personal property claimed does not exceed ~~four~~ five thousand dollars ($~~4~~5,000):

(i) Actions for the recovery of money only arising on contracts express or implied; actions for damages for injury to person, property or reputation or for taking or detaining personal property, or for fraud;

(ii) Actions for rent and distress for rent;

(iii) Actions for claim and delivery;

(iv) Proceedings in attachment, garnishment, wage deductions for the benefit of creditors, trial or right of personal property and exemptions, and supplementary proceedings;

(v) Actions arising under the laws for the incorporation of cities or counties or any ordinance passed in pursuance thereof; actions for the confiscation or abatement of nuisances and the seizure, condemnation and forfeiture of personal property; proceedings in respect of estrays and lost property;

(vi) Actions to collect taxes.

(b) Proceedings in forcible entry, forcible detainer, and unlawful detainer; and

(c) Proceedings for the enforcement and foreclosure of common law and statutory liens of not to exceed ~~four~~ five thousand dollars ($~~4~~5,000) on real or personal property.

(2) Proceedings in the probate of wills and administration of estates of decedents, minors and incompetents.

(3) The following criminal and quasi-criminal proceedings:

(a) Misdemeanor and quasi-criminal actions;

(b) Proceedings to prevent the commission of crimes;

(c) Proceedings pertaining to warrants for arrest or for searches and seizures; and

(d) Proceedings for the preliminary examination to determine probable cause, commitment prior to trial or the release on bail of persons charged with criminal offenses.

(4) Any juvenile proceedings except those within the scope of the provisions of section 1-2210, Idaho Code.

(5) Proceedings under the Idaho traffic infractions act, chapter 15, title 49, Idaho Code.

SECTION 2. That Section 1-2210, Idaho Code, be, and the same is hereby amended to read as follows:

1-2210. ASSIGNMENTS RESTRICTED TO MAGISTRATES WHO ARE ATTORNEYS. (1) The supreme court by rule may specify additional categories of matters assignable to magistrates, except that the following matters may not be assigned to magistrates who are not attorneys:

(a) Civil actions in which the amount of money or damages or the value of property claimed exceeds ~~four~~ five thousand dollars ($~~4~~5,000), except as otherwise authorized by this act;

(b) Criminal proceedings in which the maximum authorized punishment exceeds the punishment authorized for misdemeanors;

(c) All proceedings involving the custody of minors and all habeas corpus proceedings;

(d) Proceedings for divorce, separate maintenance or annulment; and

(e) Proceedings in quo warranto, or for injunction, prohibition, mandamus, ne exeat, or appointment of a receiver.

(2) The supreme court may assign an attorney magistrate to temporary service on the supreme court, except an attorney magistrate may not be assigned to hear cases in which the attorney magistrate participated, nor may an attorney magistrate be assigned to hear cases which originated in his or her judicial district.

SECTION 3. That Section 1-2301, Idaho Code, be, and the same is hereby amended to read as follows:

1-2301. SMALL CLAIMS DEPARTMENT -- CREATION -- SCOPE OF CLAIMS -- VENUE. In every magistrate's division of the district court of this

state, the district court may create and organize a "Small Claims Department of the Magistrate's Division," which shall have jurisdiction in cases for the recovery of money where the amount of each claim does not exceed ~~four~~ five thousand dollars ($~~4~~5,000), and in cases for the recovery of personal property where the value of the property does not exceed ~~four~~ five thousand dollars ($~~4~~5,000); provided however, that the small claims department shall not award punitive damages or damages for pain or suffering in any proceeding. Any action brought in a small claims department of the magistrate's division shall be brought in the magistrate's division in the county where the defendant resides or the county where the cause of action arose. A defendant may request a change of venue if an action is brought in an improper county.

SECTION 4. That Section 1-2310, Idaho Code, be, and the same is hereby amended to read as follows:

1-2310. JUDGMENT AGAINST DEFENDANT. If the judgment or order shall be against the defendant, it shall be his duty to pay the same forthwith or execution may ensue as in other cases. On and after sixty (60) days from the date judgment is rendered, the plaintiff shall be entitled to receive, in addition to the amount awarded in the judgment, attorney's fees and all documented costs associated with collection of the judgment. Such attorney's fees and costs shall be set by the court following the filing of a memorandum of attorney's fees and costs with notice to all parties and hearing.

SECTION 5. That Section 39-6316, Idaho Code, be, and the same is hereby amended to read as follows:

39-6316. LAW ENFORCEMENT OFFICERS -- TRAINING, POWERS, DUTIES. (1) All training provided by the peace officers standards and training academy relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) When a peace officer responds to a domestic violence call, the officer shall give a written statement to victims which alerts the victim to the availability of a shelter or other resources in the community, and give the victim a written notice provided by the Idaho state police substantially stating the following:

> IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in magistrate court requesting an order for protection from domestic abuse which could include any of the following: (a) an order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in

your custody. The forms you need to obtain a protection order are available from the clerk of the district court. The resources available in this community for information relating to domestic violence, treatment of injuries and places of safety and shelters are: (For safety reasons, inclusion of shelter/safe house addresses is not necessary). You also have the right to sue for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other out-of-pocket expenses for injuries sustained and damage to your property. This can be done without an attorney in small claims court if the total amount claimed is less than ~~four~~ five thousand dollars ($~~4~~5,000).

(3) The peace officer shall make every effort to arrange, offer, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

(4) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten (10) days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

Approved March 30, 2006.

CHAPTER 264
(S.B. No. 1401)

AN ACT

RELATING TO EMERGENCY POWERS; AMENDING SECTION 46-1008, IDAHO CODE, TO REMOVE A REFERENCE TO FIREARMS AND TO PROVIDE THAT NO RESTRICTIONS SHALL BE IMPOSED ON LAWFUL USES OF FIREARMS OR AMMUNITION DURING A DISASTER EMERGENCY.

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

SECTION 1. That Section 46-1008, Idaho Code, be, and the same is hereby amended to read as follows:

46-1008. THE GOVERNOR AND DISASTER EMERGENCIES. (1) Under this act, the governor may issue executive orders, proclamations and amend or rescind them. Executive orders and proclamations have the force and effect of law.

(2) A disaster emergency shall be declared by executive order or proclamation of the governor if he finds a disaster has occurred or that the occurrence or the threat thereof is imminent. The state of disaster emergency shall continue until the governor finds that the threat or danger has passed, or the disaster has been dealt with to the extent that emergency conditions no longer exist, and when either or both of these events occur, the governor shall terminate the state of disaster emergency by executive order or proclamation; provided, however, that no state of disaster emergency may continue for longer than thirty (30) days unless the governor finds that it should be continued for another thirty (30) days or any part thereof. The legislature by concurrent resolution may terminate a state of disaster emergency at any time. There-

upon, the governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened, the area subject to the proclamation, and the conditions which are causing the disaster. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and unless the circumstances attendant upon the disaster prevent or impede, be promptly filed with the bureau of homeland security, the office of the secretary of state and the office of the recorder of each county where the state of disaster emergency applies.

(3) An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the state, local and intergovernmental disaster emergency plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this act or any other provision of law relating to disaster emergencies.

(4) During the continuance of any state of disaster emergency the governor is commander-in-chief of the militia and may assume command of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but nothing herein restricts his authority to do so by orders issued at the time of the disaster emergency.

(5) In addition to any other powers conferred upon the governor by law, he may:

(a) Suspend the provisions of any regulations prescribing the procedures for conduct of public business that would in any way prevent, hinder, or delay necessary action in coping with the emergency;

(b) Utilize all resources of the state, including, but not limited to, those sums in the disaster emergency account as he shall deem necessary to pay obligations and expenses incurred during a declared state of disaster emergency;

(c) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services;

(d) Subject to any applicable requirements for compensation under section 46-1012, Idaho Code, commandeer or utilize any private property, real or personal, if he finds this necessary to cope with the disaster emergency;

(e) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery;

(f) Prescribe routes, modes of transportation, and destinations in connection with evacuation;

(g) Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein;

(h) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, ~~firearms,~~ explosives, and combustibles;

(i) Make provision for the availability and use of temporary emergency housing.

(6) Whenever an emergency or a disaster has been declared to exist in Idaho by the president under the provisions of the disaster relief act of 1974 (public law 93-288, 42 U.S.C. 5121), as amended, the governor may:

(a) Enter into agreements with the federal government for the sharing of disaster recovery expenses involving public facilities;

(b) Require as a condition of state assistance that a local taxing district be responsible for paying forty percent (40%) of the nonfederal share of costs incurred by the local taxing district which have been determined to be eligible for reimbursement by the federal government, provided that the total local share of eligible costs for a taxing district shall not exceed ten percent (10%) of the taxing district's tax charges authorized by section 63-802, Idaho Code;

(c) Obligate the state to pay the balance of the nonfederal share of eligible costs within local taxing entities qualifying for federal assistance; and

(d) Enter into agreements with the federal government for the sharing of disaster assistance expenses to include individual and family grant programs.

(7) During the continuance of any state of disaster emergency, neither the governor nor any agency of any governmental entity or political subdivision of the state shall impose restrictions on the lawful possession, transfer, sale, transport, storage, display or use of firearms or ammunition.

Approved March 30, 2006.

CHAPTER 265
(S.B. No. 1403)

AN ACT

RELATING TO ANATOMICAL GIFTS AND MINORS; AMENDING SECTION 39-3403, IDAHO CODE, TO ALLOW PERSONS SIXTEEN YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE TO MAKE ANATOMICAL GIFTS WITH PARENTAL OR ADULT GUARDIAN CONSENT AND TO PROVIDE PROCEDURES; AMENDING SECTION 39-3404, IDAHO CODE, TO ALLOW A PARENT OR ADULT GUARDIAN OF A PERSON SIXTEEN YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE TO MAKE AN UNREVOKED REFUSAL TO MAKE THE ANATOMICAL GIFT; AMENDING SECTION 39-3413, IDAHO CODE, TO PROVIDE THAT A DOCUMENT EXECUTED BY A PERSON SIXTEEN YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE FOR PURPOSES OF MAKING AN ANATOMICAL GIFT SHALL REMAIN IN EFFECT WHEN THE PERSON ATTAINS EIGHTEEN YEARS OF AGE UNLESS THE PERSON MODIFIES IT; AMENDING SECTION 49-315, IDAHO CODE, TO PROVIDE THAT PERSONS SIXTEEN YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE WHO DESIRE TO MAKE ANATOMICAL GIFTS MAY HAVE THIS FACT PLACED ON THEIR DRIVER'S LICENSE; AND AMENDING SECTION 49-2444, IDAHO CODE, TO PROVIDE THAT PERSONS SIXTEEN YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE WHO DESIRE TO MAKE ANATOMICAL GIFTS MAY HAVE THIS FACT PLACED ON THEIR IDENTIFICATION CARD.

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

SECTION 1. That Section 39-3403, Idaho Code, be, and the same is hereby amended to read as follows:

39-3403. MAKING, AMENDING, REVOKING, AND REFUSING TO MAKE ANATOMICAL GIFTS BY INDIVIDUAL. (1) An individual who is at least eighteen (18) years of age may (i) make an anatomical gift for purposes of transplantation, therapy, research or education, (ii) limit an anatomical gift to one (1) or more of those purposes, or (iii) refuse to make an anatomical gift. An individual who is sixteen (16) years of age or older and less than eighteen (18) years of age may (i) make an anatomical gift for purposes of transplantation, therapy, research or education, (ii) limit an anatomical gift to one (1) or more of those purposes, or (iii) refuse to make an anatomical gift, if a parent or an adult guardian consents in writing in the presence of the donor.

(2) An anatomical gift may be made only by a document of gift signed by the donor or the donor's parent or adult guardian if the donor is sixteen (16) years of age or older but less than eighteen (18) years of age. If the donor cannot sign, the document of gift must be signed by another individual and by two (2) witnesses, all of whom have signed at the direction and in the presence of the donor and of each other, and state that it has been so signed.

(3) An individual may attach to his application for a driver's license or identification card a document of gift in compliance with section 39-3413, Idaho Code. A notation on an individual's driver's license or identification card that he intends to make an anatomical gift shall be sufficient to satisfy all requirements for consent to organ or tissue donation; provided however, that after the effective date of this act, a document of gift in compliance with section 39-3413, Idaho Code, shall be required before such notation may be imprinted on an individual's driver's license or identification card. Revocation, suspension, expiration, or cancellation of the license does not invalidate the anatomical gift.

(4) A document of gift may designate a particular procurement entity to carry out the appropriate procedures. In the absence of a designation or if the designee is not available or is unable or unwilling to perform the procedures, any procurement entity authorized under this chapter may carry out the appropriate procedures.

(5) An anatomical gift by will takes effect upon death of the testator, whether or not the will is probated. If, after death, the will is declared invalid for testamentary purposes, the validity of the anatomical gift is unaffected.

(6) A donor or the donor's parent or adult guardian if the donor is sixteen (16) years of age or older and less than eighteen (18) year of age may amend or revoke an anatomical gift, not made by will, only by:

(a) A signed statement;

(b) An oral statement made in the presence of two (2) individuals;

(c) Any form of communication during a terminal illness or injury addressed to a physician or surgeon; or

(d) The delivery of a signed statement to a specified procurement entity to whom a document of gift had been delivered.

(7) The donor of an anatomical gift made by will may amend or revoke the gift in the manner provided for amendment or revocation of wills, or as provided in subsection (6) of this section.

(8) An anatomical gift that is not revoked by the donor before death is irrevocable and does not require the consent or concurrence of any person after the donor's death.

(9) An individual or the individual's parent or adult guardian if the individual is sixteen (16) years of age or older and less than eighteen (18) years of age may refuse to make an anatomical gift of the individual's body or part by (i) a writing signed in the same manner as a document of gift, (ii) attaching a statement on his driver's license or identification card, or (iii) any other writing used to identify the individual as refusing to make an anatomical gift. During a terminal illness or injury, the refusal may be an oral statement or other form of communication.

(10) In the absence of contrary indications by the donor, an anatomical gift or a part is neither a refusal to give other parts nor a limitation on an anatomical gift under section 39-3404, Idaho Code, or on a removal or release of other parts under section 39-3405, Idaho Code.

(11) In the absence of contrary indications by the donor, a revocation or amendment of an anatomical gift is not refusal to make another anatomical gift. If the donor intends a revocation to be refusal to make an anatomical gift, the donor shall make the refusal pursuant to subsection (9) of this section.

SECTION 2. That Section 39-3404, Idaho Code, be, and the same is hereby amended to read as follows:

39-3404. MAKING, REVOKING, AND OBJECTING TO ANATOMICAL GIFTS, BY OTHERS. (1) Any member of the following classes of persons, in the order of priority listed, may make an anatomical gift of all or a part of the decedent's body for an authorized purpose, unless the decedent, at the time of death, or the decedent's parent or adult guardian if the decedent is sixteen (16) years of age or older and less than eighteen (18) years of age, has made an unrevoked refusal to make that anatomical gift:

(a) The holder of an unrevoked durable power of attorney for health care;

(b) The spouse of the decedent;

(c) An adult son or daughter of the decedent;

(d) Either parent of the decedent;

(e) An adult brother or sister of the decedent;

(f) A grandparent of the decedent; and

(g) A guardian of the person of the decedent at the time of death.

(2) An anatomical gift may not be made by a person listed in subsection (1), of this section if:

(a) A person in a prior class is available at the time of death to make an anatomical gift;

(b) The person proposing to make an anatomical gift knows of a refusal or contrary indications by the decedent; or

(c) The person proposing to make an anatomical gift knows of an objection to making an anatomical gift by a member of the person's class or a prior class.

(3) An anatomical gift by a person authorized under subsection (1) of this section, must be made by (i) a document of gift signed by the person or (ii) the person's telegraphic, recorded telephonic, or other recorded message, or other form of communication from the person that is contemporaneously reduced to writing and signed by the recipient.

(4) An anatomical gift by a person authorized under subsection (1) of this section, may be revoked by any member of the same or a prior class if, before procedures have begun for the removal of a part from the body of the decedent, the physician, surgeon, technician, or enucleator removing the part knows of the revocation.

(5) A failure to make an anatomical gift under subsection (1) of this section, is not an objection to the making of an anatomical gift.

SECTION 3. That Section 39-3413, Idaho Code, be, and the same is hereby amended to read as follows:

39-3413. ANATOMICAL GIFTS BY LIVING DONORS. (1) A document containing the following information is sufficient to comply with the provisions of this chapter for the making of an anatomical gift by a living donor or the refusal to make such a gift:

(a) A statement, signed and dated by the donor, that upon the donor's death he or she gives:

(i) Any needed organs, tissues or parts or only specified organs, tissues or parts; and

(ii) The purpose or purposes for which such organs, tissues or parts may be used, including transplantation, therapy, research or education; and

(iii) That tissues or parts may or may not be retrieved and/or used by for-profit procurement entities; or

(b) A statement, signed and dated by the donor, that the donor refuses to make any anatomical gift.

(2) Any document evidencing a living donor's intent to make an anatomical gift, or the refusal to make such a gift, shall also contain the printed name of the donor and the donor's date of birth and current address.

(3) A document described in subsections (1) and (2) shall be deemed to be valid if the document was executed when the donor was at least sixteen (16) years of age and less than eighteen (18) years of age and a parent or an adult guardian consents in writing in the presence of the donor. Any document that is signed by a person who is sixteen (16) years of age or older and less than eighteen (18) years of age which (i) makes an anatomical gift for purposes of transplantation, therapy, research or education, (ii) limits an anatomical gift to one (1) or more of those purposes, or (iii) refuses to make an anatomical gift if a parent or an adult guardian consents in writing in the presence of the person shall remain in effect when the person attains eighteen (18) years of age unless the same is modified by the person as provided in this chapter.

SECTION 4. That Section 49-315, Idaho Code, be, and the same is hereby amended to read as follows:

49-315. LICENSES ISSUED TO DRIVERS. (1) The department shall issue to every qualifying applicant a distinguishing driver's license as applied for, which shall bear a distinguishing number assigned to the

licensee, the full name, date of birth, Idaho residence address, sex, weight, height, eye color, hair color, color photograph, name of this state, date of issuance, date of expiration, license class, endorsements, restrictions, and the applicant's signature. Driver's licenses for persons under eighteen (18) years of age shall include a notation "under 18 until (month, day, year)," and driver's licenses for persons eighteen (18) years of age to twenty-one (21) years of age shall include a notation "under 21 until (month, day, year)." No driver's license shall be valid until it has been signed on the signature line of the license by the licensee.

(2) Every driver's license shall bear a color photograph of the licensee, which shall be taken by the examiner at the time the application is made. 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, a driver's license may contain a statement or indication of the medical condition of the licensee.

(3) The department shall notify the commercial driver license information system that a class A, B or C driver's license has been issued as required by 49 CFR part 383.

(4) A licensee applying for a hazardous material endorsement on a driver's license shall have a security background records check and shall receive clearance from the federal transportation security administration before the endorsement can be issued, renewed or transferred as required by 49 CFR part 383, subject to procedures established by the federal transportation security administration.

(5) A licensee 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 driver's license by the imprinting of the word "donor" on the license. The provisions of this subsection shall apply to licensees 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 and the donor indicates this desire be placed on the license.

(6) A licensee who is a person with a permanent disability may request that the notation "permanently disabled" be imprinted on the driver's license, provided the licensee presents written certification from a licensed physician verifying that the licensee's stated impairment qualifies as a permanent disability according to the provisions of section 49-117, Idaho Code.

SECTION 5. 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 dis-

closure 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 dollars and fifty cents ($7.50) of which five dollars ($5.00) shall be retained by the county and credited to the current expense fund, and two dollars and fifty cents ($2.50) 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 dollars and fifty cents ($6.50), of which five dollars ($5.00) shall be retained by the county and credited to the current expense fund, and one dollar and fifty cents ($1.50) 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 dollars ($15.00) of which ten dollars ($10.00) shall be retained by the county and credited to the current expense fund, and five dollars ($5.00) 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. Every identification card issued to a person under eighteen (18) years of age shall expire five (5) days after the person's eighteenth birthday. 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.

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) 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.

(4) 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.

(5) 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.

(6) In the case of a name change, the applicant shall provide legal documentation to verify the change in accordance with department rules.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) 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 (7) of this section.

Approved March 30, 2006.

CHAPTER 266
(S.B. No. 1407)

AN ACT

RELATING TO JUDICIAL DISTRICTS; AMENDING SECTION 1-802, IDAHO CODE, TO INCREASE THE NUMBER OF DISTRICT JUDGES AND RESIDENT CHAMBERS IN THE FIRST DISTRICT; AND AMENDING SECTION 1-804, IDAHO CODE, TO INCREASE THE NUMBER OF DISTRICT JUDGES AND RESIDENT CHAMBERS IN THE THIRD DISTRICT.

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

SECTION 1. That Section 1-802, Idaho Code, be, and the same is hereby amended to read as follows:

1-802. FIRST DISTRICT -- NUMBER OF JUDGES -- RESIDENT CHAMBERS. (1) The first judicial district shall consist of the counties of Boundary, Bonner, Kootenai, Shoshone and Benewah.

(2) The first judicial district shall have ~~five~~ six (~~5~~6) district judges.

(3) Resident chambers of the district judges of the first judicial district shall be established as follows:

(a) One (1) resident chambers shall be established in Bonner County;

(b) ~~Three~~ Four (~~3~~4) resident chambers shall be established in Kootenai County;

(c) One (1) resident chambers shall be established in Shoshone County.

SECTION 2. That Section 1-804, Idaho Code, be, and the same is hereby amended to read as follows:

1-804. THIRD DISTRICT -- NUMBER OF JUDGES -- RESIDENT CHAMBERS. (1) The third judicial district shall consist of the counties of Adams, Washington, Payette, Gem, Canyon and Owyhee.

(2) The third judicial district shall have ~~five~~ six (~~5~~6) district judges.

(3) Resident chambers of the district judges of the third judicial district shall be established as follows:

(a) One (1) resident chambers shall be established in Washington or Payette County.

(b) ~~Four~~ Five (~~4~~5) resident chambers shall be established in Canyon County.

Approved March 30, 2006.

CHAPTER 267
(S.B. No. 1409, As Amended)

AN ACT

RELATING TO COURTS; AMENDING CHAPTER 22, TITLE 1, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 1-2224, IDAHO CODE, TO ESTABLISH THE SENIOR MAGISTRATE JUDGES FUND TO ENABLE THE IDAHO SUPREME COURT TO PURCHASE MEMBERSHIP SERVICE IN THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR CERTAIN RETIRING MAGISTRATE JUDGES, TO AUTHORIZE THE IDAHO SUPREME COURT TO ADOPT RULES AND TO PROVIDE FOR THE ACCUMULATION AND INVESTMENT OF MONEYS IN THE FUND; AMENDING SECTION 31-3201A, IDAHO CODE, TO INCREASE COURT FEES AND TO PROVIDE FOR THE DEPOSIT OF FEES; PROVIDING AN EFFECTIVE DATE AND PROVIDING APPLICATION.

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

SECTION 1. That Chapter 22, Title 1, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 1-2224, Idaho Code, and to read as follows:

1-2224. SENIOR MAGISTRATE JUDGES FUND. (1) There is hereby created in the office of the state treasurer, separate and apart from other funds of the state, a dedicated fund to be known as the senior magistrate judges fund. Moneys deposited into the fund pursuant to section 31-3201A, Idaho Code, shall, subject to appropriation, be used by the Idaho supreme court to purchase up to a maximum of forty-eight (48) months of membership service in the public employee retirement system of Idaho under section 59-1363, Idaho Code, for retiring magistrate judges of the district court who hold office under the provisions of chapter 22, title 1, Idaho Code, at the time of their retirement. The supreme court's purchase of membership service in the public employee retirement system of Idaho under this section shall also be restricted by any applicable limits and requirements established by the public employee retirement system of Idaho and by the United States internal revenue service.

(2) The actual number of months of membership service the supreme court may purchase on behalf of a person shall be based upon the period of full-time service provided to the judicial department by that person prior to retirement and the person's willingness to perform service as a senior judge if he or she is designated a senior judge by the supreme court pursuant to section 1-2005 or 1-2221, Idaho Code.

(3) The supreme court may adopt rules for the application and implementation of subsections (1) and (2) of this section including, but not limited to, establishing eligibility requirements and a formula, criteria and procedures for determining the number of months of membership service the court will purchase on behalf of a person.

(4) Moneys deposited into the fund may be allowed to accumulate from year to year for the purposes set forth in this section, and all interest earned on the investment of idle moneys in the fund by the state treasurer shall be returned to the fund.

SECTION 2. That Section 31-3201A, Idaho Code, be, and the same is hereby amended to read as follows:

31-3201A. COURT FEES. The clerk of the district court in addition to the fees and charges imposed by chapter 20, title 1, Idaho Code, and in addition to the fee levied by chapter 2, title 73, Idaho Code, shall charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law;

(a) A fee of ~~forty-four~~ fifty dollars (~~$44~~50.00) for filing a civil case of any type in the district court or in the magistrate's division of the district court including cases involving the administration of decedents' estates, whether testate or intestate, and conservatorships of the person or of the estate or both with the following exceptions:

The filing fee shall be twenty-~~two~~eight dollars (~~$22~~8.00) in each case where the amount of money or damages or the value of personal property claimed does not exceed three hundred dollars ($300). The filing fee shall be ~~twenty-four~~ thirty dollars (~~$24~~30.00) in the following types of cases:

(1) Where the amount of money or damages or the value of personal property claimed exceeds three hundred dollars ($300) but does not exceed one thousand dollars ($1,000);

(2) Where a case is brought for forcible or unlawful entry or detainer whether brought for rent or possession or both and regardless of the amount;

(3) Where a case is brought under chapter 20, title 16, Idaho Code, for the termination of parent-child relationship;

(4) Where a case is brought under chapter 2, title 32, Idaho Code, for permission to marry;

(5) Where a case involving the administration of a decedent's estate is brought under the summary administration of small estates act;

(6) In cases where a court order is issued only for a certain specific reason other than the administering of an estate, including, but not limited to, proceedings brought under sections 14-114, 15-514, 15-1401, 15-1518 and/or 15-1709, Idaho Code, or for some specific reason;

(7) In cases brought to determine heirship without administration;

(8) In cases brought to determine inheritance or transfer tax;

(9) In proceedings brought for adoption;

(10) In proceedings brought for letters of guardianship of the person or of the estate or both.

No filing fee shall be charged in the following types of cases:

(1) In cases brought under chapter 3, title 66, Idaho Code, for commitment of mentally ill persons;

(2) In cases brought under the juvenile corrections act;

(3) In cases brought under the child protective act.

In all cases in which a filing fee of ~~forty-four~~ fifty dollars (~~$44~~50.00) is paid, seventeen dollars ($17.00) of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county; ten dollars ($10.00) of such filing fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the ISTARS technology fund; ~~and~~ seventeen dollars ($17.00) of such filing

fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (p) of this section; and six dollars ($6.00) of such filing fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund. In all cases in which a filing fee of ~~twenty-four~~ thirty dollars (~~$24~~30.00) is paid, four dollars ($4.00) of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county; ten dollars ($10.00) of such filing fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the ISTARS technology fund; ~~and~~ ten dollars ($10.00) of such filing fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (p) of this section; and six dollars ($6.00) of such filing fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund. In all cases in which a filing fee of ~~twenty-two~~eight dollars (~~$22~~8.00) is paid, three dollars ($3.00) of such filing fee shall be paid to the county treasurer for deposit in the district court fund of the county; ten dollars ($10.00) of such filing fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the ISTARS technology fund; ~~and~~ nine dollars ($9.00) of such filing fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (p) of this section; and six dollars ($6.00) of such filing fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(b) A fee of seventeen dollars and fifty cents ($17.50) shall be paid, but not in advance, by each person found guilty of any felony or misdemeanor, except when the court orders such fee waived because the person is indigent and unable to pay such fee. If the magistrate court facilities are provided by the county, five dollars ($5.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and twelve dollars and fifty cents ($12.50) of such fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (p) of this section. If the magistrate court facilities are provided by a city, five dollars ($5.00) of such fee shall be paid to the city treasurer for deposit in the city general fund, two dollars and fifty cents ($2.50) of such fee shall be paid to the city treasurer for deposit in the city capital facilities fund for the construction, remodeling and support of magistrates court facilities, and ten dollars ($10.00) of such fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (p) of this section.

(c) A fee of sixteen dollars and fifty cents ($16.50) shall be paid, but not in advance, by each person found to have committed an infraction or any minor traffic, conservation or ordinance violation; provided that the judge or magistrate may in his or her discretion consolidate separate nonmoving traffic offenses into one (1) offense for purposes of assessing such fee. If the magistrate court facilities are provided by the county, five dollars ($5.00) of such fee shall be paid

to the county treasurer for deposit in the district court fund of the county; and eleven dollars and fifty cents ($11.50) of such fee shall be paid to the county treasurer, who shall pay such fees to the state treasurer for deposit in accordance with subsection (p) of this section. If the magistrate court facilities are provided by a city, five dollars ($5.00) of such fee shall be paid to the city treasurer for deposit in the city general fund, two dollars and fifty cents ($2.50) of such fee shall be paid to the city treasurer for deposit in the city capital facilities fund for the construction, remodeling and support of magistrate court facilities, and nine dollars ($9.00) of such fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (p) of this section.

(d) A fee of ~~twenty-four~~ thirty dollars ($~~24~~30.00) shall be paid by any party, except the plaintiff, making an appearance in any civil action in the district court or in the magistrate's division of the district court. Of such fee, four dollars ($4.00) shall be paid to the county treasurer for deposit in the district court fund of the county; ten dollars ($10.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit into the ISTARS technology fund; ~~and~~ ten dollars ($10.00) of such fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (p) of this section; and six dollars ($6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(e) A fee of nine dollars ($9.00) shall be paid by the person or persons required to make an account pursuant to either chapter 11 or chapter 18, title 15, Idaho Code, at the time such account is filed. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(f) A fee of ~~nineteen~~ twenty-five dollars ($~~19~~25.00) shall be paid upon the filing of a petition of the executor or administrator or of any person interested in an estate for the distribution of such estate, six dollars ($6.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; ~~and~~ thirteen dollars ($13.00) of such fee shall be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (p) of this section; and six dollars ($6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(g) A fee of ~~seven~~ thirteen dollars ($~~7~~13.00) shall be paid by an intervenor upon making an appearance in any civil action in the district court or in the magistrate's division of the district court. ~~All~~ Seven dollars ($7.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and six dollars ($6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(h) A fee of ~~eight~~ fourteen dollars ($~~8~~14.00) shall be paid by a party filing a third party claim as defined in the Idaho Rules of Civil Procedure. ~~All~~ Eight dollars ($8.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county;

and six dollars ($6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(i) A fee of ~~eight~~ fourteen dollars ($~~8~~14.00) shall be paid by any party filing a cross-claim. ~~All~~ Eight dollars ($8.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and six dollars ($6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(j) A fee of nine dollars ($9.00) shall be paid by a party initiating a change of venue. Such fee shall be paid to the clerk of the court of the county to which venue is changed. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(k) A fee of ~~nine~~ fifteen dollars ($~~9~~15.00) shall be paid by any party appearing after judgment or applying to reopen a case. ~~All~~ Nine dollars ($9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and six dollars ($6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund. A fee of thirty-~~two~~eight dollars ($~~32~~8.00) shall be paid by a party applying to reopen a divorce action or modify a divorce decree, with ~~all~~ seventeen dollars ($17.00) of the fee to be ~~distributed in the same manner as the fee provided for in subsection (a) of this section is distributed~~ paid to the county treasurer for deposit in the district court fund of the county; fifteen dollars ($15.00) of such fee to be paid to the county treasurer who shall pay such fees to the state treasurer for deposit in accordance with subsection (p) of this section; and six dollars ($6.00) of such fee to be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(l) A fee of ~~nine~~ fifteen dollars ($~~9~~15.00) shall be paid by a party taking an appeal from the magistrate's division of the district court to the district court; and six dollars of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund. No additional fee shall be required if a new trial is granted. All of such fee shall be paid to the county treasurer for deposit in the district court fund of the county.

(m) A fee of ~~nine~~ fifteen dollars ($~~9~~15.00) shall be paid by the party taking an appeal from the district court to the supreme court for comparing and certifying the transcript on appeal, if such certificate is required. ~~All~~ Nine dollars ($9.00) of such fee shall be paid to the county treasurer for deposit in the district court fund of the county; and six dollars ($6.00) of such fee shall be paid to the county treasurer who shall, within five (5) days after the end of the month, pay such fees to the state treasurer for deposit in the senior magistrate judges fund.

(n) Fees not covered by this section shall be set by rule or administrative order of the supreme court.

(o) All fees required to be paid by this section or by rule or

administrative order of the supreme court shall be collected by the clerk of the district court or by a person appointed by the clerk of the district court for this purpose. If it appears that there is a necessity for such fees to be collected by persons other than the clerk of the district court or a person designated by the clerk for such purpose, the supreme court by rule or administrative order may provide for the designation of persons authorized to receive such fees. Persons so designated shall account for such fees in the same manner required of the clerk of the district court and shall pay such fees to the clerk of the district court of the county in which such fees are collected.

(p) That portion of the filing fees required to be remitted to the state treasurer for deposit pursuant to subsections (a), (b), (c), (d) and (f) of this section shall be apportioned eighty-six percent (86%) to the state general fund and fourteen percent (14%) to the peace officers standards and training fund authorized in section 19-5116, Idaho Code, within five (5) days after the end of the month in which such fees were remitted to the county treasurer. That portion of the filing fees required to be remitted to a city treasurer for deposit in the city's general fund shall be remitted within five (5) days after the end of the month in which such fees were remitted to the county treasurer.

(q) Of the fees derived from the filing of any divorce action required to be transmitted to the state treasurer, the county treasurer shall retain five dollars ($5.00), which shall be separately identified and deposited in the district court fund of the county. Such moneys shall be used exclusively for the purpose of establishing a uniform system of qualifying and approving persons, agencies or organizations to conduct evaluations of persons convicted of domestic assault or battery as provided in section 18-918, Idaho Code, and the administration of section 18-918(7), Idaho Code, relating to the evaluation and counseling or other treatment of such persons, including the payment of the costs of evaluating and counseling or other treatment of an indigent defendant. No provision of chapter 52, title 39, Idaho Code, shall apply to the moneys provided for in this subsection.

(r) In consideration of the aforesaid fees the clerk of the district court shall be required to perform all lawful service that may be required of him by any party thereto; provided, that he shall not prepare and furnish any certified copy of any file or record in an action except printed transcript on appeal, without additional compensation as provided by law.

SECTION 3. This act shall be in full force and effect on and after July 1, 2006, and shall apply only to full-time magistrate judges who retire on or after July 1, 2006.

Approved March 30, 2006.

CHAPTER 268
(S.B. No. 1411)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1305, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE DEFENSE AND INDEMNIFICATION OF RETIREMENT BOARD MEMBERS, SYSTEM STAFF AND

SYSTEM MORTGAGE AND INVESTMENT COMMITTEE MEMBERS; AND AMENDING SECTION 59-1308, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE DEFENSE AND INDEMNIFICATION OF RETIREMENT BOARD MEMBERS AND SYSTEM STAFF.

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

SECTION 1. That Section 59-1305, Idaho Code, be, and the same is hereby amended to read as follows:

59-1305. POWERS AND DUTIES OF BOARD -- INDEMNIFICATION. (1) The board shall have the power and duty, subject to the limitations of this chapter, of managing the system. It shall have the powers and privileges of a corporation, including the right to sue and be sued in its own name as such board. Members of the retirement board, retirement system staff and retirement system mortgage and investment committee members ~~who~~ shall, ~~be found to be fiduciaries of the fund,~~ jointly and individually, ~~shall~~ be provided a defense and indemnified ~~from~~ against all claims, demands, judgments, costs, charges and expenses, including court costs and attorney's fees, and against all liability losses and damages of any nature whatsoever ~~that retirement board members, retirement system staff or retirement system mortgage and investment committee members shall or may at any time sustain by reason of any decision made~~ that arise out of and in the course and scope ~~or performance~~ of their official duties ~~pursuant to the provisions of this section~~ and functions, but only if the defense and indemnity for such person's wrongful act or omission are not provided by chapter 9, title 6, Idaho Code, and the wrongful act or omission of the person was not intentional, willful or wanton misconduct, fraudulent, or a knowing violation of law. The board may, as a fiduciary of the trust, determine to provide a defense and indemnity hereunder. The board may, as a fiduciary of the trust, determine to refuse a defense, or disavow and refuse to pay any judgment against a board member, retirement system staff, or retirement system mortgage and investment committee member if it is determined that such person was not within the course and scope of his official duties and functions or his conduct was intentional misconduct, willful, wanton, fraudulent, or a knowing violation of the law. Any defense and indemnity provided under this section shall be an expense of the trust, and the board is authorized but not required to purchase insurance to protect against such risks notwithstanding any other provision of law. No contribution or indemnification, or reimbursement for legal fees and expenses related to such defense or indemnification, shall be sought from any person defended or indemnified under this section unless the court in which the underlying claim was brought finds that the act or omission of the person was outside the course and scope of his official duties and functions or was intentional, willful or wanton misconduct, fraudulent, or a knowing violation of law. Any action by the trust against a board member, retirement system staff, or mortgage and investment committee member, and any action by a person against the trust for contribution, indemnification or necessary legal fees and expenses shall be tried to the court in the same civil lawsuit brought on the claim against the retirement board member, retirement system staff, or retirement system mortgage and investment committee member. The venue of all actions in which the board is a party shall be Ada county, Idaho.

(2) The board shall appoint an executive director to serve at its discretion. The executive director shall be the secretary to the board, bonded as is required by the board and shall perform such duties as assigned by the board. The executive director shall be authorized to designate a staff member as acting director or secretary in the director's absence.

(3) The board shall authorize the creation of whatever staff it deems necessary for sound and economical administration of the system. The executive director shall hire the persons for the staff who shall hold their respective positions subject to the rules of a merit system for state employees. The salaries and compensation of all persons employed for purposes of administering the system shall be fixed by the board and as otherwise provided by law.

(4) The board shall obtain all actuarial, audit, legal and medical services it deems appropriate for the system. It shall cause a competent actuary who is a member of the academy of actuaries and who is familiar with public systems of pensions to be retained on a consulting basis. The actuary shall be the technical advisor of the board on matters regarding the operation of the system. During the first year of operation of the system and at least once every four (4) years thereafter, the actuary shall make a general investigation of the suitability of the actuarial tables used by the system. The board shall adopt the actuarial tables and assumptions in use by the system and may change the same in its sole discretion at any time. The actuary shall make an annual valuation of the liabilities and reserves of the system, and an annual determination of the amount of contributions required from the employers under this chapter, and certify the results thereof to the board. The actuary shall also perform such other duties as may be assigned by the board. An independent financial audit shall be conducted annually or as frequently as otherwise determined by the board.

(5) The board shall establish the system's office or offices to be used for the meetings of the board and for the general purposes of the administrative personnel. The board shall provide for the installation of a complete and adequate system of accounts and records for administering this chapter. All books and records shall be kept in the system's offices.

(6) If the board determines that it has previously overpaid or underpaid benefits provided under this chapter or chapter 14, title 72, Idaho Code, it shall correct the prior error. In the event of prior underpayment, the board shall forthwith pay the amount of the underpayment together with regular interest thereon. In the event of prior overpayment, the board may offset future benefit payments by the amount of the prior overpayment together with regular interest thereon. Any such decision to offset future benefit payments shall be administratively and judicially reviewable as provided in section 59-1314, Idaho Code. Nothing herein contained shall be construed to limit the rights of a member or the board to pursue any other remedy provided by law.

SECTION 2. That Section 59-1308, Idaho Code, be, and the same is hereby amended to read as follows:

59-1308. SUPPLEMENTAL BENEFIT PLAN -- CONTRIBUTIONS AND EXPENSES OF THE SUPPLEMENTAL BENEFIT PLAN -- INDEMNIFICATION. (1) The state shall sponsor and the board shall administer one (1) or more supplemental ben-

efit plans to be used for allocation of extraordinary gains as provided in section 59-1309, Idaho Code, and for voluntary contributions of active members. The supplemental plans may be established under the qualified requirements of section 401(a) of the Internal Revenue Service Code and with the qualified cash or deferred arrangements under section 401(k) of the Internal Revenue Service Code or any other tax-deferred plan permitted by law, as determined by the retirement board. The board is authorized to secure such qualified staff and consultants as it determines necessary to establish and administer such plans. Employee and employer contributions shall be permitted according to the provisions of these plans as established by the board. For purposes of this section "employee" shall mean a participant as defined in the supplemental benefit plan documents or board rules.

(2) The board is authorized, but not required, to establish separate trust funds to hold the assets of the supplemental benefit plans created under this section. The investment options available under supplemental benefit plans shall be determined by the board, and may include, but are not limited to, investment in all or part of the public employee retirement fund and use of private vendor options.

(3) Supplemental benefit plans shall be available to all active members and shall be in addition to any other retirement or tax-deferred compensation system established by the employer. The board may provide educational opportunities related to supplemental benefit plans and retirement savings, as determined by the board.

(4) Accounts shall be established in supplemental benefit plans for all active members eligible for an extraordinary gains transfer under section 59-1309, Idaho Code. After the initial transfer of extraordinary gains, any active member may make additional voluntary contributions to his/her account, subject to applicable limitations, by authorizing his/her employer to contribute an amount by payroll deduction to the supplemental benefit plan in lieu of receiving such amount as salary. The amount of such contributions shall be subject to any limitations established by the board, state or federal law. The employer shall provide coordination of contributions between multiple plans to assure that contribution limits are not exceeded. Should aggregate contributions to multiple plans exceed applicable limits, excess contributions shall be deemed to apply exclusively to plans not created by this chapter. In the event a preexisting plan is used as a supplemental plan, voluntary contributions may continue to be made to that plan despite the absence of extraordinary gains transfers.

(5) For purposes of this section the employer is authorized to make such deductions from salary for any employee who has authorized such deductions in writing. The employer shall forward all contributions under this section to the board by the fifth working day after each payroll, in addition to reports as directed by the board. Any costs incurred by the board, whether direct or indirect, due to an employer's failure to properly withhold, transfer, limit and report contributions, shall be the responsibility of the employer and shall be immediately due and payable upon notice from the board. This includes, but is not limited to, costs associated with plan corrections. Such costs shall be treated as delinquent contributions under section 59-1325, Idaho Code.

(6) The board may enter into agreements with employers or require participation to implement the supplemental benefit plans and the board may designate administrative agents to execute all necessary agreements pertaining to the supplemental benefit plans.

(7) All contributions received from participants in the supplemental benefit plans shall be deposited with a trustee designated by the board. All such funds are hereby perpetually appropriated to the board, shall not be included in the department's budget, and may be invested or used to pay for investment and administrative expenses of the supplemental benefit plans. Inactive members may be required to transfer supplemental benefit plan account balances as determined by the board.

(8) The board may establish rules to implement and administer supplemental benefit plans. Costs of administration shall be appropriated by the legislature and may be paid from the interest earnings of the funds accrued as a result of the deposits or as an assessment against each account, to be decided by the board. Investment related expenses are exempt from appropriation.

(9) Contributions and investment earnings under the supplemental benefit plans shall be exempt from federal and state income taxes until the ultimate distribution of such contributions. Distributions of funds held in supplemental benefit plan accounts are subject to federal law limitations. The board may provide for retirement disbursement options other than lump sum payments.

(10) All additional contributions made by the employee under this section shall continue to be included as regular compensation for the purpose of computing the employer and employee retirement contributions and pension benefits earned by an employee under this chapter, but such sum shall not be included in the computation of any income taxes withheld on behalf of any employee. However, funds accrued in a supplemental benefit plan account shall not be considered in determining any other benefits under this chapter.

(11) The provisions of sections 59-1316 and 59-1317(1), (2) and (5), Idaho Code, shall also apply to the supplemental benefit plans created under this section. Should a court order that an assignment be made to a participant's spouse or former spouse of all or part of an account created under this section, the assignment shall be separate and distinct from any approved domestic retirement order required by section 59-1317(4), Idaho Code. Requirements for assignments of supplemental accounts may be set forth in rule or other plan documents.

(12) Members of the retirement board or retirement system staff shall, jointly or individually, ~~shall~~ be provided a defense and indemnified ~~from~~ against all claims, demands, judgments, costs, charges and expenses, including court costs and attorney's fees, and against all liability losses and damages of any nature whatsoever ~~that--the--retirement--board--or-retirement-system-staff-shall-or-may-at-any-time-sustain by-reason-of-any-decision-made~~ arising out of and in the course and scope ~~or-performance~~ of their official duties and functions in administering any plans created pursuant to the provisions of this section~~, except--as--may-result-from-their-willful-and-intentional-malfeasance~~ to the same extent as provided in section 59-1305(1), Idaho Code. The venue of all actions in which the retirement board or retirement staff is a party shall be in Ada county, Idaho.

Approved March 30, 2006.

CHAPTER 269
(S.B. No. 1413)

AN ACT

RELATING TO HONORARIUMS AND EXPENSES; AMENDING SECTION 59-509, IDAHO CODE, TO PROVIDE FOR SPECIFIED PER DIEM HONORARIUM AND FOR ACTUAL AND NECESSARY EXPENSES OF MEMBERS OF PART-TIME BOARDS, COMMISSIONS OR COUNCILS.

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

SECTION 1. That Section 59-509, Idaho Code, be, and the same is hereby amended to read as follows:

59-509. HONORARIUMS OR COMPENSATION FOR MEMBERS OF BOARDS, COMMISSIONS AND COUNCILS. The members of part-time boards, commissions or councils shall receive for each day spent in the actual performance of duties, an honorarium, compensation, or expenses, as provided in the following schedule:

(a) Members shall serve without honorarium, compensation, or expense reimbursement of any kind.

(b) Members shall serve without honorarium or compensation of any kind, but shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(c) Members shall serve without honorarium or compensation of any kind, but shall be reimbursed for actual and necessary expenses, without being subject to the limits provided in section 67-2008, Idaho Code.

(d) Members shall receive the sum of fifteen dollars ($15.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(e) Members shall receive the sum of twenty dollars ($20.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(f) Members shall receive the sum of twenty-five dollars ($25.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(g) Members shall receive the sum of thirty-five dollars ($35.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(h) Members shall receive the sum of fifty dollars ($50.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(i) Members shall receive the sum of seventy-five dollars ($75.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code.

(j) Members shall receive an honorarium in the sum of fifteen dollars ($15.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code, unless otherwise provided by statute. Payment of an honorarium as provided in this subsection shall not be considered salary as defined in section 59-1302(31), Idaho Code.

(k) Members shall receive an honorarium in the sum of twenty dollars ($20.00) per day, and shall be reimbursed for actual and necessary

expenses, subject to the limits provided in section 67-2008, Idaho Code. Payment of an honorarium as provided in this subsection shall not be considered salary as defined in section 59-1302(31), Idaho Code.

(l) Members shall receive an honorarium in the sum of twenty-five dollars ($25.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code. Payment of an honorarium as provided in this subsection shall not be considered salary as defined in section 59-1302(31), Idaho Code.

(m) Members shall receive an honorarium in the sum of thirty-five dollars ($35.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code. Payment of an honorarium as provided in this subsection shall not be considered salary as defined in section 59-1302(31), Idaho Code.

(n) Members shall receive an honorarium in the sum of fifty dollars ($50.00) per day, and shall be reimbursed for actual and necessary expenses, subject to the limits provided in section 67-2008, Idaho Code. Payment of an honorarium as provided in this subsection shall not be considered salary as defined in section 59-1302(31), Idaho Code.

(o) Members shall receive an honorarium in the sum of seventy-five dollars ($75.00) per day, and shall be reimbursed for actual and necessary expenses subject to the limits provided in section 67-2008, Idaho Code. Payment of an honorarium as provided in this subsection shall not be considered salary as defined in section 59-1302(31), Idaho Code.

(p) Members shall receive an honorarium in the sum of one hundred dollars ($100) per day, and shall be reimbursed for actual and necessary expenses subject to the limits provided in section 67-2008, Idaho Code. Payment of an honorarium as provided in this subsection shall not be considered salary as defined in section 59-1302(31), Idaho Code.

Approved March 30, 2006.

CHAPTER 270
(S.B. No. 1417)

AN ACT

RELATING TO MEDICAL ASSISTANCE; AMENDING SECTION 56-238, IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO REVISE THE DEFINITION FOR "ELIGIBLE CHILD"; AMENDING SECTION 56-240, IDAHO CODE, TO REFERENCE ELIGIBLE CHILDREN FOR PURPOSES OF THE CHILDREN'S ACCESS CARD PROGRAM AND TO PROVIDE CODE REFERENCES; AND AMENDING SECTION 56-241, IDAHO CODE, TO PROVIDE CODE REFERENCES AND TO REVISE PROVISIONS APPLICABLE TO THE PARTICIPATION OF SMALL EMPLOYERS IN THE SMALL BUSINESS HEALTH INSURANCE PILOT PROGRAM.

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

SECTION 1. That Section 56-238, Idaho Code, be, and the same is hereby amended to read as follows:

56-238. DEFINITIONS. As used in ~~this act~~ sections 56-236 through 56-242, Idaho Code:

(1) "Children's access card program" means the program created in section 56-240, Idaho Code.

(2) "CHIP Plan A" means the existing Idaho children's health insurance program for children eligible under federal title XXI whose families' gross incomes do not exceed one hundred fifty percent (150%) of the federal poverty guidelines.

(3) "CHIP Plan B" means the program created in section 56-239, Idaho Code.

(4) "Department" means the department of health and welfare.

(5) "Director" means the director of the department of health and welfare.

(6) "Eligible adult" means a person:

(a) Over eighteen (18) years of age living in Idaho;

(b) Whose family's gross income is equal to or less than one hundred eighty-five percent (185%) of the federal poverty guidelines; and

(c) Who is employed full time by a small employer, meaning an employer with two (2) to fifty (50) employees and as such term is defined in section 41-4703, Idaho Code, and who is eligible for health insurance coverage under a small employer health benefit plan regulated under chapter 47, title 41, Idaho Code, or the dependent spouse of such employee.

(7) "Eligible child" means a child under nineteen (19) years of age living in Idaho whose family's gross income falls within federal poverty guidelines for Medicaid, CHIP Plan A or CHIP Plan B. ~~Children currently eligible for CHIP under federal title XXI may elect to participate in either the Idaho children's health insurance program (CHIP Plan A) or the children's access card program. Children whose family's gross income is between one hundred fifty percent (150%) and one hundred eighty five percent (185%) of the federal poverty guidelines may elect to participate in either the CHIP Plan B or the children's access card program.~~

(8) "Health benefit plan" means any hospital or medical policy or certificate, any subscriber contract provided by a hospital or professional service corporation, or managed care organization subscriber contract. Health benefit plan does not include policies or certificates of insurance for specific disease, hospital confinement indemnity, accident-only, credit, dental, vision, medicare supplement, long-term care, or disability income insurance, student health benefits only coverage issued as a supplement to liability insurance, worker's compensation or similar insurance, automobile medical payment insurance or nonrenewable short-term coverage issued for a period of twelve (12) months or less.

(9) "Small business health insurance pilot program" means the program created in section 56-241, Idaho Code.

SECTION 2. That Section 56-240, Idaho Code, be, and the same is hereby amended to read as follows:

56-240. CHILDREN'S ACCESS CARD PROGRAM. (1) There is hereby created in the department a children's access card program that shall, through the Idaho health insurance access card program, make payments to the insurance company providing coverage under a health benefit plan, as defined in section 56-238, Idaho Code, for ~~a~~ an eligible child. ~~who is eligible for federal title XXI benefits under CHIP Plan A or CHIP Plan B.~~ In each month the insurance coverage is in effect, a one hundred dollar ($100) payment shall be applied to the monthly insurance premium

billed each month by the insurance company with a maximum payment of three hundred dollars ($300) for all ~~dependent~~ eligible children in the family. The director shall implement the program by adopting rules recommended by the board of the Idaho high risk reinsurance pool created in section 41-5502, Idaho Code.

(2) Participation in the children's access card program by any employer shall be optional. Nothing in ~~this act~~ sections 56-236 through 56-242, Idaho Code, shall be construed to mandate or require that an employer participate in the children's access card program.

(3) There is hereby created a children's access card program advisory board which shall advise the Idaho high risk reinsurance pool board concerning issues related to the children's access card program. The board shall consist of eight (8) members, four (4) members to be appointed by the director and four (4) members to be appointed by the governor. At least two (2) members of the board shall be parents of children who are eligible to participate in the children's access card program.

SECTION 3. That Section 56-241, Idaho Code, be, and the same is hereby amended to read as follows:

56-241. SMALL BUSINESS HEALTH INSURANCE PILOT PROGRAM. (1) There is hereby created in the department a small business health insurance pilot program that shall be made available to up to one thousand (1,000) eligible adults, as defined in section 56-238, Idaho Code, based on available funding. The director shall implement the program by adopting rules recommended by the board of the Idaho high risk reinsurance pool created in section 41-5502, Idaho Code, providing for the payment of the benefit authorized in subsection (2) of this section through the use of the Idaho health insurance access card.

(2) The small business health insurance pilot program shall, through the Idaho health insurance access card program, pay to the insurance company providing insurance coverage through policies regulated under chapter 47, title 41, Idaho Code, for an adult enrolled in the small employer health insurance pilot program, for each month the insurance coverage is in effect, a one hundred dollar ($100) payment to be applied to the monthly insurance premium billed each month by the insurance company.

(3) Participation in the small business health insurance pilot program by any employer shall be optional. Nothing in ~~this act~~ sections 56-236 through 56-242, Idaho Code, shall be construed to mandate or require that an employer participate in the pilot program. Small employers who choose to participate in the small business health insurance pilot program shall ~~contribute at least fifty percent (50%) of the employee premium and at least fifty percent (50%) of the combination of employee and dependent spouse contribution percentage for those employees and their dependent spouses who are enrolled in the small business health insurance pilot program~~ meet insurance carriers' contribution and participation guidelines.

(4) There is hereby created a small business health insurance advisory board which shall advise the Idaho high risk reinsurance pool board concerning issues related to the small business health insurance pilot program. The board shall consist of eight (8) members, four (4) members to be appointed by the director and four (4) members to be appointed by

the governor. At least four (4) members of the board shall be representatives of small businesses, meaning those with two (2) to fifty (50) employees, that offer employee health benefit plans regulated under chapter 47, title 41, Idaho Code.

Approved March 30, 2006.

CHAPTER 271
(S.B. No. 1442)

AN ACT

APPROPRIATING MONEYS FOR COMMUNITY COLLEGE SUPPORT FOR FISCAL YEAR 2007; AND EXPRESSING LEGISLATIVE INTENT IN REGARD TO ALLOCATION OF GENERAL 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 College Support the following amount to be expended according to the designated expense class from the listed funds for the period July 1, 2006, through June 30, 2007:

FOR:	
Trustee and Benefit Payments	$22,085,700
FROM:	
General Fund	$21,752,000
Economic Recovery Reserve Fund	33,700
Community College Fund	300,000
TOTAL	$22,085,700

SECTION 2. It is legislative intent that the State Board of Education shall allocate the moneys appropriated in Section 1 of this act between the College of Southern Idaho and North Idaho College.

Approved March 30, 2006.

CHAPTER 272
(S.B. No. 1443)

AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2007; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICES COSTS TO THE GENERAL FUND; REQUIRING CERTAIN PURCHASES BE SUBJECT TO CERTAIN CONDITIONS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. ADMINISTRATION:				
FROM:				
General Fund	$ 402,200	$ 59,000		$ 461,200
Economic Recovery Reserve Fund			$ 8,000	8,000
TOTAL	$ 402,200	$ 59,000	$ 8,000	$ 469,200
II. STATEWIDE ACCOUNTING:				
FROM:				
General Fund	$1,425,900	$1,677,600		$ 3,103,500
Economic Recovery Reserve Fund		300,000	13,000	313,000
TOTAL	$1,425,900	$1,977,600	$ 13,000	$ 3,416,500
III. STATEWIDE PAYROLL:				
FROM:				
General Fund	$1,189,000	$1,692,400		$ 2,881,400
Economic Recovery Reserve Fund			$ 11,600	11,600
TOTAL	$1,189,000	$1,692,400	$ 11,600	$ 2,893,000
IV. COMPUTER CENTER:				
FROM:				
Data Processing Services Fund	$3,705,900	$2,347,700	$102,400	$ 6,156,000
GRAND TOTAL	$6,723,000	$6,076,700	$135,000	$12,934,700

SECTION 2. 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, 2007, 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 3. Any purchases or obligations involving information technology items for the period July 1, 2006, through June 30, 2007, are to be submitted to and coordinated with the Information Technology Resource Management Council.

SECTION 4. There is hereby reappropriated to the State Controller, the unexpended and unencumbered cash balance of any appropriation made to the State Controller for fiscal year 2006, to be used for nonrecurring expenditures only for the period July 1, 2006, through June 30, 2007.

SECTION 5. As it relates to the General Fund, the reappropriation granted in Section 4 of this act is subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2006, is zero, the reappropriation of General Fund moneys in Section 4 of this act is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Fund on June 30, 2006, is greater than zero but less than the total General

Fund reappropriation authority granted to all state agencies, the amount of General Fund moneys reappropriated in Section 4 of this act shall be in the proportion that the General Fund reappropriation for the State Controller bears to the total General Fund reappropriation authority granted to all state agencies.

SECTION 6. In accordance with Section 67-3519, Idaho Code, the State Controller is authorized no more than ninety-nine and eighty-five hundredths (99.85) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 7. The State Controller is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 30, 2006.

CHAPTER 273
(S.B. No. 1444)

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 2007; ESTABLISHING AMOUNTS TO BE EXPENDED FOR SYSTEMWIDE PROGRAMS; PROVIDING FOR A FUNDING EQUITY PAYMENT TO BOISE STATE UNIVERSITY AND IDAHO STATE UNIVERSITY; DIRECTING THE STATE BOARD OF EDUCATION TO PROVIDE A SYSTEM OF REPORTING FACULTY AND STAFF TURNOVER; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES.

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, 2006, through June 30, 2007:

FOR:	
General Education Programs	$371,660,500
FROM:	
General Fund	$238,823,800
Economic Recovery Reserve Fund	4,686,100
Agricultural College Endowment Fund	661,200
Charitable Institutions Endowment Fund	629,700

Normal School Endowment Income Fund	2,095,900
Scientific School Endowment Income Fund	2,375,800
University Endowment Income Fund	1,822,600
Unrestricted Fund	96,830,600
UI Restricted Fund	23,734,800
TOTAL	$371,660,500

SECTION 2. SYSTEMWIDE PROGRAMS. Of the amount appropriated from the General Fund in Section 1 of this act, an amount not to exceed $100,000 shall be used by the Office of the State Board of Education for systemwide needs; an amount not to exceed $1,440,000 may be used for the mission and goals of the Higher Education Research Council; an amount not to exceed $1,575,000 may be used for the competitive Idaho Technology Incentive Grant Program to foster innovative learning approaches using technology, and to promote the Idaho Electronic Campus; and an amount not to exceed $500,000 may be used for teacher preparation activities associated with Idaho's Comprehensive Literacy Act.

SECTION 3. FUNDING EQUITY SETTLEMENT. In 2002, the Idaho State Board of Education (hereinafter "Board") approved the Task Force Report on Funding Equity based upon MGT of America's "Equity Study" dated June 21, 2001. This study determined, among other things, that funding inequity existed internally among the universities for instructional programs. Pursuant to the findings of this report and recommendations of the Board, the Idaho Legislature and the Board have hereby agreed to a funding equity settlement payment in the amount of $3,862,900 which shall be allocated by the Board as follows: $2,190,300 to Boise State University and $1,672,600 to Idaho State University. This payment shall constitute full, final and complete satisfaction of the entire funding equity amount originally recommended by the Board. Neither the Board nor any institution shall request additional moneys for funding equity in future years based upon the findings of the 2002 Task Force Report or related Board recommendations.

SECTION 4. 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 5. CARRYOVER AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents for 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 from fiscal year 2006, to be used for nonrecurring expenditures for the period July 1, 2006, through June 30, 2007.

Approved March 30, 2006.

CHAPTER 274
(S.B. No. 1445)

AN ACT
APPROPRIATING MONEYS FOR THE MILITARY DIVISION FOR FISCAL YEAR 2007; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MILITARY MANAGEMENT:					
FROM:					
General Fund	$ 1,587,200	$ 444,100		$ 227,400	$ 2,258,700
Indirect Cost Recovery Fund	111,700	45,700			157,400
Economic Recovery Reserve Fund		70,000	$ 37,000		107,000
Federal Grant Fund		167,200			167,200
Miscellaneous Revenue Fund		115,900			115,900
TOTAL	$ 1,698,900	$ 842,900	$ 37,000	$ 227,400	$ 2,806,200
II. FEDERAL AND STATE CONTRACTS:					
FROM:					
General Fund	$ 749,900	$ 1,178,200			$ 1,928,100
Economic Recovery Reserve Fund		627,500	$ 30,000		657,500
Federal Grant Fund	8,931,100	14,600,300	30,000		23,561,400
TOTAL	$ 9,681,000	$16,406,000	$ 60,000		$26,147,000
III. BUREAU OF HOMELAND SECURITY:					
FROM:					
General Fund	$ 1,200,800	$ 211,000			$ 1,411,800
Economic Recovery Reserve Fund			$ 84,100		84,100
Federal Grant Fund	1,474,500	6,390,900		$14,937,900	22,803,300
TOTAL	$ 2,675,300	$ 6,601,900	$ 84,100	$14,937,900	$24,299,200
GRAND TOTAL	$14,055,200	$23,850,800	$181,100	$15,165,300	$53,252,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Military Division is authorized no more than two hundred eleven and eighty-hundredths (211.80) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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.

Approved March 30, 2006.

CHAPTER 275
(S.B. No. 1446)

AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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

SECTION 1. There is hereby appropriated $117,300 to the Lieutenant Governor from the General Fund for the period July 1, 2006, through June 30, 2007.

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of the Lieutenant Governor is authorized no more than two (2) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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. The Lieutenant Governor is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 30, 2006.

CHAPTER 276
(S.B. No. 1447)

AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. ADMINISTRATION:				
FROM:				
General Fund	$1,668,300	$286,900		$1,955,200
Economic Recovery Reserve Fund		350,000	$110,000	$ 460,000
TOTAL	$1,668,300	$636,900	$110,000	$2,415,200
II. COMMISSION ON UNIFORM LAWS:				
FROM:				
General Fund		$ 28,600		$ 28,600
Economic Recovery Reserve Fund		6,800		6,800
TOTAL		$ 35,400		$ 35,400
GRAND TOTAL	$1,668,300	$672,300	$110,000	$2,450,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of the Secretary of State is authorized no more than thirty-one (31) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 Secretary of State is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 30, 2006.

CHAPTER 277
(S.B. No. 1389, As Amended in the House)

AN ACT

RELATING TO REGIONAL MENTAL HEALTH SERVICES; AMENDING SECTION 39-3124, IDAHO CODE, TO PROVIDE FOR STATE MENTAL HEALTH AUTHORITY RESPONSIBILITIES; AMENDING SECTION 39-3125, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR STATE MENTAL HEALTH AUTHORITY RESPONSIBILITIES; AMENDING CHAPTER 31, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3125, IDAHO CODE, TO ESTABLISH A STATE PLANNING COUNCIL, TO PROVIDE FOR COUNCIL RESPONSIBILITIES, TO PROVIDE FOR APPOINTMENT AUTHORITY AND MEMBERSHIP, TO PROVIDE FOR MEMBERSHIP

TERMS AND TO PERMIT THE ESTABLISHMENT OF SUBCOMMITTEES; AMENDING SECTION 39-3126, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 39-3127, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE ADDITIONAL REGIONAL COMPREHENSIVE MENTAL HEALTH CENTER SERVICES; REPEALING SECTION 39-3128, IDAHO CODE, RELATING TO ESTABLISHMENT OF SERVICES IN EACH REGION; AMENDING SECTION 39-3129, IDAHO CODE, TO PROVIDE THAT PETITIONS TO THE STATE MENTAL HEALTH AUTHORITY BE MADE THROUGH THE REGIONAL MENTAL HEALTH BOARD; AMENDING SECTION 39-3132, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE REGIONAL MENTAL HEALTH BOARD; AMENDING SECTION 39-3133, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE; AND AMENDING SECTION 39-3134A, IDAHO CODE, TO PERMIT ADDITIONAL STATE FUNDING TO REGIONAL MENTAL HEALTH BOARDS FOR SPECIFIED SERVICES AND TO PERMIT FUNDING FROM PRIVATE AND OTHER PUBLIC SERVICES.

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

SECTION 1. That Section 39-3124, Idaho Code, be, and the same is hereby amended to read as follows:

39-3124. DESIGNATION OF STATE MENTAL HEALTH AUTHORITY. The Idaho department of health and welfare is hereby designated the state mental health authority. The state mental health authority is responsible for taking into consideration and incorporating the recommendations and evaluations of the state planning council on mental health and the regional mental health boards in all statewide efforts to expand, improve, modify or transform the mental health service delivery system of the state. The state mental health authority shall identify the resources necessary for these efforts to be implemented on a statewide basis.

SECTION 2. That Section 39-3125, Idaho Code, be, and the same is hereby amended to read as follows:

39-3125~~6~~. DESIGNATION OF REGIONS FOR COMPREHENSIVE MENTAL HEALTH SERVICES. Recognizing both the right of every citizen to the best mental health services that the state is able to provide and the disproportionate ability of counties to finance mental health services, the state mental health authority shall designate regions and be responsible for ~~the--purpose--of~~ establishing regional comprehensive mental health services for all areas of the state. In the establishment of regions, primary consideration will be given to natural population groupings and trading areas, the regions previously designated for the establishment of other health services, the mental health needs of the people within the proposed regions, and the appropriate maximal use of available funding.

SECTION 3. That Chapter 31, 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 39-3125, Idaho Code, and to read as follows:

39-3125. STATE PLANNING COUNCIL ON MENTAL HEALTH. (1) A state planning council shall be established to serve as an advocate for adults with a severe mental illness and for seriously emotionally disturbed

children and youth; to advise the state mental health authority on issues of concern, policies and programs and provide guidance to the mental health authority in the development and implementation of the state mental health systems plan; to monitor and evaluate the allocation and adequacy of mental health services within the state on an ongoing basis; to ensure that individuals with severe mental illness and serious emotional disturbances have access to treatment, prevention and rehabilitation services including those services that go beyond the traditional mental health system; to serve as a vehicle for intra-agency and inter-agency policy and program development; and to present to the governor and the legislature by June 30 of each year a report on the council's achievements and the impact on the quality of life that mental health services has on citizens of the state.

(2) The planning council shall be appointed by the governor and be comprised of no less than fifty percent (50%) family members and consumers with mental illness. Membership shall also reflect to the extent possible the collective demographic characteristics of Idaho's citizens. The planning council membership shall strive to include representation from consumers, families of adult individuals with severe mental illness; families of children or youth with serious emotional disturbance; principal state agencies including the judicial branch with respect to mental health, education, vocational rehabilitation, criminal justice, title XIX of the social security act and other entitlement programs; public and private entities concerned with the need, planning, operation, funding and use of mental health services, and related support services; and the regional mental health board in each department of health and welfare region as provided for in section 39-3130, Idaho Code. The planning council may include members of the legislature and the state judiciary.

(3) The planning council members will serve a term of two (2) years or at the pleasure of the governor, provided however, that of the members first appointed, one-half (1/2) of the appointments shall be for a term of one (1) year and one-half (1/2) of the appointments shall be for a term of two (2) years. The governor will appoint a chair and a vice-chair whose terms will be two (2) years.

(4) The council may establish subcommittees at its discretion.

SECTION 4. That Section 39-3126, Idaho Code, be, and the same is hereby amended to read as follows:

39-3126~~7~~. RECIPROCAL AGREEMENTS BETWEEN STATES TO SHARE SERVICES. In such regions where natural population groupings overlap state boundaries, a regional comprehensive mental health service may be established jointly with a neighboring state or states. In such instances, the state mental health authority may enter into reciprocal agreements with these states to either share the expenses of the service in proportion to the population served; to allow neighboring states to buy services from Idaho; or to allow Idaho to purchase services that are otherwise not available to her citizens.

SECTION 5. That Section 39-3127, Idaho Code, be, and the same is hereby amended to read as follows:

39-31~~27~~8. SERVICES TO BE OFFERED. A regional mental health service shall include one (1) or more of the services leading to the establishment of a regional comprehensive mental health center. A comprehensive mental health center may include such services as:

(1) Short-term hospitalization for psychiatric treatment in an approved medical facility within the region;

(2) Partial hospitalization;

(3) Outpatient diagnosis and treatment;

(4) 24-hour emergency psychiatric services;

(5) Community consultation and education;

(6) Diagnostic services for other agencies;

(7) Rehabilitative services;

(8) Precare and postcare services in cooperation with a state mental hospital;

(9) Training of mental health personnel;

(10) Research and evaluation;

(11) Transitional housing for individuals, including juveniles, with mental illness and/or addiction disorders to promote and sustain the ability of these individuals to live in the community and avoid institutionalization; and

(12) Intensive supportive services such as those delivered by assertive community treatment teams. Assertive community treatment teams provide individualized treatment, rehabilitation and support services to the severely and persistently mentally ill.

SECTION 6. That Section 39-3128, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 39-3129, Idaho Code, be, and the same is hereby amended to read as follows:

39-3129. PETITION FOR REGIONAL SERVICES. Petition for regional mental health services may be made to the state mental health authority through the regional mental health board. The petition may be submitted by units of government within the region, by public and private agencies or professional associations serving within the region, or by a private, nonprofit corporation formed by citizens of that region for the purpose of planning for, petitioning for and securing mental health services for that region. The petition shall contain: (1) an identification of the petitioning group or groups; (2) a statement of the mental health needs of the region; and (3) an outline of the planning for mental health services already accomplished in the region.

SECTION 8. That Section 39-3132, Idaho Code, be, and the same is hereby amended to read as follows:

39-3132. POWERS AND DUTIES. The regional mental health board:

(1) Shall advise the ~~division of mental health~~ state mental health authority through the state planning council on local mental health needs within the region;

(2) Shall assist in the formulation of an operating policy for the regional service;

(3) Shall interpret the regional mental health services to the citizens and agencies of the region;

(4) Shall advise the state mental health authority and the state planning council of the progress, problems and proposed projects of the regional service;

(5) Shall collaborate with the regional advisory substance abuse authorities and the regional children's mental health councils to develop appropriate joint programs;

(6) Shall promote improvements in the delivery of mental health services and coordinate and exchange information regarding mental health programs in the region;

(7) Shall identify gaps in available services including, but not limited to, services listed in section 39-3128, Idaho Code, and recommend service enhancements that address identified needs for consideration to the state mental health authority;

(8) Shall assist the state planning council on mental health with planning for service system improvement. The state planning council shall incorporate the recommendation to the regional mental health boards into the annual report provided to the governor by June 30 of each year. This report shall also be provided to the legislature; and

(9) May develop, or obtain proposals for, a service plan component for consideration by the state mental health authority.

SECTION 9. That Section 39-3133, Idaho Code, be, and the same is hereby amended to read as follows:

39-3133. DIRECTOR OF ~~DIVISION OF MENTAL HEALTH~~ THE DEPARTMENT OF HEALTH AND WELFARE -- DUTIES. The director of the department of health and welfare shall appoint and supervise the directors of each regional mental health service and shall supervise its program; shall prescribe uniform standards of treatment and care provided by each regional service; shall set the professional qualifications for staff positions; and make such other rules as are necessary and proper to carry out the purposes and intent of this act.

SECTION 10. That Section 39-3134A, Idaho Code, be, and the same is hereby amended to read as follows:

39-3134A. COOPERATIVE SERVICE PLAN COMPONENT. The regional mental health board may undertake development of a service plan component specifically designed to address an identified unmet need in the region. Such a service plan component may be based upon the assertive community treatment team model, other available intensive models, or a model unique to the region. Such a service plan component shall specify the distinct resource contribution of each participating entity, the terms and conditions of participation and the measures to be used to assess performance and outcomes under the service plan component. The service plan component shall include governance procedures, evaluation data, and the means for amendment or termination of the service plan component. If a service plan component is developed pursuant to this section and approved by the state mental health authority, the service plan component shall be funded by the state as provided in the service plan component, subject to the appropriation made for that purpose. In addition to the funds provided for in section 39-3136, Idaho Code, the state may provide development grants through the state mental health authority and in coordination with the regional mental health board for twenty-four

(24) hour emergency psychiatric services, short-term psychiatric beds, transitional housing and detoxification facilities. Nothing in this chapter shall preclude the regional mental health board from receiving private and other public funding to assist the regional mental health board in providing services.

Approved March 31, 2006.

CHAPTER 278
(H.B. No. 776)

AN ACT

RELATING TO MEDICAID; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 56-250, 56-251, 56-252, 56-253, 56-254 AND 56-255, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO STATE LEGISLATIVE INTENT, TO PROVIDE DEFINITIONS, TO PROVIDE POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE, TO PROVIDE FOR MEDICAL ASSISTANCE PAYMENTS BY THE DEPARTMENT TO OR ON BEHALF OF DESIGNATED CATEGORIES OF ELIGIBLE PERSONS, TO PERMIT THE DEPARTMENT TO MAKE PAYMENTS FOR MEDICALLY NECESSARY SERVICES FURNISHED BY PROVIDERS TO DESIGNATED CATEGORIES OF ELIGIBLE PARTICIPANTS AND TO SPECIFY THE SERVICES FOR WHICH PAYMENTS MAY BE MADE.

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

SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 56-250, 56-251, 56-252, 56-253, 56-254 and 56-255, Idaho Code, and to read as follows:

56-250. SHORT TITLE. This act shall be known and may be cited as the "Idaho Medicaid Simplification Act."

56-251. LEGISLATIVE INTENT. (1) The legislature finds that the current federal medicaid law and regulations have not kept pace with modern health care management practices, create obstacles to quality care and impose unnecessary costs on the delivery of effective and efficient health care. The legislature believes that the state of Idaho must strive to balance efforts to contain medicaid costs, improve program quality and improve access to services. The legislature further believes that the state of Idaho could achieve improved health outcomes for medicaid participants by simplifying eligibility and developing health benefits for medicaid participants according to their health needs, including appropriate preventive and wellness services.

(2) The legislature supports development, at a minimum, of the following health-need categories:

(a) Low-Income Children and Working-Age Adults. The broad policy goal for the medicaid program for low-income children and working-age adults is to achieve and maintain wellness by emphasizing prevention and by proactively managing health. Additional specific goals are:

(i) To emphasize preventive care and wellness;

(ii) To increase participant ability to make good health choices; and

(iii) To strengthen the employer-based health insurance system.

(b) Persons with Disabilities or Special Health Needs. The broad policy goal for the medicaid program for persons with disabilities or special health needs is to finance and deliver cost-effective individualized care. Additional specific goals are:

(i) To emphasize preventive care and wellness;

(ii) To empower individuals with disabilities to manage their own lives;

(iii) To provide opportunities for employment for persons with disabilities; and

(iv) To provide and to promote family-centered, community-based, coordinated care for children with special health care needs.

(c) Elders. The broad policy goal for the medicaid program for elders is to finance and deliver cost-effective individualized care which is integrated, to the greatest extent possible, with medicare coverage. Additional specific goals are:

(i) To emphasize preventive care and wellness;

(ii) To improve coordination between medicaid and medicare coverage;

(iii) To increase nonpublic financing options for long-term care; and

(iv) To ensure participants' dignity and quality of life.

(3) To the extent practicable, the department shall achieve savings and efficiencies through use of modern care management practices, in areas such as network management, cost-sharing, benefit design and premium assistance.

(4) The department's duty to implement these changes in accordance with the intent of the legislature is contingent upon federal approval.

56-252. DEFINITIONS. As used in sections 56-250 through 56-255, Idaho Code:

(1) "Benefit design" means selection of services, providers and beneficiary cost-sharing to create the scope of coverage for participants.

(2) "Community supports" means services that promote the ability of persons with disabilities to be self-sufficient and live independently in their own communities.

(3) "Cost-sharing" means participant payment for a portion of medicaid service costs such as deductibles, coinsurance or copayment amounts.

(4) "Department" means the department of health and welfare.

(5) "Director" means the director of the department of health and welfare.

(6) "Health risk assessment" means a process of assessing the health status and health needs of participants.

(7) "Medicaid" means Idaho's medical assistance program.

(8) "Medical assistance" means payments for part or all of the cost of services funded by titles XIX or XXI of the federal social security act as amended, as may be designated by department rule.

(9) "Medical home" means a primary care case manager designated by the participant or the department to coordinate the participant's care.

(10) "Network management" means establishment and management of contracts between the department and limited groups of providers or suppliers of medical and other services to participants.

(11) "Participant" means a person eligible for and enrolled in the Idaho medical assistance program.

(12) "Premium assistance" means use of medicaid funds to pay part or all of the costs of enrolling eligible individuals into private insurance coverage.

(13) "Primary care case manager" means a primary care physician who contracts with medicaid to coordinate the care of certain participants.

(14) "Provider" means any individual, partnership, association, corporation or organization, public or private, which provides residential or assisted living services, certified family home services, nursing facility services or services offered pursuant to medical assistance.

(15) "Self-determination" means medicaid services that allow persons with disabilities to exercise choice and control over the services and supports they receive.

(16) "State plan" means the contract between the state and federal government under 42 U.S.C. section 1396a(a).

56-253. POWERS AND DUTIES OF THE DIRECTOR. (1) The director is hereby encouraged and empowered to obtain federal approval in order that Idaho design and implement changes to its medicaid program that advance the quality of services to participants while allowing access to needed services and containing excessive costs. The design of Idaho's medicaid program shall incorporate the concepts expressed in section 56-251, Idaho Code.

(2) The director may create health-need categories other than those stated in section 56-251(2)(a), Idaho Code, subject to legislative approval, and may develop a medicaid state plan for each category.

(3) Each state plan shall include explicit policy goals for the covered population identified in the plan, as well as specific benefit packages, delivery system components and performance measures in accordance with section 67-1904, Idaho Code.

(4) The director shall establish a mechanism to ensure placement of participants into the appropriate state plan. This mechanism shall include, but not be limited to, a health risk assessment. This assessment shall comply with federal requirements for early and periodic screening, diagnosis and treatment (EPSDT) services for children, in accordance with section 1905(a)(4)(B) of the social security act.

(5) The director may require, subject to federal approval, participants to designate a medical home. Applicants for medical assistance shall receive information about primary care case management, and, if required to so designate, shall select a primary care provider as part of the eligibility determination process.

(6) The director may, subject to federal approval, enter into contracts for medical and other services when such contracts are beneficial to participant health outcomes as well as economically prudent for the medicaid program.

(7) The director may obtain agreements from medicare, school districts and other entities to provide medical care if it is practical and cost-effective.

(8) The director is given authority to promulgate rules consistent with this act.

56-254. ELIGIBILITY FOR MEDICAL ASSISTANCE. The department shall make payments for medical assistance to, or on behalf of, the following persons eligible for medical assistance.

(1) The state plan for low-income children and working-age adults includes the following persons:

(a) Children in families whose family income does not exceed one hundred eighty-five percent (185%) of the federal poverty guideline and who meet age-related and other eligibility standards in accordance with department rule;

(b) Pregnant women of any age whose family income does not exceed one hundred thirty-three percent (133%) of the federal poverty guideline and who meet other eligibility standards in accordance with department rule, or who meet the presumptive eligibility guidelines in accordance with section 1920 of the social security act;

(c) Infants born to medicaid-eligible pregnant women. Medicaid eligibility must be offered throughout the first year of life so long as the infant remains in the mother's household and she remains eligible, or would be eligible if she were still pregnant;

(d) Adults in families with dependent children as described in section 1931 of the social security act, who meet the requirements in the state's assistance to families with dependent children (AFDC) plan in effect on July 16, 1996;

(e) Families who are provided six (6) to twelve (12) months of medicaid coverage following loss of eligibility under section 1931 of the social security act due to earnings, or four (4) months of medicaid coverage following loss of eligibility under section 1931 of the social security act due to an increase in child or spousal support;

(f) Employees of small businesses who meet the definition of "eligible adult" as described in section 56-238, Idaho Code, whose eligibility is limited to the medical assistance program described in section 56-241, Idaho Code; and

(g) All other mandatory groups as defined in title XIX of the social security act, if not listed separately in subsection (2) or (3) of this section.

(2) The state plan for persons with disabilities or special health needs includes the following persons:

(a) Persons under age sixty-five (65) years eligible in accordance with title XVI of the social security act, as well as persons eligible for aid to the aged, blind and disabled (AABD) under titles I, X and XIV of the social security act;

(b) Persons under age sixty-five (65) years who are in need of the services of a licensed nursing facility, a licensed intermediate care facility for the developmentally disabled, a state mental hospital, or home-based and community-based care, whose income does not exceed three hundred percent (300%) of the social security income (SSI) standard and who meet the asset standards and other eligibility standards in accordance with federal law and regulation, Idaho law and department rule;

(c) Certain disabled children described in 42 CFR 435.225 who meet resource limits for aid to the aged, blind and disabled (AABD) and income limits for social security income (SSI) and other eligibility standards in accordance with department rules;

(d) Persons under age sixty-five (65) years who are eligible for services under both titles XVIII and XIX of the social security act;
(e) Children who are eligible under title IV-E of the social security act for subsidized board payments, foster care or adoption subsidies, and children for whom the state has assumed temporary or permanent responsibility and who do not qualify for title IV-E assistance but are in foster care, shelter or emergency shelter care, or subsidized adoption, and who meet eligibility standards in accordance with department rule;
(f) Eligible women under age sixty-five (65) years with incomes at or below two hundred percent (200%) of the federal poverty level, for cancer treatment pursuant to the federal breast and cervical cancer prevention and treatment act of 2000;
(g) Low-income children and working-age adults under age sixty-five (65) years who qualify under subsection (1) of this section and who require the services for persons with disabilities or special health needs listed in subsection 56-255(3), Idaho Code; and
(h) Persons over age sixty-five (65) years who choose to enroll in this state plan.
(3) The state plan for elders includes the following persons:
(a) Persons aged sixty-five (65) years or older eligible in accordance with title XVI of the social security act, as well as persons eligible for aid to the aged, blind and disabled (AABD) under titles I, X and XIV of the social security act;
(b) Persons aged sixty-five (65) years or older who are in need of the services of a licensed nursing facility, a licensed intermediate care facility for the developmentally disabled, a state mental hospital, or home-based and community-based care, whose income does not exceed three hundred percent (300%) of the social security income (SSI) standard and who meet the assets standards and other eligibility standards in accordance with federal and state law and department rule;
(c) Persons aged sixty-five (65) years or older who are eligible for services under both titles XVIII and XIX of the social security act who have enrolled in the medicare program; and
(d) Persons under age sixty-five (65) years who are eligible for services under both titles XVIII and XIX of the social security act and who elect to enroll in this state plan.

56-255. MEDICAL ASSISTANCE PROGRAM -- SERVICES TO BE PROVIDED. (1) The department may make payments for the following services furnished by providers to participants who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be reimbursed only when medically necessary and in accordance with federal law and regulation, Idaho law and department rule. Notwithstanding any other provision of this chapter, medical assistance includes the following benefits specific to the eligibility categories established in section 56-254(1), (2) and (3), Idaho Code, as well as a list of benefits to which all Idaho medicaid participants are entitled, defined in subsection (5) of this section.
(2) Specific health benefits and limitations for low-income children and working-age adults include:
(a) All services described in subsection (5) of this section;

(b) Early and periodic screening, diagnosis and treatment services for individuals under age twenty-one (21) years, and treatment of conditions found; and

(c) Cost-sharing required of participants. Participants in the low-income children and working-age adult group are subject to the following premium payments, as stated in department rules:

(i) Participants with family incomes equal to or less than one hundred thirty-three percent (133%) of the federal poverty guideline are not required to pay premiums; and

(ii) Participants with family incomes above one hundred thirty-three percent (133%) of the federal poverty guideline will be required to pay premiums in accordance with department rule.

(3) Specific health benefits for persons with disabilities or special health needs include:

(a) All services described in subsection (5) of this section;

(b) Early and periodic screening, diagnosis and treatment services for individuals under age twenty-one (21) years, and treatment of conditions found;

(c) Case management services as defined in accordance with subsection 1905(a)(19) or section 1915(g) of the social security act; and

(d) Mental health services, including:

(i) Inpatient psychiatric facility services whether in a hospital, or for persons under age twenty-two (22) years in a freestanding psychiatric facility, as permitted by federal law, in excess of those limits in department rules on inpatient psychiatric facility services provided under subsection (5) of this section;

(ii) Outpatient mental health services in excess of those limits in department rules on outpatient mental health services provided under subsection (5) of this section; and

(iii) Psychosocial rehabilitation for reduction of mental disability for children under the age of eighteen (18) years with a serious emotional disturbance (SED) and for severely and persistently mentally ill adults, aged eighteen (18) years or older, with severe and persistent mental illness;

(e) Long-term care services, including:

(i) Nursing facility services, other than services in an institution for mental diseases, subject to participant cost-sharing;

(ii) Home-based and community-based services, subject to federal approval, provided to individuals who require nursing facility level of care who, without home-based and community-based services, would require institutionalization. These services will include community supports, including an option for self-determination, which will enable individuals to have greater freedom to manage their own care; and

(iii) Personal care services in a participant's home, prescribed in accordance with a plan of treatment and provided by a qualified person under supervision of a registered nurse;

(f) Services for persons with developmental disabilities, including:

(i) Intermediate care facility services, other than such services in an institution for mental diseases, for persons determined in accordance with section 1902(a)(31) of the social

security act to be in need of such care, including such services in a public institution, or distinct part thereof, for the mentally retarded or persons with related conditions;

(ii) Home-based and community-based services, subject to federal approval, provided to individuals who require an intermediate care facility for the mentally retarded (ICF/MR) level of care who, without home-based and community-based services, would require institutionalization. These services will include community supports, including an option for self-determination, which will enable individuals to have greater freedom to manage their own care; and

(iii) Developmental services. The department shall pay for rehabilitative services, including medical or remedial services provided by a facility that has entered into a provider agreement with the department and is certified as a developmental disabilities agency by the department;

(g) Home health services, including:

(i) Intermittent or part-time nursing services provided by a home health agency or by a registered nurse when no home health agency exists in the area;

(ii) Home health aide services provided by a home health agency; and

(iii) Physical therapy, occupational therapy or speech pathology and audiology services provided by a home health agency or medical rehabilitation facility;

(h) Hospice care in accordance with section 1905(o) of the social security act;

(i) Specialized medical equipment and supplies; and

(j) Medicare cost-sharing, including:

(i) Medicare cost-sharing for qualified medicare beneficiaries described in section 1905(p) of the social security act;

(ii) Medicare part A premiums for qualified disabled and working individuals described in section 1902(a)(10)(E)(ii) of the social security act;

(iii) Medicare part B premiums for specified low-income medicare beneficiaries described in section 1902(a)(10)(E)(iii) of the social security act; and

(iv) Medicare part B premiums for qualifying individuals described in section 1902(a)(10)(E)(iv) and subject to section 1933 of the social security act.

(4) Specific health benefits for elders include:

(a) All services described in subsection (5) of this section, other than if provided under the federal medicare program;

(b) All services described in subsection (3) of this section, other than if provided under the federal medicare program; and

(c) Other services that supplement medicare coverage.

(5) Benefits for all medicaid participants, unless specifically limited in subsection (2), (3) or (4) of this section include the following:

(a) Health care coverage including, but not limited to, basic inpatient and outpatient medical services, and including:

(i) Physicians' services, whether furnished in the office, the patient's home, a hospital, a nursing facility or elsewhere;

(ii) Services provided by a physician or other licensed practitioner to prevent disease, disability and other health conditions or their progressions, to prolong life, or to promote physical or mental health; and

(iii) Hospital care, including:

1. Inpatient hospital services other than those services provided in an institution for mental diseases;

2. Outpatient hospital services; and

3. Emergency hospital services;

(iv) Laboratory and x-ray services;

(v) Prescribed drugs;

(vi) Family planning services and supplies for individuals of child-bearing age;

(vii) Certified pediatric or family nurse practitioners' services;

(viii) Emergency medical transportation;

(ix) Mental health services, including:

1. Outpatient mental health services that are appropriate, within limits stated in department rules; and

2. Inpatient psychiatric facility services within limits stated in department rules;

(x) Medical supplies, equipment, and appliances suitable for use in the home; and

(xi) Physical therapy and related services;

(b) Primary care case management;

(c) Dental services, and medical and surgical services furnished by a dentist in accordance with section 1905(a)(5)(B) of the social security act;

(d) Medical care and any other type of remedial care recognized under Idaho law, furnished by licensed practitioners within the scope of their practice as defined by Idaho law, including:

(i) Podiatrists' services;

(ii) Optometrists' services;

(iii) Chiropractors' services; and

(iv) Other practitioners' services, in accordance with department rules;

(e) Services for individuals with speech, hearing and language disorders, provided by or under the supervision of a speech pathologist or audiologist;

(f) Eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist;

(g) Services provided by essential providers, including:

(i) Rural health clinic services and other ambulatory services furnished by a rural health clinic in accordance with section 1905(l)(1) of the social security act;

(ii) Federally qualified health center (FQHC) services and other ambulatory services that are covered under the plan and furnished by an FQHC in accordance with section 1905(l)(2) of the social security act;

(iii) Indian health services; and

(iv) District health departments;

(h) Any other medical care and any other type of remedial care recognized under state law, specified by the secretary of the federal department of health and human services;

(i) Nonemergency medical transportation; and
(j) Physician, hospital or other services deemed experimental are excluded from coverage. The director may allow coverage of procedures or services deemed investigational if the procedures or services are as cost-effective as traditional, standard treatments.

Approved March 31, 2006.

CHAPTER 279
(S.B. No. 1266, As Amended)

AN ACT

RELATING TO RECREATIONAL TRESPASS AND LIMITATION OF LANDHOLDER LIABILITY; AMENDING SECTION 36-1604, IDAHO CODE, TO PROVIDE THAT THE LIMITATION OF LIABILITY OF A LANDOWNER EXTENDS TO FREE PUBLIC USE OF PRIVATELY-OWNED AIRSTRIPS, TO DEFINE "AIRSTRIPS," TO REVISE THE DEFINITION OF "LAND" TO INCLUDE AIRSTRIPS AND TO REVISE THE DEFINITION OF "RECREATIONAL PURPOSES" TO INCLUDE THE FLYING OF AIRCRAFT.

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

SECTION 1. That Section 36-1604, Idaho Code, be, and the same is hereby amended to read as follows:

36-1604. LIMITATION OF LIABILITY OF LANDOWNER. (a) Statement of Purpose. The purpose of this section is to encourage owners of land to make land, airstrips and water areas available to the public without charge for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

(b) Definitions. As used in this section:

1. "Airstrips" means either improved or unimproved landing areas used by pilots to land, park, take off, unload, load and taxi aircraft. Airstrips shall not include landing areas which are or may become eligible to receive federal funding pursuant to the federal airport and airway improvement act of 1982 and subsequent amendments thereto.

2. "Land" means private or public land, roads, airstrips, trails, water, watercourses, irrigation dams, water control structures, headgates, private or public ways and buildings, structures, and machinery or equipment when attached to or used on the realty.

~~2~~3. "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

~~3~~4. "Recreational purposes" includes, but is not limited to, any of the following activities or any combination thereof: hunting, fishing, swimming, boating, rafting, tubing, camping, picnicking, hiking, pleasure driving, the flying of aircraft, bicycling, running, playing on playground equipment, skateboarding, athletic competition, nature study, water skiing, animal riding, motorcycling, snowmobiling, recreational vehicles, winter sports, and viewing or enjoying historical, archeological, scenic, geological or scientific sites, when done without charge of the owner.

(c) Owner Exempt from Warning. An owner of land owes no duty of

care to keep the premises safe for entry by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes. Neither the installation of a sign or other form of warning of a dangerous condition, use, structure, or activity, nor any modification made for the purpose of improving the safety of others, nor the failure to maintain or keep in place any sign, other form of warning, or modification made to improve safety, shall create liability on the part of an owner of land where there is no other basis for such liability.

(d) Owner Assumes No Liability. An owner of land or equipment who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

1. Extend any assurance that the premises are safe for any purpose.
2. Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.
3. Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

(e) Provisions Apply to Leased Public Land. Unless otherwise agreed in writing, the provisions of this section shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.

(f) Provisions Apply to Land Subject to a Conservation Easement. Unless otherwise agreed in writing, the provisions of this section shall be deemed applicable to the duties and liability of an owner of land subject to a conservation easement to any governmental entity or nonprofit organization.

(g) Owner Not Required to Keep Land Safe. Nothing in this section shall be construed to:

1. Create a duty of care or ground of liability for injury to persons or property.
2. Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this section to exercise care in his use of such land and in his activities thereon, or from legal consequences or failure to employ such care.
3. Apply to any person or persons who for compensation permit the land to be used for recreational purposes.

(h) User Liable for Damages. Any person using the land of another for recreational purposes, with or without permission, shall be liable for any damage to property, livestock or crops which he may cause while on said property.

Approved March 31, 2006.

CHAPTER 280
(S.B. No. 1314, As Amended)

AN ACT

RELATING TO THE HEALTH CARE TASK FORCE; AMENDING SECTION 20, CHAPTER 472, LAWS OF 2000, AS AMENDED BY SECTION 1, CHAPTER 477, LAWS OF 2000, TO REVISE TERMINOLOGY AND TO INCREASE TASK FORCE MEMBERSHIP; AND AMENDING SECTION 21, CHAPTER 472, LAWS OF 2000, AS AMENDED BY SECTION 2, CHAPTER 477, LAWS OF 2000, TO REVISE TERMINOLOGY.

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

SECTION 1. That Section 20, Chapter 472, Laws of 2000, as amended by Section 1, Chapter 477, Laws of 2000, be, and the same is hereby amended to read as follows:

SECTION 20. The President Pro Tempore of the Senate shall appoint ~~five~~ six senators, and the Speaker of the House of Representatives shall appoint ~~five~~ six representatives to act as ~~a joint legislative oversight committee~~ the Health Care Task Force to monitor the effects of this act. The ~~committee~~ Health Care Task Force shall ~~report its findings and~~ make recommendations as it deems appropriate to the ~~Second Regular Session of the Fifty-sixth~~ Idaho Legislature ~~in 2002~~ so long as the task force is active. Insurance carriers subject to the provisions of this act shall provide to the Department of Insurance and the ~~joint--legislative--oversight--committee~~ Health Care Task Force all information deemed necessary to fulfill the requirements of this section. The department and the ~~oversight committee~~ task force shall maintain the confidentiality of any trade secrets or proprietary information exempt from public disclosure under the provisions of Section 9-340D, Idaho Code, provided in accordance with this section. For purposes of this section, the ~~joint legislative oversight committee~~ Health Care Task Force shall be deemed a public agency as that term is used in Section 9-340D, Idaho Code. The data and information may be compiled into composite form and made public if information that could be used to identify the reporting insurer is removed.

SECTION 2. That Section 21, Chapter 472, Laws of 2000, as amended by Section 2, Chapter 477, Laws of 2000, be, and the same is hereby amended to read as follows:

SECTION 21. Prior to the initial assessment for the Idaho Individual High Risk Reinsurance Pool of March 1, 2001, as provided for in Section 41-5508, Idaho Code, the Health ~~Insurance Premiums~~ Care Task Force shall determine a method of limiting the assessments which may be imposed on carriers providing reinsurance by way of excess or stop loss coverage and on carriers selling insurance in the individual market. The Health ~~Insurance--Premiums~~ Care Task Force shall also review options regarding initially limiting enrollment in the Individual High Risk Reinsurance Pool in order to preserve the financial integrity of the pool. The carriers shall provide to the Department of Insurance and the Health ~~Insurance Premiums~~ Care Task Force all information deemed necessary to fulfill the requirements of this section. The department and the task force shall maintain the confidentiality of any trade secrets or proprietary information exempt from public disclosure under the provisions of Section 9-340D, Idaho Code, provided in accordance with this section. For purposes of this section, the Health ~~Insurance Premiums~~ Care Task Force shall be deemed a public agency as that term is used in Section 9-340D, Idaho Code. The data and information may be compiled into composite form and made public if information that could be used to identify the reporting insurer is removed.

Approved March 31, 2006.

CHAPTER 281
(S.B. No. 1327)

AN ACT

RELATING TO CRIMINAL BACKGROUND CHECKS; AMENDING SECTION 56-1004A, IDAHO CODE, TO PROVIDE FOR CRIMINAL HISTORY AND BACKGROUND CHECKS FOR INDIVIDUALS WHO PROVIDE CARE OR SERVICES TO VULNERABLE ADULTS AND CHILDREN, TO PROVIDE AN ADDITIONAL SOURCE OF FINGERPRINT-BASED RECORDS, TO REQUIRE THE NOTARIZED APPLICATION AUTHORIZING THE DEPARTMENT OF HEALTH AND WELFARE TO OBTAIN AND RELEASE INFORMATION, TO REMOVE PROVISIONAL STATUS PROVISION, TO PERMIT EMPLOYERS TO ALLOW AN INDIVIDUAL TO PROVIDE CARE OR SERVICES PENDING COMPLETION OF THE CRIMINAL HISTORY AND BACKGROUND CHECK IF THE INDIVIDUAL HAS NOT DISCLOSED A DESIGNATED CRIME, TO REQUIRE THE DEPARTMENT TO PROMULGATE RULES, TO REMOVE CRIMINAL PENALTIES FOR A KNOWING FAILURE TO DISCLOSE, TO REQUIRE APPLICANTS TO BE RESPONSIBLE FOR THE COST OF THE BACKGROUND CHECK UNLESS OTHERWISE PROVIDED, TO PROVIDE IMMUNITY TO THE DEPARTMENT AND TO AUTHORIZE THE DEPARTMENT TO PARTICIPATE IN A FEDERAL PILOT PROJECT; AND REPEALING SECTION 2, CHAPTER 312, LAWS OF 2005.

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

SECTION 1. That Section 56-1004A, Idaho Code, be, and the same is hereby amended to read as follows:

56-1004A. CRIMINAL HISTORY AND BACKGROUND CHECKS. ~~PILOT--PROJECT.~~ (1) To assist in the protection of children and vulnerable adults, ~~and for the purpose of participating in a pilot project,~~ the legislature hereby authorizes the department of health and welfare to conduct criminal history and background checks of ~~providers, employees and contractors who have access to patients in long-term care settings. Long-term care facilities or providers include nursing facilities, institutional care facilities for the mentally retarded, residential or assisted living facilities, long-term care hospitals or hospitals with swing beds, and home health and hospice providers. The criminal history and background checks for long-term care providers, employees and contractors will be funded through the federal grant at no cost to the long-term care providers, employees, or contractors~~ individuals who provide care or services to vulnerable adults or children and are identified in rule as being required to have a criminal history and background check.

(2) The criminal history and background check will be a fingerprint-based check of state and national records and may include information from the following:

(a) Statewide criminal identification bureau;
(b) Federal bureau of investigation (FBI);
(c) National crime information center;
(d) Statewide sex offender registry;
(e) Idaho transportation department driving records;
(f) Adult and child protection registries; and
(g) Nurse aide registry; and
(h) Department of health and human services office of the inspector general list of excluded individuals and entities.

(3) ~~Each--individual-who-has-patient-access-is-required-to-complete the-criminal-history-and-background-check--process.~~ The department of health and welfare shall promulgate rules to further define those individuals who are required to have a background check and the effective date. ~~Each applicant-must-sign~~ individual shall complete an application, which includes a notarized signature, on forms provided by the department. ~~authorizing~~ The completed application authorizes the department to obtain and release information in accordance with state and federal law. The applicant must disclose all information requested, including information on past convictions, driver's license revocations, and known adult or child protection findings. ~~Once-this-disclosure--is--made,--the department--shall--make--a--preliminary--determination-as-to-whether-the individual-may-have-access-to-individuals-in-a-long-term-care-setting-on a-provisional-basis-pending--the--final--determination.--Long-term--care facilities--or--providers-may-not-allow-an-individual-to-provide-care-or have-patient-access-until-the-applicant-is-given--a--provisional--status~~ Once an application has been completed, the employer, at its discretion, may allow the individual to provide care or services prior to the individual completing fingerprinting and pending completion of the criminal history and background check by the department. The department shall promulgate rules defining the time frame for submitting the application. Under no circumstances may the individual be allowed to provide care or services where the employer has reviewed the completed application and the individual has disclosed a designated crime as set forth in rule.

(4) The department shall review the information received from the criminal history and background check and determine whether the applicant has a criminal or other relevant record that would disqualify the individual. The department shall determine which crimes disqualify the applicant and for what period of time according to ~~existing~~ promulgated rules. The process for the check and the issuance of a clearance or denial is ~~also~~ set forth in ~~existing~~ department rules. The applicant shall be provided an opportunity for a formal review of a denial. The department shall communicate clearance or denial to the applicant and the applicant's employer.

(5) Applicants ~~who--knowingly--fail-to-disclose-information-on-the forms-provided-or-who-falsify-information-may--be--subject--to--criminal penalties-under-chapter-32,-title-18,-Idaho-Code~~ are responsible for the cost of the background check except where otherwise provided by department rules.

(6) The department, or an employer of an applicant, who acts in reasonable reliance on the results of the criminal history and background check in making an employment decision, is immune from liability for that decision when it is based on such results.

(7) The department, its officers and employees are immune from liability for the consequences of including or excluding classes of individuals in the criminal history and background check process.

(8) Clearance through the criminal history and background check process is not a determination of suitability for employment.

(9) Effective until September 30, 2007, or when federal funding is no longer available, the legislature hereby authorizes the department of health and welfare to participate in a federal pilot project to conduct criminal history and background checks of providers, employees and contractors who have access to patients in long-term care settings. Long-term care facilities or providers include nursing facilities, institu-

tional care facilities for the mentally retarded, residential or assisted living facilities, long-term care hospitals or hospitals with swing beds, and home health and hospice providers. The criminal history and background checks for the long-term care providers, employees and contractors will be funded through the federal grant at no cost to the long-term care providers, employees or contractors until September 30, 2007, or the federal funding is no longer available.

SECTION 2. That Section 2, Chapter 312, Laws of 2005, be, and the same is hereby repealed.

Approved March 31, 2006.

CHAPTER 282
(S.B. No. 1338)

AN ACT

RELATING TO CERTIFIED FAMILY HOMES; AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE A PUBLIC RECORDS EXEMPTION FOR RECORDS AND INFORMATION IDENTIFYING A COMPLAINANT; AND AMENDING CHAPTER 35, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3556, IDAHO CODE, TO PROVIDE FOR FILING A COMPLAINT, INVESTIGATION AND INSPECTION.

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

SECTION 1. 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(6), 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(9), 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 section 18-3302, 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 vic-

tims 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.

SECTION 2. That Chapter 35, 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 39-3556, Idaho Code, and to read as follows:

39-3556. COMPLAINTS. (1) A person who believes that any provision of this chapter has been violated may file a complaint with the certifying agency. Any such complaint shall be subject to the exemption from disclosure set forth in section 9-340B(16), Idaho Code.

(2) The certifying agency shall investigate, or cause to be investigated, any complaint alleging a violation of this chapter or applicable rules. If the certifying agency reasonably believes there has been such a violation, it shall conduct an inspection of the facility.

Approved March 31, 2006.

CHAPTER 283
(S.B. No. 1339)

AN ACT

RELATING TO PERSONAL CARE SERVICES; AMENDING SECTION 39-5603, IDAHO CODE, TO REMOVE THE STANDARD WHICH REQUIRED PERSONAL CARE SERVICES BE ORDERED BY A PHYSICIAN OR AUTHORIZED PROVIDER; AND AMENDING SECTION 39-5608, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 39-5603, Idaho Code, be, and the same is hereby amended to read as follows:

39-5603. STANDARDS FOR PROVISION OF PERSONAL ASSISTANCE SERVICES. The director shall have the power and it shall be his duty to promulgate and adopt appropriate rules necessary to implement and enforce standards for provision of personal assistance services.

The following standards for provision of personal assistance services and other provisions contained throughout this chapter and rules shall apply to participants and providers receiving or providing personal assistance services either as a medicaid option service or a waivered service, unless prohibited by federal law or contents of the federal waiver agreement.

(1) Personal care services shall be included as a state plan service under medicaid.

(2) ~~Personal--care--services--shall--be--ordered--by-a-physician-or authorized-provider.~~

~~(3)~~ Attendant care shall be included as a service under medicaid home and community-based waiver(s).

(~~4~~3) All attendant care services must be authorized by the department or its designee.

(~~5~~4) The department will establish by rule maximum hours per month of personal care services available to the individual participant under the state medicaid plan.

(~~6~~5) The department shall enter into agreements with providers for the provision of personal assistance services. The department may deny provider status or revoke that status when a provider is found to endanger the health, person or property of the participant, or is in violation of rules promulgated by the department or the provider agreement.

(~~7~~6) A provider agency shall have the responsibility for the following:

(a) Recruitment, hiring, firing, training, supervision, scheduling, payroll, and the assurance of quality of service, of its personal assistants;

(b) Complying with state and federal labor and tax laws, rules and regulations;

(c) Maintaining liability insurance coverage;

(d) Provision of an appropriately qualified nurse when required;

(e) Assignment of a qualified personal assistant to each authorized participant after consultation with and prior approval of that participant;

(f) Assuring all personal assistants providing services meet the standards and qualifications of this chapter;

(g) Billing medicaid for services approved and authorized;

(h) Referring participants to case management services based on established criteria;

(i) Providing for care by a qualified replacement when the regular personal assistant is unable to provide the services, and providing for unanticipated services approved on the individual service plan when requested by the participant; and

(j) Conducting, at least annually, participant satisfaction/quality control reviews available to the department and general public.

(~~8~~7) A personal assistance agency that provides fiscal intermediary services shall have the responsibility for the following:

(a) To assure compliance with legal requirements related to the employment of participant/family directed personal assistants; and

(b) To offer supportive services to enable participants or families to perform required employer tasks themselves; and

(c) To bill the medicaid program for services approved and authorized by the department; and

(d) To collect any participant contribution due; and

(e) To pay personal assistants for services; and

(f) To perform all necessary withholding as required by state and federal labor and tax laws, rules and regulations; and

(g) To offer a full range of services and perform all services contained in a written agreement between the participant and the provider.

(~~9~~8) Personal assistants are not employees of the state.

(~~10~~9) Case management shall be made available to personal assistance participants where and when appropriate. In order to avoid a conflict of interest, case management shall not be provided by the same

agency that provides personal assistance services to the participant.

(1~~1~~0) The department's regional medicaid staff shall review and approve the individual service plan, authorize personal assistance services, the hours of service, and make appropriate referrals for case management for eligible individuals.

(1~~2~~1) The department shall establish and maintain a community awareness program that will educate Idaho citizens regarding the purpose and function of all long-term care alternatives including, but not limited to, personal assistance services and individual participant rights. This program will be developed in cooperation with other state agencies including, but not limited to, the commission on aging and the state independent living council.

(1~~3~~2) It shall be the responsibility of the participant or his designee or legal representative, when appropriate, to select the provider of personal assistance services.

(1~~4~~3) The department shall provide the participant, his designee or legal representative, with a list of available providers of personal assistance services; however, this does not relieve the participant or his designee or legal representative of the responsibility of provider selection.

(1~~5~~4) In those cases where the participant or his designee or legal representative cannot arrange for personal assistance services or asks for help in making arrangements, a representative of the department may arrange for or help arrange for personal assistance services on behalf of the participant.

SECTION 2. That Section 39-5608, Idaho Code, be, and the same is hereby amended to read as follows:

39-5608. LIABILITY OF ACTIONS UNDER THIS CHAPTER. (1) The participant, his designee or legal representative, if such ~~are~~ is responsible, shall be liable for any acts of the participant performed or committed while receiving care or services under the provisions of this chapter.

(2) The department shall not be held liable for any actions under this chapter, except pursuant to section 39-5603(1~~4~~3), Idaho Code, when the representative of the department is acting on behalf of the participant, his designee or legal representative; however, the provisions of section 39-5603(1~~2~~1), Idaho Code, shall remain in force.

(3) Nothing in this chapter shall exempt the provider of services from any liability caused by such provider's negligence, abuse, or other improper action of the provider.

Approved March 31, 2006.

CHAPTER 284
(S.B. No. 1340, As Amended)

AN ACT

RELATING TO THE DEVELOPMENTALLY DISABLED; AMENDING SECTION 66-402, IDAHO CODE, TO PERMIT AN INDIVIDUAL WITH A MASTER'S DEGREE IN PSYCHOLOGY TO SERVE ON AN EVALUATION COMMITTEE, TO REQUIRE EACH COMMITTEE MEMBER TO BE SPECIALLY QUALIFIED AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 66-402, Idaho Code, be, and the same is hereby amended to read as follows:

66-402. DEFINITIONS. As used in this chapter:

(1) "Adult" means an individual eighteen (18) years of age or older.

(2) "Artificial life-sustaining procedures" means any medical procedure or intervention which utilizes mechanical means to sustain or supplant a vital function. Artificial life-sustaining procedures shall not include the administration of medication, and it shall not include the performance of any medical procedure deemed necessary to alleviate pain, or any procedure which could be expected to result in the recovery or long-term survival of the patient and his restoration to consciousness.

(3) "Department" means the Idaho department of health and welfare.

(4) "Director" means the director of the department of health and welfare.

(5) "Developmental disability" means a chronic disability of a person which appears before the age of twenty-two (22) years of age and:

(a) Is attributable to an impairment, such as mental retardation, cerebral palsy, epilepsy, autism or other condition found to be closely related to or similar to one (1) of these impairments that requires similar treatment or services, or is attributable to dyslexia resulting from such impairments; and

(b) Results in substantial functional limitations in three (3) or more of the following areas of major life activity~~;~~: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and

(c) Reflects the need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are of lifelong or extended duration and individually planned and coordinated.

(6) "Emancipated minor" means an individual between fourteen (14) and eighteen (18) years of age who has been married or whose circumstances indicate that the parent-child relationship has been renounced.

(7) "Evaluation committee" means an interdisciplinary team of at least three (3) individuals designated by the director or his designee to evaluate an individual as required by the provisions of this chapter. Each committee must include a physician licensed to practice medicine in the state of Idaho, a licensed social worker~~;--with--field--training--or experience-in-working-with-partially-disabled-or-disabled-persons;~~ and a clinical psychologist or such other individual who has a master's degree in psychology as designated by the department director. Each committee member must be specially qualified by training and experience in the diagnosis and treatment of persons with a developmental disability.

(8) "Facility" means the Idaho state school and hospital, a nursing facility, an intermediate care facility, an intermediate care facility for the mentally retarded, a licensed residential or assisted living facility, a group foster home, other organizations licensed to provide

twenty-four (24) hour care, treatment and training to the developmentally disabled, a mental health center, or an adult and child development center.

(9) "Lacks capacity to make informed decisions" means the inability, by reason of developmental disability, to achieve a rudimentary understanding of the purpose, nature, and possible risks and benefits of a decision, after conscientious efforts at explanation, but shall not be evidenced by improvident decisions within the discretion allowed nondevelopmentally disabled individuals.

(10) "Likely to injure himself or others" means:

(a) A substantial risk that physical harm will be inflicted by the respondent upon his own person as evidenced by threats or attempts to commit suicide or inflict physical harm on himself; or

(b) A substantial risk that physical harm will be inflicted by the respondent upon another as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or

(c) That the respondent is unable to meet essential requirements for physical health or safety.

(11) "Manage financial resources" means the actions necessary to obtain, administer and dispose of real, personal, intangible or business property, benefits and/or income.

(12) "Meet essential requirements for physical health or safety" means the actions necessary to provide health care, food, clothing, shelter, personal hygiene and/or other care without which serious physical injury or illness would occur.

(13) "Minor" means an individual seventeen (17) years of age or less.

(14) "Protection and advocacy system" means the agency designated by the governor of the state of Idaho to provide advocacy services for people with disabilities pursuant to 42 USC section 6042.

(15) "Respondent" means the individual subject to judicial proceedings authorized by the provisions of this chapter.

Approved March 31, 2006.

CHAPTER 285
(S.B. No. 1343)

AN ACT

RELATING TO THE BOARD OF DENTISTRY; AMENDING SECTION 54-903, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTIONS 54-913 AND 54-919, IDAHO CODE, TO REMOVE REFERENCE TO ANNUAL LICENSING; REPEALING SECTION 54-920, IDAHO CODE; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-920, IDAHO CODE, TO PROVIDE FOR THE LICENSING OF CERTAIN PERSONS BY THE STATE BOARD OF DENTISTRY, TO PROVIDE FOR LICENSE FEES, TO PROVIDE PROCEDURES FOR THE RENEWAL OF LICENSES, TO PRESCRIBE PROCEDURES FOR THOSE WHO FAIL TO PROPERLY SUBMIT COMPLETED RENEWAL APPLICATIONS AND LICENSE FEES, TO PRESCRIBE FEES AND PROCEDURES FOR RETURN OF AN UNPAID CHECK OR OTHER PAYMENT, TO PROVIDE DEFINITIONS FOR LICENSE CLASSES, TO PROVIDE DISCRETION AND RULEMAKING AUTHORITY

TO THE BOARD AND CONDITIONS FOR THE ISSUANCE OF LICENSE CLASSES, TO PROVIDE FOR THE CONVERSION OF CERTAIN LICENSES, TO REQUIRE NOTIFICATION TO THE BOARD OF CERTAIN CHANGES AND TO IMPOSE A TIME LIMIT FOR NOTIFICATION; AMENDING SECTION 54-921, IDAHO CODE, TO PROVIDE FOR THE REINSTATEMENT OF CERTAIN PERSONS WHOSE LICENSES HAVE EXPIRED FOR FAILURE TO COMPLY WITH LICENSE RENEWAL REQUIREMENTS; AMENDING SECTION 54-922, IDAHO CODE, TO REQUIRE DISPLAY OR IMMEDIATE PRODUCTION OF A LICENSE FOR THE TIME PERIOD OF PRACTICE; AND AMENDING SECTIONS 54-923, 54-924, 54-925 AND 54-932, IDAHO CODE, TO REMOVE REFERENCE TO ANNUAL LICENSING.

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

SECTION 1. That Section 54-903, Idaho Code, be, and the same is hereby amended to read as follows:

54-903. GENERAL DEFINITIONS. As used in this chapter:

(1) "Association" means the Idaho state dental association and the Idaho dental hygienists' association.

(2) "Board" means the state board of dentistry.

(3) "Dental assistant" is a person who need not be licensed under this chapter, but who is regularly employed by a dentist at his office, who works under the dentist's supervision, and is adequately trained and qualified according to standards established by the board to perform the dental services permitted to be performed by assistants by this chapter and applicable rules of the board.

(4) "Dental hygienist" is a person both qualified and ~~annually~~ licensed by the laws of Idaho to practice dental hygiene.

(5) "Dental specialist" is a dentist who limits his practice to a specialty recognized by the American dental association, who has graduated from a board-approved ~~post-graduate~~ postgraduate program in his specialty and is a person both qualified and ~~annually~~ licensed by the laws of Idaho to practice a dental specialty.

(6) "Dentist" is a person both qualified and ~~annually~~ licensed by the laws of Idaho to practice dentistry.

(7) "Direct supervision" is supervision of a dental assistant or dental hygienist requiring that a dentist diagnose the condition to be treated, a dentist authorize the procedure to be performed, a dentist remain in the dental office while the procedure is performed, and that before dismissal of the patient, a dentist approves the work performed by the dental assistant or dental hygienist.

(8) "Extended access oral health care program" means and includes dental and dental hygiene treatment and services provided as part of a program conducted by or through a local, county, state or federal agency, hospital, long-term care facility, public health district, dental or dental hygiene school, tribal clinic, or migrant health center; or such other oral health care program approved on an annual basis by the board and conducted by or through a public or private entity, recognized under section 501(c)(3) of the federal Internal Revenue Code, to provide free or reduced fee dental and dental hygiene services to persons who, due to age, infirmity, handicap, indigence or disability, are unable to receive regular dental and dental hygiene treatment in a private office.

(9) "General supervision" is supervision of a dental assistant or

dental hygienist requiring that a dentist authorize the procedure which is carried out, but not requiring that a dentist be in the office when the authorized procedure is performed.

(10) "Indirect supervision" is supervision of a dental assistant or dental hygienist requiring that a dentist authorize a procedure and that a dentist be in the dental office while the procedure is performed by the assistant or hygienist.

SECTION 2. That Section 54-913, Idaho Code, be, and the same is hereby amended to read as follows:

54-913. CERTIFICATES -- LICENSES -- RECORDS. (1) All certificates of qualification to practice dentistry or dental hygiene, and all ~~annual~~ licenses shall be issued by the board in the name of the board, with the seal attached.

(2) The board shall keep a record of all applicants for licensure to qualify as a dentist or dental hygienist, of applicants rejected on application or examination with the reason for rejection, of certificates of qualification and of ~~annual~~ licenses issued, and of dentists and dental hygienists.

SECTION 3. That Section 54-919, Idaho Code, be, and the same is hereby amended to read as follows:

54-919. CHEATING. In the event the board finds prior to the issuance of a certificate of qualification that an applicant, whether or not receiving a passing grade in the examination, has made any false statement with intent to mislead or deceive the board or its members in or in connection with his application, or has cheated or attempted to cheat in examination, such applicant shall be denied a certificate of qualification and shall be notified in writing with the reasons, the facts and the date and means of notification shall be recorded by the board.

In the event of such finding, subsequent to the issuance of a certificate of qualification, proceedings may be maintained to revoke such certificate and any ~~annual~~ license outstanding, on such ground.

SECTION 4. That Section 54-920, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 9, 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 54-920, Idaho Code, and to read as follows:

54-920. LICENSING -- LICENSE FEES -- BIENNIAL RENEWAL OF LICENSES -- LATE FEES AND RETURNED CHECKS -- CLASSIFICATIONS OF LICENSES -- RIGHTS OF LICENSEES -- NOTIFICATION OF CHANGE OF ADDRESS. (1) Each person determined by the board as qualified for licensure under this chapter shall pay the prescribed biennial license fee to the board prior to issuance of a license. Unless otherwise specified on a license, licenses issued by the board shall be effective for the biennial licensing period specified in this section. The biennial licensing period for dental licenses shall be a two (2) year period from October 1 of each even-numbered calendar year to September 30 of the next successive even-numbered calendar year. The biennial licensing period for dental hygiene licenses

shall be a two (2) year period from April 1 of each odd-numbered calendar year to March 31 of the next successive odd-numbered calendar year. Unless otherwise specified on a license, any license issued during a biennial licensing period shall be effective until the beginning date of the next successive biennial licensing period and the board may prorate the amount of the license fee from the date of issuance of the license until the beginning date of the next applicable biennial licensing period at the discretion of the board. A license issued by the board shall expire unless renewed in the manner specified in this section.

(2) The nonrefundable biennial license fees shall be fixed by the board, but shall not exceed the following amounts:

(a) Four hundred dollars ($400) for a dentist with an active status;

(b) Two hundred dollars ($200) for a dentist with an inactive status;

(c) Two hundred twenty dollars ($220) for a dental hygienist with an active status;

(d) One hundred twelve dollars ($112) for a dental hygienist with an inactive status;

(e) Four hundred dollars ($400) for a dentist with a specialist status; or

(f) Twenty dollars ($20.00) for a dentist or dental hygienist with a retirement status.

(3) A license issued by the board shall be renewed as prescribed in this section. Prior to the expiration of the effective period of a license, the board shall mail a renewal application to the licensee's address of record on file with the board. To renew a dental license, each licensee shall submit a properly completed renewal application and the appropriate biennial license fee to the board prior to September 30 of every even-numbered calendar year. To renew a dental hygiene license, each licensee shall submit a properly completed renewal application and the appropriate biennial license fee to the board prior to March 31 of each odd-numbered calendar year. Each licensee determined by the board as qualified for renewal of a license shall be issued a license for the applicable biennial licensing period.

(4) The following procedure shall be followed by the board for all licensees who fail to submit a properly completed renewal application and appropriate biennial license fee on or before the expiration of the effective period of a license. A license that expires by reason of a licensee's failure to satisfy the renewal requirements shall not be considered to be a disciplinary action by the board and shall result in the termination of the licensee's right to practice dentistry or dental hygiene in the state.

(a) The board shall mail a notice of failure to renew a license to the licensee's address; and

(b) The notice of failure to renew a license shall advise the licensee that he has failed to comply with the board's license renewal requirements and that a failure to submit a properly completed renewal application, the appropriate biennial license fee and a fifty dollar ($50.00) late fee within thirty (30) days of the date upon which the board's notice was mailed shall result in the expiration of his license.

(5) Any person who delivers a check or other payment to the board that is returned to the board unpaid by the financial institution upon

which it was drawn shall pay to the board as an administrative cost, in addition to any other amount owing, the amount of fifty dollars ($50.00). Following notification by the board of the returned check or other payment, the person shall make payment of all moneys owing to the board by certified check or money order within thirty (30) days of the date of notification. A failure to submit the necessary remittance within the thirty (30) day period may result in the expiration of a license or constitute grounds for the board to deny, cancel, suspend or revoke a license.

(6) The board of dentistry may issue different classes of licenses as defined in this subsection.

(a) The term "license with active status" means a license issued by the board to a qualified person who is authorized to be an active practitioner of dentistry or dental hygiene in the state of Idaho. A person's right to be issued and maintain a license with active status shall not be affected by any absence, not exceeding two (2) years, from active practice in Idaho by reason of illness or vacation. A person's right to be issued and maintain a license with active status shall not be affected by any absence from active practice in Idaho for any period while serving on active duty in the armed forces of the United States, while employed in the United States public health service or United States veterans administration, or while enrolled in board-approved postgraduate educational courses, either within or without the state of Idaho. Each applicant or licensee requesting an active status license must state that he intends to fulfill the requirements for that status.

(b) The term "license with an inactive status" means a license issued by the board to a qualified person who is not authorized to be an active practitioner of dentistry or dental hygiene in the state of Idaho. A person issued a license with an inactive status is not entitled to practice dentistry or dental hygiene in the state of Idaho.

(c) The terms "license with special status" and "license with provisional status" mean licenses issued by the board to a qualified person on a provisional, conditional, restricted or limited basis under the terms of which the licensee is authorized to practice dentistry or dental hygiene in the state of Idaho subject to conditions, limitations and requirements imposed by the board. The conditions, limitations and requirements imposed by the board may include, but are not limited to, a limitation on the effective period of the license, a requirement that specific conditions must be fulfilled in order for the license to remain effective, a requirement that specified education, examinations and skills testing be successfully completed during the effective period of the license, a restriction on the scope of permissible services that the licensee is authorized to perform, a restriction on the type of patients for whom treatment may be rendered and a restriction on the locations at which the licensee can perform authorized services.

(d) The term "license with retirement status" means a license issued to a person who was previously licensed as a dentist or dental hygienist in Idaho who no longer intends to practice dentistry or dental hygiene. A license with retirement status does not permit the holder to practice dentistry or dental hygiene in the state of Idaho. A license with retirement status cannot be converted to a

license with active or inactive status other than by filing an application for licensure and qualifying as required of a first time applicant.

(7) (a) The board may issue a license with active status to any qualified applicant or qualified licensee who is an active practitioner of dentistry or dental hygiene in the state of Idaho or who signifies to the board in writing that, upon issuance of an initial license or renewal of a biennial license, he intends to be an active practitioner in this state within two (2) years. Renewal of a license with active status requires compliance with requirements as determined by the board.

(b) The board may issue a license with inactive status to any qualified person who fulfilled the licensure requirements but, for any reason, is not eligible for a license with active status. Renewal of a license with inactive status requires compliance with requirements as determined by the board.

(c) The board may issue a license with provisional status or special status to any person who fulfills, or substantially fulfills, the applicable licensure requirements when the board, acting in its discretion, determined that special circumstances existed which, for the protection of the public health, safety and welfare, required that specific conditions, restrictions or limitations be imposed on the license. A license with special status or provisional status entitles the holder thereof to practice dentistry or dental hygiene in the state of Idaho subject to the conditions, restrictions and limitations specifically determined by the board and for the period of time prescribed. A provisional license is effective for the period specified by the board and may not be renewed. The board shall develop rules to include definitions, application and renewal requirements, limitations of practice and other conditions regarding provisional and special status licenses.

(d) The board may convert a license with inactive status to a license with active status in the event the holder pays the license fee prescribed for licenses with active status and submits to the board satisfactory evidence of:

(i) Compliance with the requirements of this chapter and all rules promulgated under the provisions of this chapter;

(ii) Evidence of good moral character and good professional conduct; and

(iii) Evidence of one thousand (1,000) hours of clinical practice of dentistry or dental hygiene during the previous two (2) years or full-time employment as a dental or dental hygiene instructor at an American dental association accredited dental or dental hygiene school.

(e) Persons unable to otherwise fully meet the requirements for conversion of an inactive status license to an active status license may convert their license upon board approval.

(8) Each person licensed under this chapter shall notify the board in writing of any change in the person's name or address of record within thirty (30) days after the change has taken place.

SECTION 6. That Section 54-921, Idaho Code, be, and the same is hereby amended to read as follows:

54-921. REINSTATEMENT. A person whose license has ~~been suspended or revoked~~ expired for ~~nonpayment of the required license fee~~ failure to fully comply with the board's license renewal requirements may have such qualification reinstated by filing an application for licensure showing possession by him of the qualifications required of a first applicant for licensure, and additionally the fact, time and cause of cancellation of his previous qualification. He shall pay to the board an application fee in the same amount as prescribed by the board under the provisions of section 54-916, Idaho Code, which fee shall not be refunded. If found qualified as in the case of a first applicant for licensure, he may be required to take and pass such examinations as, in the discretion of the board, shall show that he possesses the knowledge and skill requisite to the practice of dentistry or dental hygiene as the case may be. In the event he passes such examinations there shall be issued to him a certificate of qualification.

SECTION 7. That Section 54-922, Idaho Code, be, and the same is hereby amended to read as follows:

54-922. DISPLAY OF ~~ANNUAL~~ LICENSE. No person shall practice dentistry or dental hygiene unless he either has on display in his office an unrevoked and unsuspended ~~annual~~ license for the ~~year~~ time period in which he shall practice or has the same immediately producible upon request.

SECTION 8. That Section 54-923, Idaho Code, be, and the same is hereby amended to read as follows:

54-923. REVOCATION FOR CONVICTIONS OF CRIME. A certificate or other evidence of qualification and right to practice dentistry, a dental specialty or dental hygiene, and ~~an annual~~ a license, may be revoked by the board whenever it shall be shown to the board that the holder of such certificate or other evidence of qualification, right to practice or license has been finally adjudged guilty of a felony, or of a misdemeanor involving moral turpitude, whether such final judgment shall have been entered before or after qualification, or accrual of such right, or the issuance of such certificate or other evidence of qualification, or of such ~~annual~~ license, unless the person demonstrates that he has been sufficiently rehabilitated to warrant the public trust.

A copy of the judgment of conviction, certified to be correct and final by the clerk or judge of the court wherein conviction was had, shall be conclusive evidence of such conviction, and upon the filing thereof with the board, the revocation shall be entered without further proceedings.

SECTION 9. That Section 54-924, Idaho Code, be, and the same is hereby amended to read as follows:

54-924. OTHER GROUNDS OF REFUSAL, REVOCATION OR SUSPENSION OF DENTISTS -- PROBATION AGREEMENTS. The board may refuse to issue or renew a dental license, or may revoke, suspend, place on probation, reprimand or take other disciplinary action with respect to a dental license as the board may deem proper, including administrative penalties not to exceed ten thousand dollars ($10,000) per violation and assessment of the costs

of disciplinary proceedings in the event a dentist shall:

(1) Intentionally misstate, or fail fully to disclose, a fact material to determination of fitness and qualification in an application for licensure to practice dentistry, or cheat in an examination to practice dentistry; or procure a certificate or finding of qualification to practice dentistry or subsequently ~~an annual~~ a license by false, fraudulent or deceitful means or in any other name than his own true name; or

(2) Practice dentistry under any name other than his own true name except as authorized by the provisions of the professional service corporation act; or

(3) Practice or in any manner or by any means or at any place hold out or represent himself as practicing dentistry in or under the name of, or as a member, representative, agent or employee of, or in connection with, any company, association, or corporation, or under any trade, fictitious or business name except as authorized by the provisions of the professional service corporation act; or

(4) (a) Make, or cause to be made, or assist in making, any fraudulent, false, or misleading statement as to his own, or an employee's, associate's, or other dentist's or dental hygienist's skill or lack of skill, or method of practice; or

(b) Claim to practice dentistry without causing pain; or

(c) Claim superiority over other dentists; or

(d) Publish, advertise, or circulate reports, letters, certificates, endorsements, or evidence of cures or corrections of dental conditions by such dentist, his employee or associate by reason of his or their skill, experience, or ability or of his or their use of any system, method, technique, device, drug, medicine, material, manipulation or machine; or

(e) Advertise the use of, or use, any system, method, technique, device, drug, medicine, material or machine, which is either falsely advertised or misnamed; or

(5) Employ any person to obtain patronage, or call or seek to call, the attention of the public to him, his office, his skill, or his practice, by public exhibition, use, reproduction, or representation of specimens or samples, of dental work, or by demonstrations in public. This shall not apply to teaching in dental or dental hygiene schools, or demonstrations or exhibitions before meetings of other dentists or dental hygienists; or

(6) Use intoxicants or drugs to such a degree as to render him unfit to practice; or

(7) Commit malpractice, that is, to provide dental care which fails to meet the standard of dental care provided by other qualified dentists in the same community or similar communities, taking into account his training, experience and the degree of expertise to which he holds himself out to the public; or

(8) Engage in unprofessional, unethical or immoral conduct, as defined by board rules; or

(9) Advertise in such way as to deceive or defraud, or probably deceive or defraud, the public or patrons; or

(10) Employ or permit any person not a dentist to practice dentistry, or any person not a dentist or dental hygienist to practice dental hygiene, in his office or under his control or direction; or

(11) Fail, neglect or refuse to keep his office or equipment, or otherwise conduct his work in accordance with current state and federal laws, rules and regulations; or

(12) Violate any other provisions of law or rules adopted by the board; or

(13) Falsely identify himself to the public as a specialist in a specialty area of dentistry as defined by rule.

SECTION 10. That Section 54-925, Idaho Code, be, and the same is hereby amended to read as follows:

54-925. OTHER GROUNDS OF REVOCATION OR SUSPENSION OF DENTAL HYGIENISTS -- PROBATION AGREEMENTS. The certificate or other evidence of qualification, and the right to practice dental hygiene and the ~~annual~~ license of any dental hygienist may be revoked, suspended or otherwise conditioned by the board in the event such dental hygienist shall do, in respect to the practice of dental hygiene, or as a dental hygienist, any of the things or acts set forth in section 54-924, Idaho Code; Provided, however, that notwithstanding any provisions of section 54-924, Idaho Code, a dental hygienist shall not practice otherwise than as provided in section 54-904, Idaho Code, and his doing so shall be an additional ground for revocation, suspension, or other conditions as determined by the board.

The board may refuse to issue or renew a dental hygiene license, or may revoke, suspend, place on probation, reprimand or take other disciplinary action with respect to a dental hygiene license as the board may deem proper, including administrative penalties not to exceed five thousand dollars ($5,000) per violation and assessment of the costs of disciplinary proceedings.

SECTION 11. That Section 54-932, Idaho Code, be, and the same is hereby amended to read as follows:

54-932. LOST OR DESTROYED CERTIFICATES OR LICENSES. If the certificate of qualification or the ~~annual~~ license of a dentist or dental hygienist be lost or destroyed, and such fact appear by affidavit of such dentist or dental hygienist filed with the board together with a fee of ten dollars ($10.00), the board shall issue a duplicate.

Approved March 31, 2006.

CHAPTER 286
(S.B. No. 1350, As Amended)

AN ACT

RELATING TO COUNTY RECORDER'S FEES; AMENDING SECTION 31-3205, IDAHO CODE, TO PROVIDE FOR NEGOTIATION AND APPROVAL OF THE FEE FOR DUPLICATION OF RECORDED DOCUMENTS IN EXCESS OF ONE HUNDRED PAGES OR CONTINUOUS COPY REQUESTS USING ELECTRONIC MEANS, TO PROVIDE THAT THE FEE SHALL NOT EXCEED COSTS, TO RATIFY AND APPROVE EXISTING AGREEMENTS, TO PROVIDE FOR REVIEW OF THE FEE, TO CLARIFY PAGE SPECIFICATIONS AND TO REFORMAT THE SECTION.

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

SECTION 1. That Section 31-3205, Idaho Code, be, and the same is hereby amended to read as follows:

31-3205. RECORDER'S FEES. (1) The county recorder is allowed, and may receive for his services, the following fees, to be paid him by the party procuring his services:

(a) For recording every instrument, paper or notice, for each page ..... $ 3.00

(b) For copies of any record or paper, for each page ..... $ 1.00

(c) For each certificate under seal, when required ..... $ 1.00

(d) For release or assignment where more than one (1) document is released or assigned in the same instrument, for each additional release or assignment ..... $ 1.00

(e) For recording every town plat or map, for first one hundred (100) lots or less $11.00

And for each additional lot ..... $ .05

(f) For taking acknowledgments, including seal ..... $ 1.00

(g) For recording the location notice or amended location notice, of a mining claim, or for recording and indexing each notice, for each page ..... $ 3.00

(h) For recording affidavit of labor of mining claims for one (1) mining claim ..... $ 4.00

Plus an additional charge for each claim in excess of one (1) ..... $ .50

(i) For filing a survey ..... $ 5.00

(j) For making a copy of a survey or highway right-of-way plat ..... $ 4.00

(k) For issuing marriage license, filing, recording and indexing the certificate of marriage and taking and filing affidavits required in issuance of the license $11.00

(l) For administering an oath, including jurat ..... $ 1.00

And certifying the same when required an additional sum of .. $ 1.00

(m) For comparing and certifying a prepared copy of a file or record in his office, for each page ..... $ .50

(n) For making and certifying a report of search for lien upon personal property, excluding Uniform Commercial Code, for each name searched ..... $ 5.00

(o) For each certificate under seal there shall be an additional fee of ..... $ 1.00

(2) For duplication of recorded documents in excess of one hundred (100) pages or continuous copy requests for duplication of records using compact disc, zip disc, floppy disc or other electronic means, the fee shall be negotiated between the county recorder and the purchaser of records. The fee shall not exceed the costs to the county recorder for the retrieval and duplication of the record. These negotiated fees shall be recommended by the county recorder and approved by the board of county commissioners. Any existing agreements for duplication of records are hereby ratified and approved. Any negotiated fees shall remain in effect until such time as either party requests a review of the fee.

(3) All instruments delivered to the county recorder for record

shall be recorded rather than filed with the exception of plats, surveys, cornerstone markers and instruments under the Uniform Commercial Code.

(4) For all other services as recorder, not enumerated herein, the fee fixed in the statute requiring the service or the same fee as allowed the clerk of the district court for like service.

(5) A page shall not exceed fourteen (14) inches in length nor eight and one-half (8 1/2) inches in width. Each page shall be typewritten or be in legible writing. The recording fee to be charged for maps, sketches, drawings or other instruments except plats larger than the size permitted above for a page shall be two cents (2¢) per square inch.

Approved March 31, 2006.

CHAPTER 287
(S.B. No. 1356, As Amended)

AN ACT

RELATING TO DOMESTIC VIOLENCE CRIME PREVENTION; AMENDING SECTION 39-6306, IDAHO CODE, TO INCREASE THE MAXIMUM EFFECTIVE PERIOD FOR PROTECTION ORDERS IN CERTAIN CASES, TO REVISE THE LIMITATIONS A COURT MAY IMPOSE IN A PROTECTION ORDER, TO PROVIDE THAT IMMEDIATE AND PRESENT DANGER EXISTS WHERE THERE IS REASONABLE CAUSE TO BELIEVE BODILY HARM MAY RESULT AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-6306, Idaho Code, be, and the same is hereby amended to read as follows:

39-6306. HEARING ON PETITION FOR PROTECTION ORDER -- RELIEF PROVIDED AND REALIGNMENT OF DESIGNATION OF PARTIES. (1) Upon filing of a petition based upon a sworn affidavit for a protection order, the court shall hold a hearing to determine whether the relief sought shall be granted within fourteen (14) days. If either party is represented by counsel at a hearing seeking entry of a protection order, the court shall permit a continuance, if requested, of the proceedings so that counsel may be obtained by the other party. If the court finds that it is necessary for both parties to be represented by counsel, the court shall enter appropriate orders to ~~insure~~ ensure that counsel is retained. The order entered may require either the petitioner or respondent, or both, to pay for costs of counsel. Upon a showing that there is an immediate and present danger of domestic violence to the petitioner the court may, if requested, order for a period not to exceed ~~three~~ one (~~3~~1) ~~months~~ year that:

(a) Temporary custody of the minor children of the petitioner or of the parties be awarded to the petitioner or respondent if exercise of such jurisdiction is consistent with the provisions of section 32-11-204, Idaho Code, and consistent with prior custody orders entered by a court of competent jurisdiction unless grounds exist pursuant to section 32-717, Idaho Code;

(b) A party be restrained from committing acts of domestic violence;

(c) Exclude the respondent from the dwelling which the parties share or from the residence of the petitioner;

(d) The respondent be ordered to participate in treatment or counseling services. The council on domestic violence, in recognition of the particular treatment requirements for batterers, shall develop minimal program and treatment standards to be used as guidelines for recommending approval of batterer programs to the court;

(e) Other relief be ordered as the court deems necessary for the protection of a family or household member, including orders or directives to a peace officer, as allowed under this chapter;

(f) The respondent be required to pay service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee;

(g) The respondent be restrained from harassing, annoying, disturbing the peace of, telephoning, contacting, ~~molesting, interfering with or menacing~~ or otherwise communicating, directly or indirectly, with the petitioner and any designated family member or specifically designated person of the respondent's household, including the minor children whose custody is awarded to the petitioner; ~~and/or~~

(h) The respondent be restrained from entering any premises when it appears to the court that such restraint is necessary to prevent the respondent from contacting, ~~molesting, interfering with or menacing~~ harassing, annoying, disturbing the peace of or telephoning the petitioner or the minor children whose custody is awarded to the petitioner; and/or

(i) The respondent be restrained from coming within one thousand five hundred (1,500) feet or other appropriate distance of the petitioner, the petitioner's residence, the school or place of employment of the petitioner, or any specified place frequented by the petitioner and by any other designated family member or specifically designated person of the respondent's household, including the minor children whose custody is awarded to the petitioner.

(2) Immediate and present danger under this section includes, but is not limited to, situations in which the respondent has recently threatened the petitioner with bodily harm or engaged in domestic violence against the petitioner or where there is reasonable cause to believe bodily harm may result.

(3) No order made under this chapter shall in any manner affect title to real property.

(4) Relief shall not be denied because petitioner used reasonable force in self-defense against respondent, or because petitioner or respondent was a minor at the time of the incident of domestic violence.

(5) Any relief granted by the protection order, other than a judgment for costs, shall be for a fixed period not to exceed ~~three~~ one (~~3~~1) ~~months~~ year; provided, that an order obtained pursuant to this chapter may, upon motion and upon good cause shown, ~~be renewed for additional terms not to exceed one (1) year each~~ continue for an appropriate time period as directed by the court or be made permanent if the requirements of this chapter are met, provided the order may be terminated or modified by further order of the court either on written stipulation filed with the court or on the motion of a party and after a hearing on the motion. The motion to renew an order may be granted without a hearing,

if not timely objected to by the party against whom the order was entered.

(6) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the original respondent is the victim of domestic violence.

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 March 31, 2006.

CHAPTER 288
(S.B. No. 1386, As Amended)

AN ACT

RELATING TO STATUTE OF LIMITATIONS FOR FISH AND GAME VIOLATION; AMENDING SECTION 36-1406, IDAHO CODE, TO PROVIDE THAT A PROSECUTION FOR MISDEMEANORS UNDER THE PROVISIONS OF THE FISH AND GAME CODE MUST BE COMMENCED BY THE ISSUANCE OF A CITATION OR FILING OF A COMPLAINT WITHIN FIVE YEARS AFTER ITS COMMISSION FOR UNLAWFULLY TAKING OR POSSESSING ANY BIG GAME ANIMAL, CARIBOU OR GRIZZLY BEAR OR FOR UNLAWFULLY PURCHASING, POSSESSING OR USING ANY LICENSE, TAG OR PERMIT BY ANY PERSON WHO DOES NOT RESIDE IN THE STATE OF IDAHO AT THE TIME OF PURCHASE.

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

SECTION 1. That Section 36-1406, Idaho Code, be, and the same is hereby amended to read as follows:

36-1406. STATUTE OF LIMITATION FOR MISDEMEANORS. (1) Notwithstanding any other provision of law, a prosecution for misdemeanors under the provisions of this title must be commenced by the issuance of a citation or filing of a complaint within two (2) years after its commission for ~~any of the following offenses:~~

~~(a) Unlawfully taking or possessing any big game animal, caribou, or grizzly bear.~~

~~(b)~~ The unlawful sale or purchase of wildlife as set forth in section 36-501, Idaho Code.

~~(c) Unlawfully purchasing, possessing or using any license, tag or permit by any person who does not reside in the state of Idaho at the time of purchase.~~

(2) Notwithstanding any other provision of law, a prosecution for misdemeanors under the provisions of this title must be commenced by the issuance of a citation or filing of a complaint within five (5) years after its commission: (a) for unlawfully taking or possessing any big game animal, caribou or grizzly bear; or (b) for unlawfully purchasing, possessing or using any license, tag or permit by any person who does not reside in the state of Idaho at the time of purchase.

(3) The prosecution for all other misdemeanors under this title must be commenced as provided in section 19-403, Idaho Code.

Approved March 31, 2006.

CHAPTER 289
(S.B. No. 1388)

AN ACT

RELATING TO THE STATE LIQUOR ACCOUNT; AMENDING SECTION 23-404, IDAHO CODE, TO REALLOCATE THE TRANSFER AND APPROPRIATION OF MONEYS IN THE LIQUOR ACCOUNT, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE CORRECT TERMINOLOGY; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 23-404, Idaho Code, be, and the same is hereby amended to read as follows:

23-404. DISTRIBUTION OF MONEYS IN LIQUOR ACCOUNT. (1) The moneys received into the liquor account shall be transferred or appropriated as follows:

(a) An amount of money equal to the actual cost of purchase of alcoholic liquor and payment of expenses of administration and operation of the dispensary, as determined by the superintendent and certified quarterly to the state controller, shall be transferred back to the dispensary; provided, that the amount so transferred back for administration and operation of the dispensary shall not exceed the amount authorized to be expended by regular appropriation authorization.

(b) From fiscal year 2006 through fiscal year 2009, forty percent (40%) of the balance remaining after transferring the amounts authorized by ~~subsection~~ paragraph (a) ~~above:~~ of this subsection shall be transferred or appropriated pursuant to this paragraph (b). Beginning in fiscal year 2010 the percentage transferred pursuant to this paragraph (b) shall increase to forty-two percent (42%) with an increase of two percent (2%) for each subsequent fiscal year thereafter until fiscal year 2014 when such percentage shall be fifty percent (50%).

(i) For fiscal year 2006 and through fiscal year 2009, one million eight hundred thousand dollars ($1,800,000) shall be appropriated and paid to the cities and counties as set forth in paragraphs (c)(i) and (c)(ii) of this subsection;

(ii) One million two hundred thousand dollars ($1,200,000) shall be transferred annually to the alcoholism treatment ~~account~~ fund, which is hereby created in the trust and agency fund;

(iii) Three hundred thousand dollars ($300,000) shall be transferred annually to the community college account, created by section 33-2139, Idaho Code;

(~~ii~~iv) One million two hundred thousand dollars ($1,200,000)

shall be transferred annually to the public school income fund, as defined in section 33-903, Idaho Code;

~~(iv) Four million nine hundred forty-five thousand dollars ($4,945,000) shall be transferred annually to the general account in the state operating fund; and~~

(v) Six hundred fifty thousand dollars ($650,000) shall be transferred annually to the cooperative welfare account in the dedicated fund; and

(vi) The balance shall be transferred to the general fund.

(c) The remainder of the moneys received in the liquor account shall be appropriated and paid as follows:

(i) Forty percent (40%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) ~~above~~ of this subsection have been made is hereby appropriated to and shall be paid to the several counties. Each county shall be entitled to an amount in the proportion that liquor sales through the dispensary in that county during the state's previous fiscal year bear to total liquor sales through the dispensary in the state during the state's previous fiscal year, except that no county shall be entitled to an amount less than that county received in distributions from the liquor account during the state's fiscal year 1981.

(~~d~~ii) Sixty percent (60%) of the balance remaining after the transfers authorized by paragraphs (a) and (b) ~~above~~ of this subsection have been made is hereby appropriated to and shall be paid to the several cities as follows:

~~(i)~~1. Ninety percent (90%) of the amount appropriated to the cities shall be distributed to those cities which have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that liquor sales through the dispensary in that city during the state's previous fiscal year bear to total liquor sales through the dispensary in the state during the state's previous fiscal year, except that no city shall be entitled to an amount less than that city received in distributions from the liquor account during the state's fiscal year 1981;

~~(ii)~~2. Ten percent (10%) of the amount appropriated to the cities shall be distributed to those cities which do not have a liquor store or distribution station located within the corporate limits of the city. Each such city shall be entitled to an amount in the proportion that that city's population bears to the population of all cities in the state which do not have a liquor store or distribution station located within the corporate limits of the city, except that no city shall be entitled to an amount less than that city received in distributions from the liquor account during the state's fiscal year 1981.

(2) All transfers and distributions shall be made periodically, but not less frequently than quarterly but, the apportionments made to any county or city, which may during the succeeding three (3) year period be found to have been in error either of computation or transmittal, shall be corrected during the fiscal year of discovery by a reduction of apportionments in the case of over-apportionment or by an increase of

apportionments in the case of under-apportionment. The decision of the superintendent on entitlements of counties and cities shall be final, and shall not be subject to judicial review.

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 July 1, 2005.

Approved March 31, 2006.

CHAPTER 290
(S.B. No. 1412, As Amended)

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1705, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1733, IDAHO CODE, TO PERMIT ELECTRONIC SIGNATURES AND TRANSMISSION OF PRESCRIPTION DRUG ORDERS, TO PERMIT PRESCRIPTION DRUG ORDERS TO BE SENT BY FACSIMILE TRANSMISSION FROM A HEALTH CARE FACILITY TO THE PRESCRIPTION DEPARTMENT OF A PHARMACY, TO PERMIT PRESCRIPTION DRUG ORDERS TO BE RECEIVED BY A PHARMACIST VERBALLY OR BY FACSIMILE; AMENDING SECTIONS 37-3201, 54-4702 AND 54-5110, IDAHO CODE, TO PROVIDE FOR CORRECT CODE CITATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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, ~~invitro~~ 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 effect 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.

(10) ~~"Prospective--drug-review"-includes,-but-is-not-limited-to,-the following-activities:~~

~~(a)--Evaluation-of-the-prescription-or-medication-order-for:~~

~~1.--Known-allergies;~~

~~2.--Rational-therapy-contraindications;~~

~~3.--Reasonable-dose-and-route-of-administration;-and~~

~~4.--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:~~

~~1.--Drug-drug;~~

~~2.--Drug-food;-and~~

~~3.--Drug-disease.~~

~~(d)--Evaluation--of--the-prescription-or-medication-order-for-proper utilization:~~

~~1.--Over-or-under-utilization;-and~~

~~2.--Abuse/misuse.~~

~~(11)~~ "Extern" means a bona fide student enrolled in an approved college of pharmacy who has not received his first professional degree in pharmacy.

(12) "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 co~~llege 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.

~~"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.~~

(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.

(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) "Practitioner" shall mean a physician, dentist, veterinarian, scientific investigator or other person (other than a pharmacist) 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.

(25) "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.

(26) "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.

(26~~7~~) "Preceptor site" means any training site for pharmacy interns and externs registered with the board pursuant to board rule.

(27~~8~~) "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.

(28~~9~~) "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.

(30) "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.

~~(29) "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.~~

(30~~1~~) "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.

(31~~2~~) "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.

(~~32~~3) "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.

(~~33~~4) "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 2. That Section 54-1733, Idaho Code, be, and the same is hereby amended to read as follows:

54-1733. VALIDITY OF PRESCRIPTION DRUG ORDERS. (1) A prescription or drug order for a legend drug is not valid unless it is issued for a legitimate medical purpose by a practitioner acting in the usual course of his profession, or by a physician, dentist, veterinarian, scientific investigator or other person, other than a pharmacist, who is licensed in a jurisdiction other than the state of Idaho and is permitted by such license to dispense, conduct research with respect to or administer the prescribed legend drugs in the course of his professional practice or research in such jurisdiction, so long as the individual is acting within the jurisdiction, scope and authority of his license when issuing the prescription or drug order.

(a) The prescription drug order may be signed and sent electronically pursuant to chapter 50, title 28, Idaho Code.

(b) Transmission of prescription drug order. In addition to delivery of the original signed written prescription to a licensed pharmacy:

(i) A prescription drug order that has been signed by the practitioner may be received by a licensed pharmacy for dispensing purposes through a facsimile transmission from the prescribing practitioner or the practitioner's agent, or from a health care facility for a patient or resident in such facility;

(ii) A prescription drug order may also be received by a licensed pharmacist verbally from the practitioner, the practitioner's agent or from a licensed practical nurse or licensed professional nurse in a health care facility for a patient or resident in such facility;

(iii) A prescription drug order received verbally from the practitioner by a licensed practical nurse or licensed professional nurse in a licensed health care facility for a patient or resident in such facility may also be sent by facsimile transmission from the health care facility to a licensed pharmacy for dispensing purposes provided the transmitted document includes the name of the prescriber issuing the prescription drug order, the name and license number of the nurse who transcribed the order and the name of the person who sent the facsimile.

(2) It is unlawful for a practitioner to knowingly issue an invalid prescription or drug order for a legend drug.

(3) It is unlawful for a pharmacist or veterinarian to knowingly fill an invalid prescription or drug order for a legend drug.

SECTION 3. 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(2~~7~~8), Idaho Code.

SECTION 4. 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(2~~7~~8), Idaho Code.

SECTION 5. 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 phar-

acy. 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(2~~7~~8), Idaho Code, or medical device unless such prescription drug or medical device is specifically included in the naturopathic medical formulary.

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 its passage and approval.

Approved March 31, 2006.

CHAPTER 291
(S.B. No. 1414)

AN ACT

RELATING TO CRIME VICTIMS COMPENSATION; AMENDING SECTION 72-1003, IDAHO CODE, TO DEFINE "EXTENUATING CIRCUMSTANCES" AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 72-1019, IDAHO CODE, TO PROVIDE THAT A VICTIM FOUND TO HAVE EXTENUATING CIRCUMSTANCES IS ELIGIBLE FOR A MAXIMUM BENEFIT OF TWENTY-FIVE THOUSAND DOLLARS AND TO PROVIDE FOR REEVALUATION OF QUALIFICATIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 72-1003, Idaho Code, be, and the same is hereby amended to read as follows:

72-1003. DEFINITIONS. As used in this chapter:

(1) "Claimant" means any of the following claiming compensation under this chapter:

(a) A victim;

(b) A dependent of a deceased victim; or

(c) An authorized person acting on behalf of any of them, including parent(s), legal guardian(s), and sibling(s), of a victim who is a minor.

(2) "Collateral source" means a source of benefits, other than welfare benefits, or advantages for economic loss otherwise compensable under this chapter which the claimant has received or which is readily available to him from:

(a) The offender;

(b) The government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two (2) or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this chapter;

(c) Social security, medicare, and medicaid;

(d) Worker's compensation;

(e) Wage continuation programs of any employer;

(f) Proceeds of a contract of insurance payable to the claimant for loss which was sustained because of the criminally injurious conduct; or

(g) A contract, including an insurance contract, providing hospital and other health care services or benefits for disability. Any such contract in this state may not provide that benefits under this chapter shall be a substitute for benefits under the contract or that the contract is a secondary source of benefits and benefits under this chapter are a primary source.

(3) "Commission" means the industrial commission.

(4) "Criminally injurious conduct" means intentional, knowing, or reckless conduct that:

(a) Occurs or is attempted in this state or occurs outside the state of Idaho against a resident of the state of Idaho and which occurred in a state which does not have a crime victims compensation program for which the victim is eligible as eligibility is set forth in this statute;

(b) Constitutes an act of terrorism as defined by 18 U.S.C. 2331, committed outside the United States against a resident of this state;

(c) Results in injury or death; and

(d) Is punishable by fine, imprisonment, or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle except when intended to cause personal injury or death; provided that criminally injurious conduct shall include violations of the provisions of section 18-4006 3(b), 18-8004, 18-8006, 18-8007, 67-7027, 67-7034 or 67-7035, Idaho Code.

(5) "Dependent" means a natural person who is recognized under the law of this state to be wholly or partially dependent upon the victim for care or support and includes a child if under the age of eighteen

(18) years or incapable of self-support and unmarried and includes a child of the victim conceived before the victim's death but born after the victim's death, including a child that is conceived as a result of the criminally injurious conduct.

(6) "Extenuating circumstances" means that a victim requires further mental health treatment due to trauma arising out of covered criminal conduct in order to perform major life functions or the activities of daily living.

(7) "Injury" means actual bodily harm or disfigurement and, with respect to a victim, includes pregnancy, venereal disease, mental or nervous shock, or extreme mental distress. For the purposes of this chapter, "extreme mental distress" means a substantial personal disorder of emotional processes, thought or cognition which impairs judgment, behavior or ability to cope with the ordinary demands of life.

(~~7~~8) "Victim" means a person who suffers injury or death as a result of:

(a) Criminally injurious conduct;

(b) His good faith effort to prevent criminally injurious conduct; or

(c) His good faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct.

(~~8~~9) "Welfare benefits" as used in subsection (2) of this section, shall include sums payable to or on behalf of an indigent person under chapter 35, title 31, Idaho Code.

SECTION 2. That Section 72-1019, Idaho Code, be, and the same is hereby amended to read as follows:

72-1019. COMPENSATION BENEFITS. (1) A claimant is entitled to weekly compensation benefits when the claimant has a total actual loss of wages due to injury as a result of criminally injurious conduct. During the time the claimant seeks such weekly benefits, the claimant, as a result of such injury, must have no reasonable prospect of being regularly employed in the normal labor market. The weekly benefit amount is sixty-six and two-thirds percent (66 2/3%) of the wages received at the time of the criminally injurious conduct, subject to a maximum of one hundred seventy-five dollars ($175). Weekly compensation payments shall be made at the end of each two (2) week period. No weekly compensation payments may be paid for the first week after the criminally injurious conduct occurred, but if total actual loss of wages continues for one (1) week, weekly compensation payments shall be paid from the date the wage loss began. Weekly compensation payments shall continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market.

(2) The commission may order payment of reasonable expenses actually incurred by the claimant for reasonable services by a physician or surgeon, reasonable hospital services and medicines, mental health counseling and care, and such other treatment as may be approved by the commission for the injuries suffered due to criminally injurious conduct. Payment for the costs of forensic and medical examinations of alleged victims of sexual assault performed for the purposes of gathering evidence for possible prosecution, after collections from any third party who has liability, shall be made by the commission. The commission shall establish a procedure for summary processing of such claims.

(3) (a) The dependents of a victim who is killed as a result of criminally injurious conduct are entitled to receive aggregate weekly benefits amounting to sixty-six and two-thirds percent (66 2/3%) of the wages received at the time of the criminally injurious conduct causing the death, subject to a maximum of one hundred seventy-five dollars ($175) per week. Weekly compensation payments shall be made at the end of each two (2) week period.

(b) Benefits under subsection (3)(a) of this section shall be paid to the spouse for the benefit of the spouse and other dependents unless the commission determines that other payment arrangements should be made. If a spouse dies or remarries, benefits under subsection (3)(a) shall cease to be paid to the spouse but shall continue to be paid to the other dependents so long as their dependent status continues.

(4) Reasonable funeral and burial or cremation expenses of the victim, together with actual expenses of transportation of the victim's body, shall be paid in an amount not exceeding five thousand dollars ($5,000) if all other collateral sources have properly paid such expenses but have not covered all such expenses.

(5) (a) Compensation payable to a victim and all of the victim's dependents in cases of the victim's death, because of injuries suffered due to an act or acts of criminally injurious conduct involving the same offender and occurring within a six (6) month period, may not exceed twenty-five thousand dollars ($25,000) in the aggregate.

(b) The limitation of subsection (5)(a) of this section is subject to the further limitation that payments for mental health treatment received as a result of the victim's injury may not exceed two thousand five hundred dollars ($2,500) unless the industrial commission finds extenuating circumstances. ~~pursuant--to--regulation--of-the industrial-commission~~ If the commission finds a victim to have extenuating circumstances as defined in section 72-1003, Idaho Code, the victim is eligible for payments up to the maximum benefit allowed under paragraph (a) of this subsection (5). The commission shall reevaluate the victim's qualifications for extenuating circumstances not less often than annually.

(6) Compensation benefits are not payable for pain and suffering or property damage.

(7) (a) A person who has suffered injury as a result of criminally injurious conduct and as a result of such injury has no reasonable prospect of being regularly employed in the normal labor market, who was employable but was not employed at the time of such injury, may in the discretion of the commission be awarded weekly compensation benefits in an amount determined by the commission not to exceed one hundred fifty dollars ($150) per week. Weekly compensation payments shall continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market or for a shorter period as determined by the commission. The claimant shall be awarded benefits as provided in subsection (2) of this section.

(b) The dependents of a victim who is killed as a result of criminally injurious conduct and who was employable but not employed at the time of death, may, in the discretion of the commission, be awarded, in an aggregate amount payable to all dependents, a sum not to exceed one hundred fifty dollars ($150) per week which shall be

payable in the manner and for the period provided by subsection (3)(b) of this section or for such shorter period as determined by the commission. The claimant shall be awarded benefits as provided in subsection (4) of this section.

(c) Compensation payable to a victim or a victim's dependents under this subsection may not exceed twenty thousand dollars ($20,000), and the limitations of subsection (6) of this section apply to compensation under this subsection (7).

(8) Amounts payable as weekly compensation may not be commuted to a lump sum and may not be paid less frequently than every two (2) weeks.

(9) (a) Subject to the limitations in subsections (9)(b) and (9)(c) of this section, the spouse, parent, grandparent, child, grandchild, brother or sister of a victim who is killed, kidnapped, sexually assaulted or subjected to domestic violence or child injury is entitled to reimbursement for mental health treatment received as a result of such criminally injurious conduct.

(b) Total payments made under subsection (9)(a) of this section, may not exceed five hundred dollars ($500) for each person or one thousand five hundred dollars ($1,500) for a family.

(c) With regard to claims filed pursuant to this section, in order for family members of victims of crime to be entitled to benefits, the victim of the crime must also have been awarded benefits for the crime itself.

(10) A claimant or a spouse, parent, child or sibling of a claimant or victim may be reimbursed for his or her expenses for necessary travel incurred in connection with obtaining benefits covered pursuant to this chapter and in accordance with rules of the commission.

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, and retroactively to July 1, 2005.

Approved March 31, 2006.

CHAPTER 292
(S.B. No. 1415)

AN ACT

RELATING TO STATEWIDE COMMUNICATIONS INTEROPERABILITY; AMENDING TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 46, IDAHO CODE, TO DEFINE TERMS, TO CREATE THE IDAHO STATEWIDE INTEROPERABILITY EXECUTIVE COUNCIL IN THE IDAHO BUREAU OF HOMELAND SECURITY, TO PROVIDE FOR COUNCIL PURPOSE, TO PROVIDE FOR COUNCIL RESPONSIBILITIES, TO PROVIDE FOR RULES, TO ESTABLISH THE IDAHO STATEWIDE INTEROPERABILITY EXECUTIVE COUNCIL FUND, TO PROVIDE FOR ADMINISTRATION OF THE FUND, TO PROVIDE FOR COUNCIL MEETINGS, TO PROVIDE FOR APPOINTMENT OF THE COUNCIL CHAIR AND VICE-CHAIR, TO PROVIDE FOR THE APPOINTMENT OF SUBCOMMITTEES, TO PROVIDE FOR APPOINTMENT OF COUNCIL MEMBERS, TO PROVIDE FOR MEMBER TERMS AND TO PROVIDE FOR COMPENSATION FOR COUNCIL MEMBERS; AND PROVIDING A SUNSET DATE.

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

SECTION 1. That Title 46, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 12, Title 46, Idaho Code, and to read as follows:

CHAPTER 12
STATEWIDE COMMUNICATIONS INTEROPERABILITY

46-1201. DEFINITIONS. As used in this chapter:

(1) "Cooperation" means to work or to act together towards a common end or purpose.

(2) "Coordination" means harmonious adjustment or interaction of equal functions of similar importance.

(3) "Council" means the Idaho statewide interoperability executive council.

(4) "Interoperability" means the ability of public safety service and support providers, law enforcement, firefighters, EMS, emergency management, public utilities, transportation and others, to communicate when necessary with staff from other responding agencies, and to exchange voice, video and/or data communications on demand, in real time, and when authorized.

46-1202. IDAHO STATEWIDE INTEROPERABILITY EXECUTIVE COUNCIL. There is hereby created in the Idaho bureau of homeland security the Idaho statewide interoperability executive council to provide policy level direction and promote efficient and effective use of resources for matters related to public safety wireless radio interoperability.

46-1203. PURPOSE. The council will serve as the governing body in affairs of public safety wireless radio interoperable communications for local and private entities and coordinate with the Idaho department of administration, which is responsible for state agency planning, to meet short-range and long-range telecommunications needs as authorized in chapter 57, title 67, Idaho Code. The council will promote interagency cooperation and provide support statewide for efficient and effective use of local and private resources to achieve public safety wireless radio interoperable communications for local and private public safety agencies.

46-1204. COUNCIL RESPONSIBILITIES. The responsibilities of the council are to:

(1) Develop a statewide plan for local and private public safety wireless radio interoperable communications in coordination and cooperation with the Idaho department of administration;

(2) Develop and adopt standards for local and private public safety wireless radio interoperable communications in coordination and cooperation with the Idaho department of administration;

(3) Recommend guidelines and standards for operation for local and private public safety wireless radio interoperable communications systems in Idaho in coordination and cooperation with the Idaho department of administration;

(4) Promote coordination and cooperation among local, state, federal and tribal public safety agencies in addressing statewide public safety wireless radio interoperable communications needs in Idaho;

(5) Review priorities for statewide public safety wireless radio

interoperable communications needs and assist users of the statewide system in the development of projects, plans, policies, standards, priorities and guidelines for public safety wireless radio interoperable communications in coordination and cooperation with the Idaho department of administration;

(6) Develop funding recommendations for short-term and long-term system maintenance;

(7) Research best practices of other states;

(8) Prepare and present a report to the information technology resource management council by December 30 of each year describing the council's acts and achievements of the previous year;

(9) Provide recommendations to the governor and the legislature of the state of Idaho, when appropriate, concerning issues related to local and private statewide public safety wireless radio interoperable communications in Idaho and in accordance with homeland security presidential directives;

(10) Report annually to the legislature of the state of Idaho on the planned expenditures for the next fiscal year, the collected revenues and moneys disbursed from the Idaho statewide interoperability communications fund and programs or projects in progress, completed or anticipated;

(11) Serve as a conduit for the future allocation of federal grant funds to support the delivery of public safety wireless radio interoperable communications systems directed towards local government and private entities;

(12) Enter into contracts with experts and/or consultants as may be necessary to carry out the purposes of this chapter and to sue and be sued; and

(13) Work in coordination and cooperation with the Idaho emergency communications commission established by section 31-4815, Idaho Code, and the information technology resource management council, established by section 67-5745B, Idaho Code.

46-1205. RULES. The council will promulgate rules pursuant to the provisions of chapter 52, title 67, Idaho Code, to carry out its responsibilities and purpose.

46-1206. IDAHO STATEWIDE INTEROPERABILITY EXECUTIVE COUNCIL COMMUNICATIONS FUND -- ESTABLISHMENT AND ADMINISTRATION. (1) There is hereby created within the treasury of the state of Idaho a separate fund known as the Idaho statewide interoperability communications fund, which shall consist of moneys received from the state, counties, cities, public safety communications operations, grants, donations, gifts and revenues from any other source to support the delivery of public safety wireless radio interoperable communications systems throughout the state.

(2) Moneys in the fund are hereby continuously appropriated and shall be utilized exclusively for the purposes set forth in this chapter as determined by the council.

(3) The council, through the Idaho bureau of homeland security, shall authorize disbursement of moneys in the fund to eligible entities and for the support of this council.

46-1207. ADMINISTRATIVE SUPPORT. The council may, with concurrence of the governor of the state of Idaho, create the position of a project

manager and the position of an administrative assistant, which positions shall be exempt from the requirements of the merit system, chapter 53, title 67, Idaho Code. In accordance with the laws of the state, the Idaho bureau of homeland security's director may hire, fix the compensation and prescribe the powers and duties of such other individuals, including consultants, as may be necessary to carry out the provisions of this chapter.

46-1208. MEETINGS. The council will meet no less than four (4) times annually.

46-1209. CHAIR AND VICE-CHAIR. The governor shall appoint a chair and the council shall elect a vice-chair and other such officers as it may deem necessary and appropriate. The chair has authority and is responsible for all affairs of the council.

46-1210. SUBCOMMITTEES. The council will appoint subcommittees consistent with the needs of the council to address issues including, but not limited to:

(1) Technical support and education issues regarding public safety wireless radio interoperable communications in Idaho;

(2) Federal, state and local funding availability; and

(3) Outreach and liaison with federal and other state organizations working on public safety wireless radio interoperable communications solutions.

46-1211. COUNCIL MEMBERS. (1) The council members shall be appointed by the governor and shall include at a minimum the representatives of the following organizations:

(a) One (1) representative from the Idaho transportation department;

(b) One (1) representative from the Idaho sheriffs' association;

(c) One (1) representative from the Idaho chiefs of police association;

(d) One (1) representative from the Idaho fire chiefs association;

(e) One (1) representative from the association of Idaho cities;

(f) One (1) representative from the Idaho association of counties;

(g) Two (2) representatives from the Idaho military division;

(h) One (1) representative from the Idaho department of administration;

(i) One (1) representative from the Idaho department of correction;

(j) One (1) representative from the Idaho state police;

(k) One (1) representative from the Idaho department of lands;

(l) One (1) representative from the Idaho department of fish and game;

(m) One (1) representative from the Idaho department of health and welfare;

(n) One (1) representative from Idaho tribal government; and

(o) Two (2) members at large.

(2) Additional voting members will be invited in the following capacities:

(a) One (1) liaison from federal law enforcement;

(b) One (1) liaison from the United States department of homeland security transportation security administration;

(c) One (1) liaison from the United States department of the interior; and
(d) One (1) liaison from the national interagency fire center.

46-1212. COUNCIL MEMBER TERMS. (1) Except as provided in this section, members of the council will be appointed for a term of four (4) years.
(2) The following five (5) members shall be appointed for an initial term of two (2) years:
(a) The member representing the Idaho fire chiefs association;
(b) The member representing the Idaho chiefs of police association;
(c) The member representing the Idaho sheriffs' association;
(d) The member representing the Idaho association of counties; and
(e) The member representing the association of Idaho cities.
(3) The following four (4) members will be appointed for an initial term of three (3) years:
(a) The member representing the Idaho transportation department;
(b) The member representing the Idaho department of administration;
(c) The member representing the Idaho department of lands; and
(d) The member representing the Idaho department of health and welfare.
(4) Members of the council shall be compensated as provided in section 59-509(b), Idaho Code.
(5) New members may be added or members replaced at annual, special or regular council meetings with approval from the office of the governor for the state of Idaho. Upon resignation of a member, the governor may appoint a replacement for the remainder of the vacated term.

SECTION 2. The provisions of this act shall be null, void and of no force and effect on and after December 31, 2012.

Approved March 31, 2006.

CHAPTER 293
(S.B. No. 1423, As Amended)

AN ACT
RELATING TO GENETIC TESTING PRIVACY; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 83, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO SET FORTH RESTRICTIONS REGARDING GENETIC TESTING INFORMATION APPLICABLE TO EMPLOYERS AND TO PROVIDE FOR ENFORCEMENT; AND AMENDING SECTION 41-1313, IDAHO CODE, TO PROHIBIT INSURERS FROM DISCRIMINATING ON THE BASIS OF A GENETIC TEST OR PRIVATE GENETIC INFORMATION FOR CERTAIN PURPOSES.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 83, Title 39, Idaho Code, and to read as follows:

CHAPTER 83
GENETIC TESTING PRIVACY ACT

39-8301. SHORT TITLE. This chapter shall be known and may be cited as the "Genetic Testing Privacy Act."

39-8302. DEFINITIONS. As used in this chapter:

(1) "Blood relative" means a person's biologically related parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, niece or first cousin.

(2) "DNA" means deoxyribonucleic acid, ribonucleic acid and chromosomes which may be analyzed to detect heritable diseases or conditions, including the identification of carriers, predicting risk of disease, or establishing a clinical diagnosis.

(3) "DNA sample" means any human biological specimen from which DNA can be extracted, or DNA extracted from such specimen.

(4) "Employer" means any person, partnership, limited liability company, association, corporation, labor organization, employment agency or nonprofit entity that employs five (5) or more persons including relatives, and including the legislative, executive and judicial branches of state government; any county, city, or any other political subdivision of the state; or any other separate unit of state or local government.

(5) "Genetic analysis" or "genetic test" means the testing or analysis of an identifiable individual's DNA that results in information that is derived from the presence, absence, alteration or mutation of an inherited gene or genes, or the presence or absence of a specific DNA marker or markers. "Genetic analysis" or "genetic test" does not mean:

(a) A routine physical examination;

(b) A routine chemical, blood or urine analysis;

(c) A test to identify the presence of drugs or HIV infection; or

(d) A test performed due to the presence of signs, symptoms or other manifestations of a disease, illness, impairment or other disorder.

(6) "Individual" means the person from whose body the DNA sample originated.

(7) "Person" means any person, organization or entity other than the individual.

(8) "Private genetic information" means any information about an identifiable individual that is derived from the presence, absence, alteration or mutation of an inherited gene or genes, or the presence or absence of a specific DNA marker or markers, and which has been obtained from a genetic test or analysis of the individual's DNA or from a genetic test or analysis of a person's DNA of whom the individual is a blood relative. "Private genetic information" does not include information that is derived from:

(a) A routine physical examination;

(b) A routine chemical, blood or urine analysis;

(c) A test to identify the presence of drugs or HIV infection; or

(d) A test performed due to the presence of signs, symptoms or other manifestations of a disease, illness, impairment or other disorder.

39-8303. RESTRICTIONS ON EMPLOYERS. (1) Except as provided in subsection (2) of this section, an employer shall not, in connection with a hiring, promotion, retention or other related decision:

(a) Access or otherwise take into consideration private genetic information about an individual;

(b) Request or require an individual to consent to a release for the purpose of accessing private genetic information about the individual;

(c) Request or require an individual or his blood relative to submit to a genetic test; or

(d) Inquire into the fact that an individual or his blood relative has taken or refused to take a genetic test.

(2) (a) Notwithstanding the provisions of subsection (1) of this section, an employer may seek an order compelling the disclosure of private genetic information held by an individual or third party pursuant to subsection (2)(b) of this section in connection with:

(i) An employment-related judicial or administrative proceeding in which the individual has placed his health at issue; or

(ii) An employment-related decision in which the employer has a reasonable basis to believe that the individual's health condition poses a real and unjustifiable safety risk requiring the change or denial of an assignment.

(b) (i) An order compelling the disclosure of private genetic information pursuant to this subsection (2) may only be entered upon a finding that:

(A) Other ways of obtaining the private information are not available or would not be effective; and

(B) There is a compelling need for the private genetic information which substantially outweighs the potential harm to the privacy interests of the individual.

(ii) An order compelling the disclosure of private genetic information pursuant to this subsection (2) shall:

(A) Limit disclosure to those parts of the record containing information essential to fulfill the objective of the order;

(B) Limit disclosure to those persons whose need for the information is the basis of the order; and

(C) Include such other measures as may be necessary to limit disclosure for the protection of the individual.

39-8304. ENFORCEMENT. (1) Whenever the attorney general has reason to believe that any employer is engaging, has engaged, or is about to engage in any act in violation of this chapter, the attorney general may bring an action in the name of the state against that employer:

(a) To obtain a declaratory judgment that the act violates the provisions of this chapter;

(b) To enjoin any act that violates the provisions of this chapter by issuance of a temporary restraining order or preliminary or permanent injunction, without bond, upon the giving of appropriate notice;

(c) To recover on behalf of the state and its agencies actual damages or restitution; or

(d) To recover civil penalties of up to twenty-five thousand dollars ($25,000) per violation and reasonable expenses, investigative costs and attorney's fees.

(2) The penalties provided in this section are in addition to any other available remedy at law or equity.

(3) Any civil penalty imposed pursuant to this section shall be deposited in the state general fund.

SECTION 2. That Section 41-1313, Idaho Code, be, and the same is hereby amended to read as follows:

41-1313. UNFAIR DISCRIMINATION -- LIFE INSURANCE, ANNUITIES, AND DISABILITY INSURANCE. (1) No person shall make or permit any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or of life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(2) No person shall make or permit any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees, or rates charged for any policy or contract of disability insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever.

(3) No person shall discriminate on the basis of a genetic test or private genetic information, as those terms are defined in section 39-8302, Idaho Code, in the issuance of coverage, or the fixing of rates, terms or conditions, for any policy or contract of disability insurance or any health benefit plan.

Approved March 31, 2006.

CHAPTER 294
(S.B. No. 1428)

AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE ISSUANCE OF A LICENSE TO CARRY CONCEALED WEAPONS AND TO MAKE TECHNICAL CORRECTIONS.

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

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

18-3302. ISSUANCE OF LICENSES TO CARRY CONCEALED WEAPONS. (1) The sheriff of a county, on behalf of the state of Idaho, shall, within ninety (90) days after the filing of an application by any person who is not disqualified from possessing or receiving a firearm under state or federal law, issue a license to the person to carry a weapon concealed on his person within this state. For licenses issued before July 1, 2006, a license shall be valid for four (4) years from the date of issue. For licenses issued on or after July 1, 2006, a license shall be

valid for five (5) years from the date of issue. The citizen's constitutional right to bear arms shall not be denied to him, unless he:

(a) Is ineligible to own, possess or receive a firearm under the provisions of state or federal law; or

(b) Is formally charged with a crime punishable by imprisonment for a term exceeding one (1) year; or

(c) Has been adjudicated guilty in any court of a crime punishable by imprisonment for a term exceeding one (1) year; or

(d) Is a fugitive from justice; or

(e) Is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance as defined in 21 U.S.C. 802; or

(f) Is currently suffering or has been adjudicated as follows, based on substantial evidence:

(i) Lacking mental capacity as defined in section 18-210, Idaho Code; or

(ii) Mentally ill as defined in section 66-317, Idaho Code; or

(iii) Gravely disabled as defined in section 66-317, Idaho Code; or

(iv) An incapacitated person as defined in section 15-5-101(a), Idaho Code; or

(g) Is or has been discharged from the armed forces under dishonorable conditions; or

(h) Is or has been adjudicated guilty of or received a withheld judgment or suspended sentence for one (1) or more crimes of violence constituting a misdemeanor, unless three (3) years has elapsed since disposition or pardon has occurred prior to the date on which the application is submitted; or

(i) Has had entry of a withheld judgment for a criminal offense which would disqualify him from obtaining a concealed weapon license; or

(j) Is an alien illegally in the United States; or

(k) Is a person who having been a citizen of the United States, has renounced his or her citizenship; or

(l) Is under twenty-one (21) years of age; or

(m) Is free on bond or personal recognizance pending trial, appeal or sentencing for a crime which would disqualify him from obtaining a concealed weapon license; or

(n) Is subject to a protection order issued under chapter 63, title 39, Idaho Code, that restrains the person from harassing, stalking or threatening an intimate partner of the person or child of the intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child.

The license application 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, 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. The license application shall contain a warning substantially as follows:

CAUTION: Federal law and state law on the possession of weapons and firearms differ. If you are prohibited by federal law from possessing a weapon or a firearm, you may be prosecuted in federal court. A state permit is not a defense to a federal prosecution.

The sheriff shall require any person who is applying for original issuance of a license to submit his fingerprints in addition to the other information required in this subsection. Within five (5) days after the filing of an application, the sheriff shall forward the application and fingerprints to the Idaho state police for a records check of state and national files. The Idaho state police shall conduct a national fingerprint-based records check and return the results to the sheriff within seventy-five (75) days. The sheriff shall not issue a license before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria listed in paragraphs (a) through (n) of subsection (1) of this section.

The license will be in a form substantially similar to that of the Idaho driver's license. It will 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. Upon issuing a license under the provisions of this section, the sheriff will notify the Idaho state police on a form or in a manner prescribed by the state police. 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.

(2) The fee for original issuance of a ~~four (4) year~~ license shall be twenty dollars ($20.00) paid to the sheriff for the purpose of enforcing the provisions of this chapter. The sheriff may collect any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department, and the cost of materials for the license lawfully required by any state agency or department, which costs shall be paid to the state.

(3) The fee for renewal of the license shall be ~~twelve~~ fifteen dollars ($1~~2~~5.00). The sheriff may collect any additional fees necessary to cover the processing costs lawfully required by any state or federal agency or department, and the cost of materials for the license lawfully required by any state agency or department, which costs shall be paid to the state. If a licensee applying for renewal has not previously been required to submit fingerprints, the sheriff shall require the licensee to do so and may collect any additional fees necessary to cover the cost of processing fingerprints lawfully required by any state or federal agency or department.

(4) ~~A licensee may renew a~~ Every license ~~if the licensee applies for renewal at any time before or within ninety (90) days after the expiration date of the license~~ that is not, as provided by law, suspended, revoked or disqualified in this state shall be renewable at any time during the ninety (90) day period before its expiration or within ninety (90) days after the expiration date. Renewal notices shall be mailed out ninety (90) days prior to the expiration date of the license. The sheriff shall require the licensee applying for renewal to complete an application. The sheriff shall submit the application to the Idaho state police for a records check of state and national databases. The

Idaho state police shall conduct the records check and return the results to the sheriff within thirty (30) days. The sheriff shall not issue a renewal before receiving the results of the records check and must deny a license if the applicant is disqualified under any of the criteria listed in subsection (1), paragraphs (a) through (n) of this section. A renewal license shall be valid for a period of ~~four~~ five (~~4~~5) years. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing ninety-one (91) days or more 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 fee shall be paid to the sheriff for the purpose of enforcing the provisions of this chapter.

(5) Notwithstanding the requirements of this section, the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section.

(6) A city, county or other political subdivision of this state shall not modify the requirements of this section, nor may a political subdivision ask the applicant to voluntarily submit any information not required in this section. 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 may be brought in the county in which the application was made or in Ada county at the discretion of the petitioner. Any person who prevails against a public agency in any action in the courts for a violation of subsections (1) through (5) of this section, shall be awarded costs, including reasonable attorney's fees incurred in connection with the legal action.

(7) Except in the person's place of abode or fixed place of business, or on property in which the person has any ownership or leasehold interest, a person shall not carry a concealed weapon without a license to carry a concealed weapon. For the purposes of this section, a concealed weapon means any dirk, dirk knife, bowie knife, dagger, pistol, revolver, or any other deadly or dangerous weapon. The provisions of this section shall not apply to any lawfully possessed shotgun or rifle.

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

(9) While in any motor vehicle, inside the limits or confines of any city, ~~or inside any mining, lumbering, logging or railroad camp~~ a person shall not carry a concealed weapon on or about his person without a license to carry a concealed weapon. This shall not apply to any ~~pistol or revolver~~ firearm located in plain view whether it is loaded or unloaded. A firearm may be concealed legally in a motor vehicle so long as the weapon is disassembled or unloaded.

(10) In implementing the provisions of this section on behalf of the state of Idaho, the sheriff shall make applications readily available at the office of the sheriff or at other public offices in his jurisdiction.

(11) The sheriff of a county may issue a license to carry a concealed weapon to those individuals between the ages of eighteen (18) and twenty-one (21) years who in the judgment of the sheriff warrants the issuance of the license to carry a concealed weapon. Such issuance shall be subject to limitations which the issuing authority deems appropriate.

Licenses issued to individuals between the ages of eighteen (18) and twenty-one (21) years shall be easily distinguishable from regular licenses.

(12) The requirement to secure a license to carry a concealed weapon under this section shall not apply to the following persons:

(a) Officials of a county, city, state of Idaho, the United States, peace officers, guards of any jail, court appointed attendants or any officer of any express company on duty;

(b) Employees of the adjutant general and military division of the state where military membership is a condition of employment when on duty;

(c) Criminal investigators of the attorney general's office, criminal investigators of a prosecuting attorney's office, prosecutors and their deputies;

(d) Any person outside the limits of or confines of any city~~,--or outside--any--mining,--lumbering,--logging-or-railroad-camp,-located outside-any-city,~~ while engaged in lawful hunting, fishing, trapping or other lawful outdoor activity;

(e) Any publicly elected Idaho official;

(f) Retired peace officers with at least ten (10) years of service with the state or a political subdivision as a peace officer and who have been certified by the peace officer standards and training council;

(g) Any person who has a valid permit from a state or local law enforcement agency or court authorizing him to carry a concealed weapon. A permit issued in another state will only be considered valid if the permit is in the licensee's physical possession.

(13) When issuing a license pursuant to this section, the sheriff may require the applicant to demonstrate familiarity with a firearm ~~by~~ and shall accept any of the following, provided the applicant may select which one:

(a) Completion of any hunter education or hunter safety course approved by the department of fish and game or a similar agency of another state; or

(b) Completion of any national rifle association firearms safety or training course, or any national rifle association hunter education course; or

(c) 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; or

(d) 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; or

(e) Presents evidence or equivalent experience with a firearm through participation in organized shooting competition or military service; or

(f) Is licensed or has been licensed to carry a firearm in this state or a county or municipality, unless the license has been revoked for cause; or

(g) Completion of any firearms training or training or safety

course or class conducted by a state certified or national rifle association certified firearms instructor.

(14) A person carrying a concealed weapon in violation of the provisions of this section shall be guilty of a misdemeanor.

(15) 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 subsequent to a hearing in accordance with the provisions of chapter 52, title 67, Idaho Code, for any of the following reasons:

(a) Fraud or intentional misrepresentation in the obtaining of a license; or

(b) Misuse of a license, including lending or giving a license to another person, or duplicating a license, or using a license with the intent to unlawfully cause harm to a person or property; or

(c) The doing of an act or existence of a condition which would have been grounds for the denial of the license by the sheriff; or

(d) The violation of any of the terms of this section; or

(e) The applicant is adjudicated guilty of or receives a withheld judgment for a crime which would have disqualified him from initially receiving a license.

(16) A person twenty-one (21) years of age or older issued a license to carry a concealed weapon ~~or a license renewal on or after July 1, 1995,~~ is exempt from any requirement to undergo a records check at the time of purchase or transfer of a firearm from a federally licensed firearms dealer. However, a temporary emergency license issued under subsection (5) of this section shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(17) The attorney general is authorized to negotiate reciprocal agreements with other states related to the recognition of licenses to carry concealed weapons. The Idaho state police shall keep a copy and maintain a record of all such agreements, which shall be made available to the public.

(18) The provisions of this section are hereby declared to be severable and if any provision of this section 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 section.

Approved March 31, 2006.

CHAPTER 295
(S.B. No. 1449)

AN ACT

APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; DIRECTING THE TRANSFER OF FUNDS FROM THE DEPARTMENT OF FINANCE; DIRECTING THE TRANSFER OF FUNDS FROM THE IDAHO TRANSPORTATION DEPARTMENT; DIRECTING STATE MATCHING FUNDS TO THE TREASURE VALLEY SPECIAL U.S. ATTORNEY DEMONSTRATION PROJECT; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BAL-

ANCES OF THE GENERAL FUND; SETTING FORTH THE CONDITIONS FOR THE RE-APPROPRIATION; AND DECLARING AN EMERGENCY FOR SECTIONS 4 AND 5 OF THIS ACT.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. STATE LEGAL SERVICES:					
FROM:					
General Fund	$13,841,300	$ 696,200	$ 4,200	$25,000	$14,566,700
Economic Recovery Reserve Fund		13,800	118,000		131,800
Consumer Protection Fund	87,400	86,900			174,300
TOTAL	$13,928,700	$ 796,900	$122,200	$25,000	$14,872,800
II. SPECIAL LITIGATION:					
FROM:					
General Fund		$ 951,600			$ 951,600
GRAND TOTAL	$13,928,700	$1,748,500	$122,200	$25,000	$15,824,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Attorney General is authorized no more than one hundred eighty-five and fifteen hundredths (185.15) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 Office of the Attorney General is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

SECTION 4. On or before June 30, 2006, the State Controller, at the request of the Attorney General, shall transfer $69,700 from the State Regulatory Fund in the Department of Finance to the General Fund. The intent of this transfer is to mitigate the impact of adding staff for the Office of the Attorney General to provide additional legal services to the Idaho Department of Finance in fiscal year 2007.

SECTION 5. On or before June 30, 2006, the State Controller, at the request of the Attorney General, shall transfer $84,300 from the State Highway Fund in the Idaho Transportation Department to the General Fund.

The intent of this transfer is to mitigate the impact of adding staff for the Office of the Attorney General to provide additional legal services to the Idaho Transportation Department in fiscal year 2007.

SECTION 6. Of those moneys appropriated from the General Fund in Section 1 of this act, up to $25,000 is directed toward the Treasure Valley Special U.S. Attorney Demonstration Project to deal with gang related violence and prosecution in the federal court system. The Attorney General's Office is hereby directed to use these moneys as a twenty-five percent state match to augment funds raised by the Treasure Valley Partnership.

SECTION 7. There is hereby reappropriated to the Office of the Attorney General for Special Litigation, subject to the provisions of Section 8 of this act, the unexpended and unencumbered balance of General Fund moneys as appropriated for Special Litigation for fiscal years 2005 and 2006, to be used for nonrecurring expenditures, for the period July 1, 2006, through June 30, 2007.

SECTION 8. The reappropriation for the General Fund granted in Section 7 of this act shall be subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2006, is zero, the reappropriation for the General Fund in Section 7 of this act is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Fund on June 30, 2006, is greater than zero, but less than the total General Fund reappropriation authority granted to all state agencies, that amount reappropriated in Section 7 of this act shall be in the proportion that the reappropriation of the Office of the Attorney General bears to the total General Fund reappropriation authority granted to all state agencies.

SECTION 9. 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 March 31, 2006.

CHAPTER 296
(S.B. No. 1450)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2006; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT 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 319, Laws of 2005, 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, 2005, through June 30, 2006:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. OPERATIONS DIVISION:				
A. OPERATIONS ADMINISTRATION:				
FROM:				
General Fund	$ 31,300	$7,791,400	$11,900	$7,834,600
B. COMMUNITY SUPERVISION:				
FROM:				
Inmate Labor Fund		$ 36,500		$ 36,500
Parolee Supervision Fund		7,000		7,000
TOTAL		$ 43,500		$ 43,500
C. COMMUNITY WORK CENTERS:				
FROM:				
Inmate Labor Fund		$ 21,100		$ 21,100
D. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:				
FROM:				
Inmate Labor Fund		$ 47,200		$ 47,200
Penitentiary Endowment Income Fund		109,500	$25,200	134,700
TOTAL		$ 156,700	$25,200	$ 181,900
E. IDAHO CORRECTIONAL INSTITUTION - OROFINO:				
FROM:				
Inmate Labor Fund		$ 52,800		$ 52,800
F. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:				
FROM:				
General Fund		$ 63,200		$ 63,200
Inmate Labor Fund		36,600		36,600
TOTAL		$ 99,800		$ 99,800
G. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:				
FROM:				
Inmate Labor Fund		$ 31,600		$ 31,600
H. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:				
FROM:				
Inmate Labor Fund		$ 23,600		$ 23,600
I. ST. ANTHONY WORK CAMP:				
FROM:				
General Fund	$203,700		$61,900	$ 265,600
Inmate Labor Fund		$ 45,600		45,600
Miscellaneous Revenue Fund		10,000		10,000
TOTAL	$203,700	$ 55,600	$61,900	$ 321,200
J. POCATELLO WOMEN'S CORRECTIONAL CENTER:				
FROM:				
Inmate Labor Fund		$ 53,900		$ 53,900
DIVISION TOTAL	$235,000	$8,330,000	$99,000	$8,664,000
II. SUPPORT DIVISION:				
A. SUPPORT SERVICES:				
FROM:				
General Fund		$ 156,000		$ 156,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
B. MEDICAL SERVICES CONTRACT:				
FROM:				
General Fund		$ 609,500		$ 609,500
DIVISION TOTAL		$ 765,500		$ 765,500
III. COMMISSION OF PARDONS AND PAROLE:				
FROM:				
General Fund	$ 40,000	$ 110,000		$ 150,000
GRAND TOTAL	$275,000	$9,205,500	$99,000	$9,579,500

SECTION 2. In addition to the full-time equivalent positions authorized in Section 2, Chapter 319, Laws of 2005, the Department of Correction is hereby authorized an additional seven (7) full-time equivalent positions for the period July 1, 2005, through June 30, 2006.

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 March 31, 2006.

CHAPTER 297
(S.B. No. 1451)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO BOND PAYMENTS; DIRECTING THE TRANSFER OF MONEYS ON OR AFTER JULY 1, 2006; DIRECTING THE TRANSFER OF MONEYS ON OR AFTER JANUARY 1, 2007; AND DIRECTING ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. DIRECTOR'S OFFICE:				
FROM:				
General Fund	$ 205,700	$ 61,800		$ 267,500
Industrial Special Indemnity Fund	173,200	109,900	$ 400	283,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Indirect Cost Recovery Fund	510,500	262,500		773,000
Administration and Accounting Services Fund	24,700			24,700
TOTAL	$ 914,100	$ 434,200	$ 400	$ 1,348,700
II. INFORMATION TECHNOLOGY & COMMUNICATIONS:				
FROM:				
General Fund	$ 553,300	$ 263,200		$ 816,500
Indirect Cost Recovery Fund	345,000	69,900		414,900
Economic Recovery Reserve Fund		363,000	$ 421,400	784,400
Administration and Accounting Services Fund	1,735,600	1,123,100	522,300	3,381,000
TOTAL	$2,633,900	$ 1,819,200	$ 943,700	$ 5,396,800
III. PUBLIC WORKS:				
FROM:				
General Fund		$ 338,300		$ 338,300
Economic Recovery Reserve Fund		1,900,000		1,900,000
Permanent Building Fund	$1,508,900	700,200	$ 48,500	2,257,600
Miscellaneous Revenue Fund			2,500,000	2,500,000
Administration and Accounting Services Fund	1,510,100	6,732,700	3,800	8,246,600
TOTAL	$3,019,000	$ 9,671,200	$ 2,552,300	$15,242,500
IV. PURCHASING:				
FROM:				
General Fund	$ 788,100	$ 173,000		$ 961,100
Federal Surplus Property Revolving Fund	191,500	257,300	$ 18,400	467,200
Administration and Accounting Services Fund	707,800	1,084,100	133,900	1,925,800
TOTAL	$1,687,400	$ 1,514,400	$ 152,300	$ 3,354,100
V. ADMINISTRATIVE RULES:				
FROM:				
Administrative Code Fund	$ 205,400	$ 332,200	$ 500	$ 538,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
VI. INFORMATION TECHNOLOGY RESOURCE MANAGEMENT COUNCIL:				
FROM:				
General Fund	$ 62,100			$ 62,100
Administration and Accounting Services Fund	304,800	$ 328,100	$ 700	633,600
TOTAL	$ 366,900	$ 328,100	$ 700	$ 695,700
VII. OFFICE OF INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance Fund	$ 270,500	$ 450,800	$ 700	$ 722,000
Retained Risk Fund	444,100	252,800	1,000	697,900
TOTAL	$ 714,600	$ 703,600	$ 1,700	$ 1,419,900
VIII. BOND PAYMENT:				
FROM:				
General Fund		$ 3,446,400	$3,091,000	$ 6,537,400
Permanent Building Fund		4,942,600	4,406,800	9,349,400
Administration and Accounting Services Fund		422,200	233,000	655,200
TOTAL		$ 8,811,200	$ 7,730,800	$16,542,000
GRAND TOTAL	$9,541,300	$23,614,100	$11,382,400	$44,537,800

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred seventy-two and six tenths (172.6) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 if the amount appropriated for bond payments exceeds the actual expenditures for bond payments, the balance should be reverted to the fund from which it came.

SECTION 4. The State Controller is hereby directed to transfer on July 1, 2006, or as soon thereafter as is practicable, $915,000 from the Permanent Building Fund to the Administration and Accounting Services Fund/Facilities Services for statewide elected officials' rent.

SECTION 5. The State Controller is hereby directed to transfer on January 1, 2007, or as soon thereafter as is practicable, $915,000 from the Permanent Building Fund to the Administration and Accounting Services Fund/Facilities Services for statewide elected officials' rent.

SECTION 6. The Department of Administration is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 298
(S.B. No. 1452)

AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2007; AND APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE GUARDIAN AD LITEM FUND.

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

SECTION 1. There is hereby appropriated to the Supreme Court the following amounts to be expended from the listed funds for the period July 1, 2006, through June 30, 2007:

FROM:	
General Fund	$25,817,000
Economic Recovery Reserve Fund	170,000
Guardian Ad Litem Fund	439,100
ISTARS Technology Fund	3,365,000
Federal Grant Fund	1,530,400
Miscellaneous Revenue Fund	318,500
Guardianship Pilot Project Fund	76,400
Drug Court, Mental Health Court and Family Court Services Fund	3,036,800
TOTAL	$34,753,200

SECTION 2. There is hereby appropriated $439,100 from the General Fund to be deposited in the Guardian Ad Litem Fund for the period July 1, 2006, through June 30, 2007.

Approved March 31, 2006.

CHAPTER 299
(S.B. No. 1454)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BRAND INSPECTION:					
FROM:					
State Brand Board Fund	$ 2,070,300	$ 274,200	$ 89,500		$ 2,434,000
II. DIVISION OF THE IDAHO STATE POLICE:					
A. DIRECTOR'S OFFICE:					
FROM:					
General Fund	$ 1,795,900	$ 547,500			$ 2,343,400
Idaho Law Enforcement Fund	81,700	8,100			89,800
Peace Officers Fund	800				800
Miscellaneous Revenue Fund	73,200	56,400			129,600
Federal Grant Fund	695,900	144,800		$3,805,300	4,646,000
TOTAL	$ 2,647,500	$ 756,800		$3,805,300	$ 7,209,600
B. EXECUTIVE PROTECTION:					
FROM:					
General Fund	$ 202,700	$ 81,900			$ 284,600
C. INVESTIGATIONS:					
FROM:					
General Fund	$ 5,037,700	$ 997,500			$ 6,035,200
Drug Donation Fund	101,000	275,900			376,900
Federal Grant Fund	157,700	537,400	$ 313,800		1,008,900
TOTAL	$ 5,296,400	$ 1,810,800	$ 313,800		$ 7,421,000
D. PATROL:					
FROM:					
General Fund	$ 1,968,300	$ 558,900			$ 2,527,200
Economic Recovery Reserve Fund		102,300	$ 809,100		911,400
Idaho Law Enforcement Fund	13,192,200	2,311,100			15,503,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Hazardous Materials/ Waste Enforcement Fund	131,900	18,100		$ 69,100	219,100
Federal Grant Fund	1,551,100	1,103,200	806,400		3,460,700
TOTAL	$16,843,500	$ 4,093,600	$1,615,500	$ 69,100	$22,621,700
E. LAW ENFORCEMENT PROGRAMS:					
FROM:					
General Fund	$ 468,000	$ 299,500			$ 767,500
Miscellaneous Revenue Fund	70,800	18,700			89,500
Federal Grant Fund	34,600	30,600			65,200
TOTAL	$ 573,400	$ 348,800			$ 922,200
F. SUPPORT SERVICES:					
FROM:					
General Fund	$ 1,393,500	$ 849,200			$ 2,242,700
Economic Recovery Reserve Fund			$ 32,000		32,000
Idaho Law Enforcement Fund	483,400	65,100			548,500
Idaho Law Enforcement Telecommunications Fund	333,700	509,800			843,500
Miscellaneous Revenue Fund	757,800	1,408,600			2,166,400
Federal Grant Fund		285,800			285,800
TOTAL	$ 2,968,400	$ 3,118,500	$ 32,000		$ 6,118,900
G. FORENSIC SERVICES:					
FROM:					
General Fund	$ 2,063,100	$ 566,800			$ 2,629,900
Economic Recovery Reserve Fund			$ 156,000		156,000
Miscellaneous Revenue Fund	72,600	183,100			255,700
Drug Donation Fund		132,500			132,500
Federal Grant Fund		20,200			20,200
TOTAL	$ 2,135,700	$ 902,600	$ 156,000		$ 3,194,300
DIVISION TOTAL	$30,667,600	$11,113,000	$2,117,300	$3,874,400	$47,772,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. PEACE OFFICERS STANDARDS AND TRAINING ACADEMY:					
FROM:					
Peace Officers Fund	$ 1,611,600	$ 1,735,300	$ 194,900	$ 111,400	$ 3,653,200
Miscellaneous Revenue Fund		209,000			209,000
Federal Grant Fund	71,800	221,200		38,600	331,600
TOTAL	$ 1,683,400	$ 2,165,500	$ 194,900	$ 150,000	$ 4,193,800
IV. RACING COMMISSION:					
FROM:					
Idaho State Racing Commission Fund	$ 356,500	$ 323,600	$ 31,000		$ 711,100
Pari-mutuel Distributions Fund				$ 100,000	100,000
TOTAL	$ 356,500	$ 323,600	$ 31,000	$ 100,000	$ 811,100
GRAND TOTAL	$34,777,800	$13,876,300	$2,432,700	$4,124,400	$55,211,200

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho State Police is authorized no more than five hundred forty-three and seven-hundredths (543.07) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 State Police is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 300
(S.B. No. 1455)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF THE GENERAL FUND; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO JUVENILE MENTAL HEALTH SERVICES.

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 according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General Fund	$ 1,861,100	$ 794,700	$ 1,000	$ 6,000	$ 2,662,800
Economic Recovery Reserve Fund			108,900		108,900
Miscellaneous Revenue Fund	62,300	18,300			80,600
TOTAL	$ 1,923,400	$ 813,000	$109,900	$ 6,000	$ 2,852,300
II. COMMUNITY SERVICES:					
FROM:					
General Fund	$ 637,000	$ 91,700		$ 3,465,500	$ 4,194,200
Juvenile Corrections - Cigarette/Tobacco Tax Fund				4,636,400	4,636,400
Juvenile Corrections Fund	80,700	89,200			169,900
Federal Grant Fund		19,300			19,300
Miscellaneous Revenue Fund		115,000			115,000
TOTAL	$ 717,700	$ 315,200		$ 8,101,900	$ 9,134,800
III. INSTITUTIONS:					
FROM:					
General Fund	$14,130,300	$1,648,800		$10,392,600	$26,171,700
Economic Recovery Reserve Fund			$ 45,400		$ 45,400
Federal Grant Fund	155,000	153,700		1,080,400	1,389,100
State Juvenile Corrections Center Endowment Income Fund		629,700			629,700
Miscellaneous Revenue Fund		388,600	18,200	485,000	891,800
TOTAL	$14,285,300	$2,820,800	$ 63,600	$11,958,000	$29,127,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. JUVENILE JUSTICE COMMISSION:					
FROM:					
General Fund	$ 115,000	$ 38,500		$ 700,000	$ 853,500
Federal Grant Fund	274,600	345,300		2,960,600	3,580,500
TOTAL	$ 389,600	$ 383,800		$ 3,660,600	$ 4,434,000
GRAND TOTAL	$17,316,000	$4,332,800	$173,500	$23,726,500	$45,548,800

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Juvenile Corrections is authorized no more than three hundred fifty-four and seventy-five hundredths (354.75) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 Department of Juvenile Corrections is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

SECTION 4. There is hereby reappropriated to the Idaho Department of Juvenile Corrections, subject to the provisions of Section 5 of this act, the unexpended and unencumbered balance of General Fund moneys that were appropriated to the department for fiscal year 2006, to be used for nonrecurring expenditures, for the period July 1, 2006, through June 30, 2007. This reappropriation shall be used exclusively for the expansion of community-based mental health and substance abuse services.

SECTION 5. The reappropriation for the General Fund granted in Section 4 of this act shall be subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2006, is zero, the reappropriation for the General Fund in Section 4 of this act is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Fund on June 30, 2006, is greater than zero, but less than the total General Fund reappropriation authority granted to all state agencies, that amount reappropriated in Section 4 of this act shall be in the proportion that the reappropriation of the Idaho Department of Juvenile Corrections bears to the total General Fund reappropriation authority granted to all state agencies.

SECTION 6. It is the intent of the Idaho Legislature that:

(1) Of those moneys appropriated in Section 1 of this act, $700,000 be used for juvenile mental health services;

(2) The Department of Juvenile Corrections works collaboratively with the Department of Health and Welfare and Idaho communities to meet the needs of juvenile offenders who have been diagnosed with a mental illness;

(3) The Department of Juvenile Corrections disperses said funds through the Community Incentive Project on an as needed basis for programs that are research based and considered best practice;

(4) A determination of eligibility will be defined by administering the Youth Level of Service/Case Management Inventory (YLS/CMI) and the Child and Adolescent Functional Assessment Scale (CAFAS), which are research based screening tools that will determine criminogenic and mental health needs; and

(5) The Department of Juvenile Corrections submits a written progress report to the next regular session of the Idaho Legislature.

Approved March 31, 2006.

CHAPTER 301
(S.B. No. 1457)

AN ACT

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

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OPERATIONS DIVISION:					
A. OPERATIONS ADMINISTRATION:					
FROM:					
General Fund	$ 618,800	$17,963,500			$ 18,582,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue Fund		36,900			36,900
Federal Grant Fund		175,500			175,500
TOTAL	$ 618,800	$18,175,900			$ 18,794,700
B. OFFENDER PROGRAMS:					
FROM:					
General Fund	$ 781,400	$ 2,224,800			$ 3,006,200
Economic Recovery Reserve Fund			$ 29,400		29,400
Inmate Labor Fund		254,800			254,800
Miscellaneous Revenue Fund		58,500			58,500
Federal Grant Fund	496,900	847,700			1,344,600
TOTAL	$ 1,278,300	$ 3,385,800	$ 29,400		$ 4,693,500
C. COMMUNITY SUPERVISION:					
FROM:					
General Fund	$10,665,000	$ 2,136,200			$ 12,801,200
Economic Recovery Reserve Fund		18,000	$ 126,700		144,700
Parolee Supervision Fund	3,284,400	616,200	214,100		4,114,700
Federal Grant Fund	59,900	85,500			145,400
TOTAL	$14,009,300	$ 2,855,900	$ 340,800		$ 17,206,000
D. COMMUNITY WORK CENTERS:					
FROM:					
General Fund	$ 2,542,600	$ 54,800			$ 2,597,400
Economic Recovery Reserve Fund		24,500	$ 198,400		222,900
Inmate Labor Fund	165,000	1,125,200			1,290,200
Miscellaneous Revenue Fund		27,700			27,700
TOTAL	$ 2,707,600	$ 1,232,200	$ 198,400		$ 4,138,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
E. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General Fund	$16,136,300	$ 2,855,000			$ 18,991,300
Inmate Labor Fund		47,200			47,200
Miscellaneous Revenue Fund	385,600	103,000			488,600
Penitentiary Endowment Fund		809,300	$ 88,300		897,600
Federal Grant Fund	53,700				53,700
TOTAL	$16,575,600	$ 3,814,500	$ 88,300		$ 20,478,400
F. IDAHO CORRECTIONAL INSTITUTION - OROFINO:					
FROM:					
General Fund	$ 5,842,500	$ 1,429,000			$ 7,271,500
Economic Recovery Reserve Fund			$ 241,400		241,400
Inmate Labor Fund	746,700	673,900	171,500		1,592,100
Miscellaneous Revenue Fund	96,700	55,500			152,200
Federal Grant Fund		64,200			64,200
TOTAL	$ 6,685,900	$ 2,222,600	$ 412,900		$ 9,321,400
G. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:					
FROM:					
General Fund	$ 3,044,500	$ 1,089,400			$ 4,133,900
Economic Recovery Reserve Fund			$ 104,400		104,400
Inmate Labor Fund		32,600			32,600
Miscellaneous Revenue Fund	42,300	139,600	11,100		193,000
TOTAL	$ 3,086,800	$ 1,261,600	$ 115,500		$ 4,463,900
H. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General Fund	$ 5,395,800	$ 1,622,200			$ 7,018,000
Economic Recovery Reserve Fund			$ 220,200		220,200
Inmate Labor Fund	901,800	637,000	618,500		2,157,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue Fund	40,600	49,600			90,200
Federal Grant Fund	148,600				148,600
TOTAL	$ 6,486,800	$ 2,308,800	$ 838,700		$ 9,634,300
I. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:					
FROM:					
General Fund	$ 7,128,800	$ 1,640,400			$ 8,769,200
Economic Recovery Reserve Fund			$ 106,600		106,600
Inmate Labor Fund		23,600			23,600
Miscellaneous Revenue Fund	93,800	55,300			149,100
TOTAL	$ 7,222,600	$ 1,719,300	$ 106,600		$ 9,048,500
J. ST. ANTHONY WORK CAMP:					
FROM:					
General Fund	$ 1,790,700	$ 448,500			$ 2,239,200
Inmate Labor Fund	561,200	512,500	$ 59,500		1,133,200
Miscellaneous Revenue Fund		16,500			16,500
TOTAL	$ 2,351,900	$ 977,500	$ 59,500		$ 3,388,900
K. POCATELLO WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General Fund	$ 3,850,500	$ 970,600			$ 4,821,100
Economic Recovery Reserve Fund			$ 124,000		124,000
Inmate Labor Fund	228,800	73,700			302,500
Miscellaneous Revenue Fund	198,100	21,000			219,100
Federal Grant Fund		54,500			54,500
TOTAL	$ 4,277,400	$ 1,119,800	$ 124,000		$ 5,521,200
L. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General Fund	$ 2,178,600	$ 691,500			$ 2,870,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Economic Recovery Reserve Fund			$ 19,100		19,100
Miscellaneous Revenue Fund		7,200			7,200
TOTAL	$ 2,178,600	$ 698,700	$ 19,100		$ 2,896,400
DIVISION TOTAL	$67,479,600	$39,772,600	$2,333,200		$109,585,400
II. SUPPORT DIVISION:					
A. SUPPORT SERVICES:					
FROM:					
General Fund	$ 4,797,100	$ 2,560,900			$ 7,358,000
Economic Recovery Reserve Fund			$ 3,400		3,400
Parolee Supervision Fund	143,500	26,100			169,600
Inmate Labor Fund	31,800				31,800
Miscellaneous Revenue Fund	205,100	94,300			299,400
Federal Grant Fund	58,400	292,900		$1,750,000	2,101,300
TOTAL	$ 5,235,900	$ 2,974,200	$ 3,400	$1,750,000	$ 9,963,500
B. MEDICAL SERVICES CONTRACT:					
FROM:					
General Fund		$17,967,200			$ 17,967,200
Miscellaneous Revenue Fund		77,500			77,500
TOTAL		$18,044,700			$ 18,044,700
DIVISION TOTAL	$ 5,235,900	$21,018,900	$ 3,400	$1,750,000	$ 28,008,200
III. PRIVATELY-OPERATED STATE PRISON:					
FROM:					
General Fund		$19,185,900			$ 19,185,900
Inmate Labor Fund		404,000			404,000
TOTAL		$19,589,900			$ 19,589,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. COMMISSION OF PARDONS AND PAROLE:					
FROM:					
General Fund	$ 1,625,800	$ 383,200			$ 2,009,000
Economic Recovery Reserve Fund			$ 54,500		54,500
Miscellaneous Revenue Fund		20,700			20,700
TOTAL	$ 1,625,800	$ 403,900	$ 54,500		$ 2,084,200
GRAND TOTAL	$74,341,300	$80,785,300	$2,391,100	$1,750,000	$159,267,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Correction is authorized no more than one thousand five hundred fifty-four and four-tenths (1,554.4) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 Department of Correction is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

SECTION 4. Notwithstanding the provisions of Section 67-3511(1), Idaho Code, all appropriations made by the Legislature to the Department of Correction for personnel costs in fiscal year 2007, shall be used exclusively for employee compensation pursuant to Section 67-3508(1)(a), Idaho Code. Exceptions to this section may be made with a declaration of emergency from the Board of Examiners. Upon such declaration, legislative leadership and the Joint Finance-Appropriations Committees shall be promptly notified in writing.

SECTION 5. The Department of Correction is hereby directed to comply with the open competitive bid process prior to contracting, moving or relocating inmates to out-of-state prison facilities. In addition, the department should also take into consideration transportation, treatment and medical costs with a focus towards consolidated locations. Notwithstanding any other provision of law to the contrary, exceptions to this section may be made only with a declaration of emergency from the Board of Examiners. Upon such declaration, legislative leadership and the Joint Finance-Appropriations Committee shall be promptly notified in writing.

SECTION 6. Video-teleconferencing could allow an offender, in the custody of the Idaho Department of Correction, to take part in a court proceeding without having to leave the secured confines of an in-state or out-of-state correctional facility. The offender's attorney can either be present at the correctional facility or in the courtroom. The offender can see and hear the proceedings through a television monitor. Likewise, the court can see and hear communications from the facility. The use of video-teleconferencing reduces court and transportation costs while increasing public safety. Therefore, it is hereby declared to be the intent of the Idaho Legislature, that the Department of Correction explore establishing video-teleconferencing capabilities between the department and other jurisdictions, including courts and other noncourt entities; and to report such findings, recommendations, and cost estimates to the next regular session of the Idaho Legislature.

SECTION 7. There is hereby reappropriated to the Idaho Department of Correction, subject to the provisions of Section 8 of this act, the unexpended and unencumbered balance of General Fund moneys that were appropriated to the department for fiscal year 2006, to be used for nonrecurring expenditures, for the period July 1, 2006, through June 30, 2007. This reappropriation shall be used exclusively for the replacement of any funding lost through the Residential Substance Abuse Treatment (RSAT) grant, as well as for the expansion of community-based mental health and substance abuse services.

SECTION 8. The reappropriation for the General Fund granted in Section 7 of this act shall be subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2006, is zero, the reappropriation for the General Fund in Section 7 of this act is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Fund on June 30, 2006, is greater than zero, but less than the total General Fund reappropriation authority granted to all state agencies, that amount reappropriated in Section 7 of this act shall be in the proportion that the reappropriation of the Idaho Department of Correction bears to the total General Fund reappropriation authority granted to all state agencies.

SECTION 9. 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 March 31, 2006.

CHAPTER 302
(H.B. No. 474, As Amended)

AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-317, IDAHO CODE, TO PROVIDE THAT THE OCCUPANCY TAX APPLIES TO INDUSTRIAL PROPERTY BUT NOT TO OPERATING PROPERTY; AMENDING SECTION 63-201, IDAHO CODE, TO PROVIDE THAT ELECTRICAL GENERATION PLANTS UNDER CONSTRUCTION, WHETHER

OR NOT OWNED BY OR OPERATED IN CONNECTION WITH ANY PUBLIC UTILITY, SHALL BE DEFINED AS OPERATING PROPERTY; AMENDING SECTION 63-405, IDAHO CODE, TO PROVIDE THAT CERTAIN PROPERTY APPORTIONED BASED ON PHYSICAL LOCATION SHALL BE PLACED ON THE NEW CONSTRUCTION ROLL; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-317, Idaho Code, be, and the same is hereby amended to read as follows:

63-317. OCCUPANCY TAX -- PROCEDURES. (1) All real property subject to property taxation shall be valued and taxed based upon its status as of January 1 of each tax year. Improvements, other than additions to existing improvements, constructed upon real property shall not be subject to property taxation during the year of construction other than that portion actually in place as of January 1 of each calendar year; new manufactured housing shall not be subject to property taxation during the first year of occupancy if occupied after January 1. For the purposes of this section, "new manufactured housing" means manufactured housing, whether real or personal, never previously occupied.

(2) There is hereby levied an occupancy tax upon all newly constructed and occupied residential, ~~and~~ commercial and industrial structures, including new manufactured housing, except additions to existing improvements or manufactured housing, prorated for the portion of the year for which the structure was occupied. The occupancy tax shall be upon those improvements or new manufactured housing for that portion of the calendar year in which first occupancy occurs. The occupancy tax does not apply to operating property. For the purposes of this section, the term "occupied" means:

(a) Use of the property by any person as a residence including occupancy of improvements or use in storage of vehicles, boats or household goods, provided such use is not solely related to construction or sale of the property; or

(b) Use of the property for any business or commercial purpose unrelated to the construction and sale of the property; or

(c) Any possessory use of the property for which the owner received any compensation or consideration.

(3) The owner of any newly constructed improvement or new manufactured housing, as described in this section, upon which no occupancy tax has been charged shall report to the county assessor that the improvement or new manufactured housing has been occupied. As soon as practical after receiving such a report, the county assessor shall appraise and determine the market value for assessment purposes.

(a) At the time the county assessor determines the market value for assessment purposes of any improvement, he shall allow as an offset against the market value of the improvement, the market value of any portion of that improvement which was existing on January 1 and placed upon the property roll.

(b) Upon completion of the appraisal, the county assessor shall notify the owner of the appraisal, and further shall notify the owner of their right to apply for the exemption provided in sections 63-602G and 63-602X, Idaho Code. If the owner applies for and meets the requirements for such exemption within thirty (30) days of the

notification by the county assessor, the exemption shall be extended to the newly constructed and occupied residential structures in compliance with section 63-602G, Idaho Code, notwithstanding limitations requiring occupancy as of January 1 of the tax year.

(c) In the event that the owner fails to report to the county assessor that the property is ready for occupancy, the assessor shall notify the county board of equalization, who may impose as penalty an additional amount equal to five percent (5%) of the tax for each month following the date of first occupancy during which the report is not made, to a maximum of twenty-five percent (25%) of the tax.

(4) Appeals of the market value for assessment purposes shall be resolved in the same manner as all other appeals of valuation by the board of equalization.

(5) The occupancy tax calculated upon the values set by the county assessor, and any penalty imposed by the board of equalization shall be collected in the same manner as all other property taxes.

(6) An occupancy tax lien shall be imposed in the manner provided in section 63-206, Idaho Code.

(7) Occupancy taxes shall be billed, collected and distributed in the same manner as all other property taxes.

SECTION 2. That Section 63-201, Idaho Code, be, and the same is hereby amended to read as follows:

63-201. DEFINITIONS. As used for property tax purposes in title 63, chapters 1 through 23, Idaho Code, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:

(1) "Appraisal" means an estimate of property value for property tax purposes.

(a) For the purpose of estimated property value to place the value on any assessment roll, the value estimation must be made by the assessor or a certified property tax appraiser.

(b) For the purpose of estimating property value to present for an appeal filed pursuant to sections 63-501A, 63-407 and 63-409, Idaho Code, the value estimation may be made by the assessor, a certified property tax appraiser, a licensed appraiser, or a certified appraiser or any party as specified by law.

(2) "Bargeline" means those water transportation tugs, boats, barges, lighters and other equipment and property used in conjunction with waterways for bulk transportation of freight or ship assist.

(3) "Cogenerators" means facilities which produce electric energy, and steam or forms of useful energy which are used for industrial, commercial, heating or cooling purposes.

(4) "Collection costs" are amounts authorized by law to be added after the date of delinquency and collected in the same manner as property tax.

(5) "Delinquency" means any property tax, special assessment, fee, collection cost, or charge collected in the same manner as property tax, that has not been paid in the manner and within the time limits provided by law.

(6) "Improvements" means all buildings, structures, fixtures and fences erected upon or affixed to the land, and all fruit, nut-bearing

and ornamental trees or vines not of natural growth, growing upon the land, except nursery stock.

(7) "Late charge" means a charge of two percent (2%) of the delinquency.

(8) "Lawful money of the United States" means currency and coin of the United States at par value and checks and drafts which are payable in dollars of the United States at par value, payable upon demand or presentment.

(9) "Manufactured home" means a structure defined as a manufactured home in section 39-4105, Idaho Code.

(10) "Market value" means the amount of United States dollars or equivalent for which, in all probability, a property would exchange hands between a willing seller, under no compulsion to sell, and an informed, capable buyer, with a reasonable time allowed to consummate the sale, substantiated by a reasonable down or full cash payment.

(11) "Operating property" means all rights-of-way accompanied by title; roadbeds; tracks; pipelines; bargelines; equipment and docks; terminals; rolling stock; equipment; power stations; power sites; lands; reservoirs, generating plants, transmission lines, distribution lines and substations; and all immovable or movable property operated in connection with any public utility, railroad or private railcar fleet, wholly or partly within this state, and necessary to the maintenance and operation of such road or line, or in conducting its business, and shall include all title and interest in such property, as owner, lessee or otherwise. The term includes electrical generation plants under construction, whether or not owned by or operated in connection with any public utility. The term does not include personal property exempt from taxation pursuant to section 63-602L, Idaho Code.

(12) "Party in interest" means a person who holds a properly recorded mortgage, deed of trust or security interest.

(13) "Person" means any entity, individual, corporation, partnership, firm, association, limited liability company, limited liability partnership or other such entities as recognized by the state of Idaho.

(14) "Personal property" includes all goods, chattels, stocks and bonds, equities in state lands, easements, reservations, leasehold real properties and all other property which the law defines, or the courts may interpret, declare and hold to be personal property under the letter, spirit, intent and meaning of the law, for the purposes of property taxation. For the purposes of payment and collection of property taxes pursuant to chapter 9, title 63, Idaho Code, collection of delinquency pursuant to chapter 10, title 63, Idaho Code, and seizure and sale of personal property for taxes pursuant to chapter 11, title 63, Idaho Code, personal property includes manufactured homes not declared as real property pursuant to section 63-304, Idaho Code.

(15) "Private railcar fleet" means railroad cars or locomotives owned by, leased to, occupied by or franchised to any person other than a railroad company operating a line of railroad in Idaho or any company classified as a railroad by the interstate commerce commission and entitled to possess such railroad cars and locomotives except those possessed solely for the purpose of repair, rehabilitation or remanufacturing of such locomotives or railroad cars.

(16) "Public utility" means electrical companies, pipeline companies, natural gas distribution companies, or power producers included within federal law, bargelines, and water companies which are under the

jurisdiction of the Idaho public utilities commission. The term also includes telephone corporations, as that term is defined in section 62-603, Idaho Code, except as hereinafter provided, whether or not such telephone corporation has been issued a certificate of convenience and necessity by the Idaho public utilities commission.

This term does not include cogenerators, mobile telephone service or companies, nor does it include pager service or companies, except when such services are an integral part of services provided by a certificated utility company nor does the term "public utility" include companies or persons engaged in the business of providing solely on a resale basis, any telephone or telecommunication service which is purchased from a telephone corporation or company.

(17) "Railroad" means every kind of railway, whether its line of rails or tracks be at, above or below the surface of the earth, and without regard to the kind of power used in moving its rolling stock, and shall be considered to include every kind of street railway, suburban railway or interurban railway excepting facilities established solely for maintenance and rebuilding of railroad cars or locomotives.

(18) "Real property" means land, and all standing timber thereon, including standing timber owned separately from the ownership of the land upon which the same may stand, except as modified in chapter 17, title 63, Idaho Code, and all buildings, structures and improvements, or other fixtures of whatsoever kind on land, including water ditches constructed for mining, manufacturing or irrigation purposes, water and gas mains, wagon and turnpike toll roads, and toll bridges, and all rights and privileges thereto belonging, or any way appertaining, all quarries and fossils in and under the land, and all other property which the law defines, or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law, for the purposes of property taxation. Manufactured homes constitute real property when located on taxable land, and after a statement of intent to declare as real property has been recorded, provided said statement has not been revoked. Timber, forest, forest land, and forest products shall be defined as provided in chapter 17, title 63, Idaho Code.

(19) "Record owner" means the person or persons in whose name or names the property stands upon the records of the county recorder's office. Where the record owners are husband and wife at the time of notice of pending issue of tax deed, notice to one (1) shall be deemed and imputed as notice to the other spouse.

(20) "Special assessment" means a charge imposed upon property for a specific purpose, collected and enforced in the same manner as property taxes.

(21) "System value" means the market value for assessment purposes of the operating property when considered as a unit.

(22) "Tax code area" means a geographical area made up of one (1) or more taxing districts with one (1) total levy within the geographic area, except as otherwise provided by law.

(23) "Taxing district" means any entity or unit with the statutory authority to levy a property tax.

(24) "Taxable value" means market value for assessment purposes, less applicable exemptions or other statutory provisions.

(25) "Transient personal property" is personal property, specifically such construction, logging or mining machinery and equipment which is kept, moved, transported, shipped, hauled into or remaining for

periods of not less than thirty (30) days, in more than one (1) county in the state during the same year.

(26) "Warrant of distraint" means a warrant ordering the seizure of personal property to enforce payment of property tax, special assessment, expense, fee, collection cost or charge collected in the same manner as personal property tax.

SECTION 3. That Section 63-405, Idaho Code, be, and the same is hereby amended to read as follows:

63-405. ASSESSMENT OF OPERATING PROPERTY. (1) The state tax commission must assess all operating property at a meeting of the commission convening on the second Monday of August in each year, and must complete the assessment of such property on the fourth Monday in August.

(2) The state tax commission shall determine the system value and calculate the allocation and apportionment of the system value for all operating property and specifically determine:

(a) The number of miles and the value per mile of each railroad in the state and for each taxing district in which such railroad may exist.

(b) The number of miles and the value per mile of each telephone corporation in the state and for each taxing district in which such telephone corporation may exist.

(c) The number of miles and the value per mile of each pipeline in the state and for each taxing district in which such pipeline may exist.

(d) The number of miles and the value per mile of each water company under the jurisdiction of the public utilities commission in the state, and for each taxing district in which such water company may exist. The value per mile of any line included in this subsection, except railroads, shall be determined by dividing the total value of such line within the state by the number of miles of such line within the state. The value per mile of railroad line shall be determined by apportionment of the total value of line within the state. The apportionment shall be based twenty percent (20%) on the ratio of line miles in the state to line miles in the county; forty percent (40%) on the ratio of net ton miles in the state to net ton miles in the county; and forty percent (40%) on the ratio of station revenues in the state to station revenues in the county. All operating property of railroads shall be apportioned to the counties as part of the railroad line in the county. The apportionment for taxing districts shall be the same as the apportionment among counties.

(e) The system value, the number of miles and the value per mile of each electric current transmission line and each electric current distribution line in each county separately, and for each taxing district within said county in which such transmission and distribution lines may exist. The value per mile of any line included in this subsection shall be determined by dividing the apportioned value of such line within each county by the number of miles of such line within said county.

(f) The system value of private railcar fleets entering or standing in Idaho in the year preceding the constituted lien as provided in section 63-411(3), Idaho Code.

(g) The system value and calculate the allocation and apportionment of the system value for all other operating property.

(3) On and after January 1, 2004, any newly installed or constructed equipment located within a city corporate limit or within five (5) miles of a city corporate limit and used for and in conjunction with the thermal generation of electricity shall be apportioned based on physical location. For purposes of this subsection newly installed or constructed equipment used for and in conjunction with the thermal generation of electricity shall not include the remodeling, retrofitting, rehabilitation, refurbishing or modification of an existing electrical generation facility, or integration or transformation facilities such as substations or transmission lines. Notwithstanding the provisions of section 63-301A, Idaho Code, property apportioned based on physical location pursuant to this subsection shall be placed on the new construction roll.

(4) If the value of property of any company assessable under this section is of such a nature that it cannot reasonably be apportioned on the basis of rail, wire, pipeline mileage, such as microwave and radio relay stations, the tax commission may adopt such other method or basis of apportionment to the county and taxing districts in which the property is situate as may be feasible and proper.

SECTION 4. 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, 2006.

Approved March 31, 2006.

CHAPTER 303
(H.B. No. 630, As Amended)

AN ACT

RELATING TO THREATS OF VIOLENCE; AMENDING CHAPTER 33, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-3302I, IDAHO CODE, TO PROVIDE THAT ANY PERSON WHO WILLFULLY THREATENS TO COMMIT AN ACT OF VIOLENCE ON SCHOOL GROUNDS BY USE OF A FIREARM OR OTHER DEADLY OR DANGEROUS WEAPON IS GUILTY OF A MISDEMEANOR AND TO DEFINE TERMS.

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

SECTION 1. That Chapter 33, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-3302I, Idaho Code, and to read as follows:

18-3302I. THREATENING VIOLENCE ON SCHOOL GROUNDS.

(1) (a) Any person, including a student, who willfully threatens on school grounds by word or act to use a firearm or other deadly or dangerous weapon to do violence to any other person on school grounds is guilty of a misdemeanor.

(b) The threats prohibited by this section encompass only those statements or acts where the speaker or actor intends to communicate

a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals. The prosecution is not required to prove that the defendant actually intended to carry out the threat.

(2) Definitions. As used in this section:

(a) "Deadly or dangerous weapon" means a weapon, device, instrument, material or substance that is used for, or is readily capable of, causing death or serious bodily injury;

(b) "Firearm" means any weapon, whether loaded or unloaded, from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, regardless of whether such weapon is operable;

(c) "On school grounds" means in, or on the property of, a public or private elementary or secondary school.

Approved March 31, 2006.

CHAPTER 304
(H.B. No. 650, As Amended)

AN ACT

RELATING TO AQUIFER PROTECTION DISTRICTS; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 5, TITLE 39, IDAHO CODE, TO PROVIDE A PURPOSE, TO DEFINE A TERM, TO PROVIDE FOR AQUIFER PROTECTION DISTRICTS, TO PROVIDE FOR PETITIONS, TO PROVIDE FOR ELECTIONS, TO PROVIDE FOR MODIFICATION AND DISSOLUTION, TO PROVIDE FOR AUTHORITY, TO PROVIDE POWERS AND DUTIES, TO PROVIDE LIMITATIONS ON POWER, TO PROVIDE FOR A POLICY AND BUDGET ADVISORY COMMITTEE, TO PROVIDE FOR FUNDS, TO AUTHORIZE FEES AND TO PROVIDE FOR BUDGETS; AND AMENDING SECTION 42-1756, IDAHO CODE, TO PROVIDE THAT AN AQUIFER PROTECTION DISTRICT MAY APPLY FOR LOANS FROM THE IDAHO WATER RESOURCE REVOLVING DEVELOPMENT FUND.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 5, Title 39, Idaho Code, and to read as follows:

CHAPTER 5
AQUIFER PROTECTION DISTRICTS

39-501. PURPOSE. The protection of ground water quality is essential for life, health and furthering matters of commerce. Multiple public agencies have regulatory jurisdiction over various aspects of everyday human activity that can and do pose risks to vital underground water supplies. Enforcement of current rules and regulations, implementation of educational programs, and inspection of potential sources of pollution require funding beyond the budgets of agencies charged with these responsibilities. The coordination of work by public agencies to assist in the prevention of degradation of valuable ground water can be a cost-effective alternative to after the fact remediation of a degraded

resource. Certain ground water quality problems cannot be remedied, only prevented. The purposes of establishing an aquifer protection district include protection of the state's economy, maintaining a water supply that does not require extensive treatment prior to human consumption or commercial use, avoiding the economic costs of remedial action, and protecting the well-being of communities that depend upon aquifers for essential human needs.

39-502. GOVERNING BOARD. For purposes of this chapter, the term "governing board" means the board of county commissioners of a county creating, or participating in, an aquifer protection district or multicounty aquifer protection district.

39-503. AQUIFER PROTECTION DISTRICT AUTHORIZED. (1) In counties where a state designated sensitive resource aquifer has been declared as prescribed by rules of the department of environmental quality, and such designation was made prior to the enactment of this act, the board of county commissioners of any such county may, upon petition, hold an election for establishment of, or participation in, an aquifer protection district as authorized by this chapter.

(2) A multicounty aquifer protection district may be established by a joint powers agreement as authorized by chapter 23, title 67, Idaho Code, provided all participating counties have held elections and voted in favor of establishment of, or participation in, an aquifer protection district. Every reference to a county in this chapter may be applicable to the multiple counties that participate in a multicounty aquifer protection district.

(3) An aquifer protection district is a political subdivision of the state of Idaho subordinate to the county or counties in which it is formed. The governing board of an aquifer protection district is authorized to provide coordination and funding for aquifer protection activities carried out by county government, other political subdivisions, state agencies, and private individuals or interests. The boundaries of an aquifer protection district shall conform as nearly as practicable to boundaries of the subject aquifer, the aquifer's recharge areas, and areas that may be dependent upon the aquifer as a source of water.

39-504. PETITIONS -- ELECTIONS -- MODIFICATION -- DISSOLUTION -- AUTHORITY. (1) The establishment of, or participation in, an aquifer protection district may be initiated by the filing of a petition signed by not fewer than fifty (50) qualified electors of any county in which an eligible aquifer is located and who reside within the boundaries of the proposed aquifer protection district. The petition shall be filed with the county clerk of the county in which the signers of the petition are resident. The petition shall designate the proposed boundaries of the aquifer protection district.

(2) Upon the filing of the petition, the county clerk shall promptly examine the petition and certify whether the required number of qualified petitioners have signed the petition. If the number of petition signers is sufficient, the county clerk shall transmit the certified petition to the board of county commissioners.

(3) Upon receipt of a duly certified petition the board of county commissioners shall give notice of an election to be held, which election shall be held at the same time as the primary or general election,

in such proposed district for the purpose of determining whether or not the proposed district shall be established or whether or not the county shall participate in a district. Such notice shall include the date and hours of the election, the polling places, the general purposes of the proposed district, a description of lands to be included in the proposed district, and a statement that a map of the proposed district is available in the office of the board of county commissioners. 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.

(4) The election shall be held and conducted consistent with the provisions of chapter 14, title 34, Idaho Code. The board of county commissioners 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 establishment of, or participation in, the district.

(5) The judges of election 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 establishment of, or participation in, the district, the board of county commissioners shall declare the district established and give it a name by which, in all proceedings, it shall thereafter be known.

(6) Procedures for boundary modification or dissolution of a district created pursuant to this section shall be in substantial compliance with the provisions for petition and election provided in this section.

(7) In the event a board of county commissioners declares a district established pursuant to the procedures prescribed by this section, the district shall be recognized as a legally established political subdivision of the state of Idaho. Unless otherwise limited by law, districts are authorized to work with and across the boundaries of all political subdivisions of the state of Idaho that are wholly or partially located within the external boundaries of the established aquifer protection district. Providing protection of a state-designated sensitive resource aquifer is a governmental function.

39-505. GOVERNANCE -- POWERS AND DUTIES. In addition to powers and duties otherwise set forth in this chapter, governing boards shall have the following powers and duties:

(1) To contract with public agencies and private individuals or entities to carry out district responsibilities and accomplish purposes of the district.

(2) To apply for and receive grants to carry out aquifer protection district purposes.

(3) To sue and be sued, and be a party to suits, actions and proceedings.

(4) Except as otherwise provided in this chapter, to enter into contracts and agreements, cooperative and otherwise, affecting the affairs of the district, including contracts with the United States of America, the state of Idaho and any of its agencies or instrumentalities, public or private corporations, municipalities and other governmental subdivisions, and to cooperate with any one (1) or more of these entities to achieve the purposes of the district.

(5) To borrow money, provided however, that borrowing shall be lim-

ited to the Idaho water resource board revolving development fund pursuant to section 42-1756, Idaho Code.

(6) To have the management, control and supervision of all business and affairs of the district.

(7) To hire and retain agents, consultants and professional advisers concerning district matters.

(8) To fix, and from time to time to increase or decrease, aquifer protection fees or charges for services or facilities furnished by the district, for the payment of any current charges or indebtedness of the district.

(9) To adopt and amend resolutions not in conflict with the constitution and laws of the state for carrying on the business, objectives and affairs of the board and of the district.

(10) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter.

39-506. POWERS NOT GRANTED. An aquifer protection district shall have no independent regulatory powers and no power to levy taxes. Such restriction shall not otherwise limit the police powers of the board of county commissioners.

39-507. POLICY AND BUDGET ADVISORY COMMITTEE. Subsequent to formation of an aquifer protection district, and as it regards the aquifer protection district, the governing board shall appoint a policy and budget advisory committee comprised of not less than nine (9) nor more than eleven (11) members. The policy and budget advisory committee shall be comprised of residents of the aquifer protection district boundaries with the following characteristics:

(1) A representative of a municipal domestic water provider;

(2) A representative of a water district;

(3) A representative of an irrigation district;

(4) A representative of a private water system;

(5) A representative of a well recognized business organization;

(6) A representative of a well recognized environmental organization;

(7) A representative of the agricultural community;

(8) A hydrologist or engineer; and

(9) A citizen consumer.

The responsibilities of the policy and budget advisory committee shall include making recommendations to the governing board for work program elements, proposing methods of cooperation among public agencies with regulatory jurisdiction concerning aspects of aquifer protection, developing an aquifer protection budget recommendation to forward to the governing board and carrying out such other aquifer protection activities as the governing board, resident and committee member interest, and appropriated budget allow. In addition to the budget hearing required by section 39-508, Idaho Code, the budget and policy advisory committee shall conduct at least one (1) public hearing during each fiscal year to solicit public comment regarding aquifer protection needs. Notice of such hearing shall, at a minimum, comply with the standards for legislative hearings as provided by law. Any vacancies on the policy and budget

advisory committee shall be filled in the same manner as the initial appointment.

39-508. AQUIFER PROTECTION DISTRICT FUNDS -- FEES -- BUDGET. (1) Funds received and expended in the name of an aquifer protection district shall be budgeted, managed and audited in the same manner as funds of a county. Any such revenues and expenditures shall be accounted for separate from other county funds. The reasonable expenses of managing aquifer protection district fiscal and legal affairs are legitimate costs of district operation and use of county systems for fee collection is authorized hereby. The fiscal year for an aquifer protection district shall conform to the fiscal year for counties.

(2) Fees reasonably related to the actual cost of services rendered by an aquifer protection district may be charged to owners of land benefitted by the availability of water from the aquifer to be protected by the district. The maximum fee authorized per dwelling unit shall not exceed twelve dollars ($12.00) annually. The maximum charge for nonresidential uses shall not exceed twice the maximum authorized residential fee, and such nonresidential fee shall be established and calculated in a manner that is roughly proportional to aquifer use or other measure of benefits derived from protection of the aquifer.

(3) Each fiscal year the budget and policy advisory committee shall conduct a public budgetary process, including at least one (1) public hearing concerning a proposed aquifer protection district budget, before recommending a proposed budget to the governing board. Any such recommendation shall be transmitted to the governing board prior to the date of advertising the annual county budget hearing. The budget for an aquifer protection district shall be considered by the governing board in the course of its annual budget process. An aquifer protection district shall follow the financial accountability standards and limitations applicable to counties.

SECTION 2. That Section 42-1756, Idaho Code, be, and the same is hereby amended to read as follows:

42-1756. LOANS FROM ACCOUNT -- APPLICATION -- INVESTIGATION -- APPROVAL -- REPAYMENT -- STATEMENT -- FILING -- DEFAULT. (a) Any irrigation district, canal or irrigation company, water users' association, municipal corporation, municipality, private corporation, <u>aquifer protection district,</u> or, in special cases approved by the board, an individual may file an application with the board for a loan from the revolving account for the purpose of financing project costs. Such application shall be filed in such manner, and shall be in such form and be accompanied by such information as may be prescribed by the board; provided, however, that any such application filed with the board under the provisions of this act, shall:

(1) Describe the nature and purpose(s) of the proposed project.

(2) Set forth or be accompanied by a plan for development of the proposed project, together with such engineering and economic feasibility data and estimated costs of construction as may be required by the board.

(3) State whether money other than that for which application is made to the board will be used for project costs, and whether such money is available or has been sought for this purpose.

(4) Show that the applicant holds or can acquire title to all lands or has the necessary easements and rights-of-way for the project and related lands, and has or can acquire all water rights necessary for the construction, operation and maintenance of the proposed project, or that there exists sufficient water available for appropriation by proof of a permit issued by the director of the department of water resources.

(b) Upon receipt of an application, the board shall evaluate and, if it deems it to be necessary, investigate all aspects of the proposed project and the proposed construction thereof. As a part of such investigation, the board shall determine whether the plan for development of the project is satisfactory. If the board determines that the plan is unsatisfactory, it shall return the application to the applicant and may make such recommendations to the applicant as are considered necessary to make the plan satisfactory.

(c) The board may approve a loan for project costs if after investigation (if this is deemed necessary,) and evaluation it finds that:

(1) The plan does not conflict with any extant Idaho state water plan;

(2) The proposed project is feasible from an engineering standpoint and economically justified, with studies showing a favorable benefit to cost ratio;

(3) The plan for development of the proposed project is satisfactory;

(4) The applicant is qualified and responsible;

(5) There is reasonable assurance that the borrower can repay the loan;

(6) That money in the revolving account is available for the loan; and

(7) That the loan does not exceed five hundred thousand dollars ($500,000) unless legislative approval has been obtained.

(d) If the board approves a loan, the board and the applicant or applicants shall enter into an agreement for repayment to the revolving account of money loaned therefrom, together with interest thereon at reasonable rates as determined by the board. The agreement shall further provide that repayment of the loan, together with interest thereon, shall commence no later than one (1) full year after construction of the project is completed, and that repayment shall be completed within the time period specified by the board; provided that repayment to reserve accounts or guarantee funds shall be made as provided by order of the board. The repayment period shall not exceed sixty (60) years, except that the board may extend the time for making repayment in the event of emergency or hardship. Such agreement shall also provide for such assurances of, and security for, repayment of the loan as are considered necessary by the board.

(e) The state shall have a lien upon a project constructed with money from the revolving account for the amount of the loan, together with the interest thereon. This lien shall attach to all project facilities, equipment, easements, real property and property of any kind or nature associated with the project and all water rights associated in any way with the project. The board shall file a statement of the loan, its amount, terms and a description of the project with the county recorder of each county in which the project or any part thereof is located. The county recorder shall record the lien in a book kept for

the recording of liens and it shall be indexed as other liens are required by law to be indexed. The lien shall be valid until paid in full or otherwise discharged. The lien shall be foreclosed in accordance with applicable state law governing foreclosure of mortgages and liens as set forth in chapter 1 of title 6, Idaho Code, chapter 13 of title 45, Idaho Code, and related provisions of the statutes of this state.

(f) If an applicant fails to comply with the repayment contract, its interest in the project may be conveyed to a successor upon approval by the board, which may contract with the qualified successor in interest of the original obligor for repayment of the loan, together with the interest thereon, and for succession to its rights and obligations in any contract with the board.

(g) The state shall have a lien on any or all projects which the board improves or renovates with money from the revolving account, and such lien shall be valid and continue in effect until such funds, together with interest thereon, have been paid in full and the lien discharged. The board shall file a statement of the lien, and the lien shall be foreclosed upon all project property and rights as provided in subsection (e) above.

Approved March 31, 2006.

CHAPTER 305
(H.B. No. 663, As Amended)

AN ACT

RELATING TO MEDICAID; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 56-256 AND 56-257, IDAHO CODE, TO PERMIT THE DEPARTMENT OF HEALTH AND WELFARE TO ESTABLISH PERSONAL HEALTH ACCOUNTS FOR MEDICAID PARTICIPANTS, TO PROVIDE A PURPOSE FOR THE ACCOUNTS, TO PROVIDE FOR FUNDING OF THE ACCOUNTS, TO PERMIT RULEMAKING BY THE DEPARTMENT, TO PROVIDE FOR USE OF THE ACCOUNT FUNDS, AND TO PROVIDE PAYMENTS FROM THE ACCOUNTS, TO REQUIRE THE DEPARTMENT TO ESTABLISH ENFORCEABLE COST SHARING, TO PROVIDE FOR A PURPOSE, TO PROVIDE FOR RULEMAKING BY THE DEPARTMENT, TO PROVIDE FOR PRACTICES THAT MAY INVOKE COPAYMENTS, TO DEFINE TERMS AND TO PERMIT EXCEPTIONS.

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

SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 56-256 and 56-257, Idaho Code, and to read as follows:

56-256. PERSONAL HEALTH ACCOUNTS. (1) The department of health and welfare may establish a personal health account available to a medicaid participant in order to provide incentives to promote healthy behavior and responsible use of health care services.

(2) Each personal health account shall be funded by a base amount determined by department rule. Amounts may be added to the account when the participant complies with recommended preventive care and demon-

strates healthy behaviors or conducts other activities as specified in department rule. Funds in a personal health account are not the personal property of the participant, but represent the value of benefits available for use by the participant while eligible. If funds remain in a personal health account when a participant terminates participation, such unexpended funds revert to the state.

(3) The uses of funds in personal health accounts may include, but not be limited to, participant payments for preventive health products and services and participant cost-sharing payments as specified in department rule.

(4) Copayments for services and delinquent premium payments may be automatically deducted from personal health account funds by the department, subject to notice and opportunity for hearing.

56-257. COPAYMENTS. (1) The department of health and welfare shall establish enforceable cost sharing in order to increase the awareness and responsibility of medicaid participants for the cost of their health care and to encourage use of cost-effective care in the most appropriate setting. Copayments established by department rule may include, but not be limited to, the following:

(a) Inappropriate emergency room utilization. "Inappropriate emergency room utilization" means the use of the emergency room for services that are nonemergency and that can be delivered in a regular clinic setting. If a hospital provider determines that it is reasonable that any prudent layperson would have sought emergency treatment in the same circumstances, a copayment will not be applied to such an individual even if the care rendered is nonemergency;

(b) Inappropriate use of emergency medicaid funded medical transportation. "Inappropriate use of emergency medical transportation" means the use of emergency medical transportation for conditions that do not meet the criteria for emergency conditions specified in department rule;

(c) Missed appointments with health care providers. The department may limit the types of providers for which copayments for missed appointments are applicable. No such provider will be required by the department to collect copayments as required in this section; and

(d) Nonpreferred prescription drugs. A nonpreferred drug is a drug for which an alternative therapeutically interchangeable drug in the same pharmacological class is available whose use provides advantages to the medicaid program based on relative safety, effectiveness, clinical outcomes and cost. Pharmacy providers may be required to collect copayments at the point of service. Pharmacy providers shall not be required to dispense any prescribed medication unless a medicaid participant provides for any applicable copayment under this paragraph. Copayments shall not constitute a reduction of overall reimbursement to pharmacists for the dispensing of prescribed medicine.

(2) The director may exempt, subject to federal approval, any group of medicaid participants from the cost-sharing provisions in this section.

Approved March 31, 2006.

CHAPTER 306
(H.B. No. 705, As Amended)

AN ACT

RELATING TO COOPERATIVE SERVICE AGENCIES; AMENDING SECTION 33-317, IDAHO CODE, TO PROVIDE THAT A COOPERATIVE SERVICE AGENCY MAY REQUEST ITS MEMBER SCHOOL DISTRICTS TO AUTHORIZE A LEVY NOT TO EXCEED ONE-TENTH OF ONE PERCENT FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING COOPERATIVE SERVICE AGENCY FACILITIES, TO PROVIDE FOR CONTINUATION OF THE LEVY FOR ADDITIONAL TEN-YEAR PERIODS UPON APPROVAL OF DISTRICT ELECTORS, TO PROVIDE FOR ADMINISTRATION AND ACCOUNTING OF MONEYS RECEIVED AND TO MAKE TECHNICAL CORRECTIONS.

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 ~~by-laws~~ bylaws, and act as a body corporate and politic with such powers as are assigned through its ~~by-laws~~ 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-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. 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.

Approved March 31, 2006.

CHAPTER 307
(H.B. No. 726)

AN ACT

RELATING TO INCOME TAX CREDITS; AMENDING SECTION 63-3029C, IDAHO CODE, TO PROVIDE A STATE INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS MADE TO PROJECT P.A.T.C.H., PLANNED ASSISTANCE FOR TROUBLED CHILDREN; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

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

63-3029C. INCOME TAX CREDIT FOR CERTAIN CHARITABLE CONTRIBUTIONS -- LIMITATION. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided herein, as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty percent (50%) of the aggregate amount of charitable contributions made by such taxpayer during the year to the anchor house or its foundation, to the children's home society of Idaho, inc., to the Idaho youth ranch or its foundation, to kinderhaven or its foundation, to the women's and children's alliance or its foundation, to children's village, inc. or its foundation, to gem youth services or its foundation, to the hope house, inc. or its foundation, to the north Idaho children's home or its foundation, to a center for independent living located within the state of Idaho, to project P.A.T.C.H., planned assistance for troubled children, to a nonprofit substance abuse center licensed by the department of health and welfare, or to a nonprofit rehabilitation facility located within the state of Idaho or its foundation.

(1) In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed twenty percent (20%) of such taxpayer's total income tax liability imposed by section 63-3024, Idaho Code, for the year, or one hundred dollars ($100), whichever is less.

(2) In the case of a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed ten percent (10%) of such corporation's total income or franchise tax liability imposed by sections 63-3025 and 63-3025A, Idaho Code, for the year, or five hundred dollars ($500), whichever is less.

(3) For the purposes of this section, "center for independent living" shall mean a private, nonprofit, nonresidential organization in which at least fifty-one percent (51%) of the principal governing board, management and staff are individuals with disabilities and that:

(a) Is designed and operated within a local community by individuals with disabilities;
(b) Provides an array of independent living services and programs; and
(c) Is cross-disability.
(4) For the purposes of this section, "nonprofit rehabilitation facility" means only a facility that is accredited by the commission on accreditation of rehabilitation facilities or another accreditation organization recognized by the state of Idaho.

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, 2006.

Approved March 31, 2006.

CHAPTER 308
(H.B. No. 728)

AN ACT

RELATING TO LAND REMEDIATION; AMENDING SECTION 39-7202, IDAHO CODE, TO PROVIDE ADDITIONAL LEGISLATIVE FINDINGS; AMENDING SECTION 39-7203, IDAHO CODE, TO DEFINE ADDITIONAL TERMS; AMENDING CHAPTER 72, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-7211, IDAHO CODE, TO PROVIDE FOR THE IDAHO COMMUNITY REINVESTMENT PILOT INITIATIVE, TO PROVIDE FOR THE IDAHO COMMUNITY REINVESTMENT PILOT INITIATIVE FUND, TO PROVIDE FOR FINANCIAL ASSISTANCE TO ELIGIBLE PROPERTY OWNERS CONDUCTING VOLUNTARY CLEANUP, TO PROVIDE LIMITATIONS ON THE FINANCIAL ASSISTANCE, TO PROVIDE FOR THE DEVELOPMENT OF ANNUAL PRIORITY LISTS FOR COMMUNITY REVITALIZATION PROJECTS BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY, TO PROVIDE FOR COMMUNITY INVESTMENT REBATE REQUESTS, REVIEWS AND CERTIFICATIONS AND TO PROHIBIT ELIGIBLE PROPERTY OWNERS THAT RECEIVE COMMUNITY INVESTMENT REBATES FROM RECEIVING A SPECIFIED PROPERTY TAX EXEMPTION; AND PROVIDING A CONTINGENT SUNSET DATE.

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

SECTION 1. That Section 39-7202, Idaho Code, be, and the same is hereby amended to read as follows:

39-7202. LEGISLATIVE FINDINGS. The legislature hereby finds and declares:
(1) That it is the policy of the state of Idaho to provide for the protection of the public health, welfare, safety, and environment; and to foster the remediation, transfer, reuse, or redevelopment of sites or groups of sites based on the risk to human health and the environment where releases or threatened release of hazardous substances or petroleum exists. The minimization of risk to public health and the environment on a commercial and industrial site offers significant potential economic benefit to local communities and is vital to their use and

reuse as sources of employment, housing, recreation and open-space areas.

(2) That establishing a voluntary program for the remediation of hazardous substance or petroleum contaminated sites will encourage innovation and cooperation between the state, local communities, and interested persons and will promote the economic revitalization of property. It is intended that this program will provide for an expedited remediation process by eliminating the need for many adversarial enforcement actions and delays in remediation plan approvals.

(3) That providing financial assistance to eligible property owners who conduct voluntary cleanups will promote the economic revitalization of property, particularly in rural communities, and will reduce or eliminate the need for many adversarial enforcement actions and delays in remediation plan approvals.

SECTION 2. That Section 39-7203, Idaho Code, be, and the same is hereby amended to read as follows:

39-7203. GENERAL DEFINITIONS. As used in this chapter:

(1) "Board" means the board of environmental quality.

(2) "Department" means the department of environmental quality.

(3) "Eligible property owner" means any individual, association, partnership, firm, joint stock company, trust, estate, private corporation, or any other nonpublic entity that is the current owner of a contaminated property, but that did not cause, contribute, or consent to the release that led to the contamination or own the property at the time of the release that led to the contamination. An eligible property owner shall not include any individual, association, partnership, firm, joint stock company, trust, estate, private corporation, or any other nonpublic entity that is:

(a) Affiliated with any individual or entity that caused, contributed, or consented to the release that led to the contamination, or owned the property at the time of the release that led to the contamination, whether directly or through a direct or indirect familial relationship, or any contractual, corporate, or financial relationship, excluding such relationships created by a contract for the sale of the property at issue; or

(b) The owner as a result of a reorganization of an entity that caused, contributed, or consented to the release that led to the contamination, or that owned the property at the time of the release that led to the contamination.

(4) "Hazardous substance" has the meaning set forth in section 101(14) of the comprehensive environmental, response, compensation and liability act (CERCLA), 42 U.S.C. 9601 (14) as amended.

(~~4~~5) "Person" means any individual, association, partnership, firm, joint stock company, trust, estate, political subdivision, public or private corporation, state or federal governmental department, agency or instrumentality, or any other legal entity which is recognized by law as the subject of rights and duties.

(~~5~~6) "Petroleum" includes petroleum asphalt and crude oil or any part of petroleum asphalt or crude oil that is liquid at standard conditions of temperature and pressure (sixty (60) degrees Fahrenheit and fourteen and seven-tenths (14.7) pounds per square inch absolute).

(7) "Qualifying remediation costs" means reasonable costs incurred

performing remediation activities integral to achieving the cleanup goals identified in a remediation work plan approved by the department.

(~~6~~8) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discarding of barrels, containers, or other closed receptacles containing any hazardous substance or petroleum.

(~~7~~9) "Remediation" means any of the following:

(a) Actions necessary to prevent, minimize, or mitigate damages to the public health or welfare or to the environment, which may otherwise result from a release or threat of a release; or

(b) Actions consistent with a permanent remedy taken instead of, or in addition to, removal actions in the event of a release or threatened release of a hazardous substance or petroleum into the environment to eliminate the release of hazardous substances or petroleum so that the hazardous substances or petroleum do not migrate to cause substantial danger to present or future public health or welfare or the environment; or

(c) The cleanup or removal of released hazardous substances or petroleum from the environment.

(~~8~~10) "Site" means a parcel of real estate for which an application has been submitted under section 39-7204, Idaho Code.

(11) "Technical professional" means a professional geologist or professional engineer registered in the state of Idaho.

SECTION 3. That Chapter 72, 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 39-7211, Idaho Code, and to read as follows:

39-7211. IDAHO COMMUNITY REINVESTMENT PILOT INITIATIVE. (1) There is hereby established in the state treasury a fund to be known as the Idaho community reinvestment pilot initiative fund which shall consist of moneys appropriated to the fund, donations, gifts and grants from any source and any other moneys which may hereafter be provided by law. The state treasurer shall be the custodian of the fund and shall invest said moneys in accordance with law. Any interest earned on the moneys in the fund shall be deposited in the fund. Moneys in the fund shall be disbursed in accordance with the directions of the director of the department of environmental quality. All moneys in the fund are perpetually appropriated to the director for expenditure in accordance with the provisions of this section.

(2) The state of Idaho hereby authorizes financial assistance to eligible property owners conducting voluntary cleanup actions pursuant to this chapter. The financial assistance authorized by this section shall not exceed one hundred fifty thousand dollars ($150,000) per project and shall be limited to, subject to the one hundred fifty thousand dollars ($150,000) maximum, seventy-percent (70%) of a project's qualifying remediation costs certified by the department pursuant to this section.

(3) Pursuant to general fund appropriation, the maximum overall financial assistance authorized by this section is one million five hundred thousand dollars ($1,500,000) in qualified remediation cost expenditures. A maximum of ten (10) projects may participate in the initiative.

(4) The department shall establish an annual priority list for community revitalization projects. The priority list shall be used as the method for allocating funds under this initiative.

(a) On an annual basis, the department shall establish, at a minimum, a continuous three (3) month calendar period in which eligible property owners may submit a written request, on a standard form developed by the department, to participate.

(b) On an annual basis, the department shall develop a priority list based on a weighted numerical points system established by the department. The rating system shall consider the following criteria wherein the department shall weigh each succeeding criteria less heavily than the preceding criteria:

(i) Whether the project is located in a city with a population of under twenty thousand (20,000) residents;

(ii) The level of social and economic benefit expected from the proposed reuse plan;

(iii) Whether contamination is preventing or complicating redevelopment;

(iv) Whether a reuse plan meets local planning and reuse goals, is compatible with long-term plans, and is ready to proceed;

(v) The level of human health risks the cleanup will remedy;

(vi) Current property conditions, including building safety concerns, vacancy rates and the level of negative visual impact the property has on the community.

(c) The department shall maintain annual priority lists of the twenty-five (25) highest priority projects.

(d) After finalizing the priority list, the department shall contact, in writing, the eligible property owners that submitted the ten (10) highest ranked priority projects and will set a target date for the eligible property owners to enter into a voluntary remediation agreement as described in subsection (1) of section 39-7205, Idaho Code.

(e) The department may bypass a project, and submit in its place the next highest priority project on the project list, for any of the following reasons:

(i) The eligible property owner fails to enter into a voluntary remediation agreement by the target date established by the department;

(ii) The eligible property owner, in writing, withdraws its request to participate; or

(iii) The voluntary remediation agreement is terminated or rescinded by the department prior to commencement of remediation as described in the voluntary remediation agreement approved by the department.

The department shall notify the bypassed eligible property owner of the reason or reasons for the bypass.

(5) Eligible property owners may request a community investment rebate by submitting documentation and certifications enumerated in paragraphs (a) through (c) of this subsection to the department. Eligible property owners shall submit this information no more than sixty (60) days after the department issues a certificate of completion for the project. Eligible property owners must receive a written certificate of completion from the department before the department may certify

qualifying remediation costs or provide a community reinvestment rebate. Information to be submitted includes:

(a) Copies of contracts and documentation of contract negotiations, accounts, invoices, sales tickets, or other payment records from purchases, sales, leases, or other transactions involving actual costs incurred completing remediation activities in accordance with the work plan approved by the department;

(b) Notarized documentation completed and signed by the participant certifying that all information contained in the application, including all records of claims, costs incurred, and costs paid, are true and correct and constitute qualifying remediation costs;

(c) Notarized documentation completed and signed by a technical professional certifying that a technical professional oversaw all remediation work plan activities and that all costs associated with documents submitted pursuant to this subsection constitute qualifying remediation costs.

(6) Community reinvestment rebate requests shall be reviewed and certified as follows:

(a) The department shall review each community reinvestment rebate request and determine whether the request is complete. If the department determines the request is incomplete, the department shall return the request, with the deficiencies indicated, to the eligible property owner by certified mail;

(b) Once a community reinvestment rebate request is deemed complete, the department shall review the request and determine the project's qualifying remediation costs. The department shall then issue a certification of the qualifying remediation costs for all those costs found to be reasonable by the department;

(c) The department shall issue the eligible property owner a community reinvestment rebate in the amount it certified as qualified remediation costs no more than thirty (30) days after department certification;

(d) Any eligible property owner or technical professional determined in a civil enforcement action to have submitted a false statement, representation or certification in any application, record, report, plan or other document submitted to the department, shall reimburse the state of Idaho for moneys wrongfully rebated and shall be liable for civil penalties and expenses incurred by the department in accordance with chapter 1, title 39, Idaho Code.

(7) Eligible property owners that receive a community investment rebate are not eligible to receive the property tax exemption established under section 63-602BB, Idaho Code.

SECTION 4. Section 3 of this act shall be null, void and of no force and effect on and after the date the director of the Department of Environmental Quality certifies to the Secretary of State that the department has expended funds at ten community revitalization projects pursuant to the provisions of Section 3 of this act.

Approved March 31, 2006.

CHAPTER 309
(H.B. No. 731)

AN ACT

RELATING TO INCOME TAX CREDITS FOR CHARITABLE CONTRIBUTIONS; AMENDING SECTION 63-3029C, IDAHO CODE, TO PROVIDE AN INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS MADE TO IDAHO DRUG FREE YOUTH, INC. OR ITS FOUNDATION.

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

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

63-3029C. INCOME TAX CREDIT FOR CERTAIN CHARITABLE CONTRIBUTIONS -- LIMITATION. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided herein, as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty percent (50%) of the aggregate amount of charitable contributions made by such taxpayer during the year to the anchor house or its foundation, to the children's home society of Idaho, inc., to the Idaho youth ranch or its foundation, to kinderhaven or its foundation, to the women's and children's alliance or its foundation, to children's village, inc. or its foundation, to Idaho drug free youth, inc. or its foundation, to gem youth services or its foundation, to the hope house, inc. or its foundation, to the north Idaho children's home or its foundation, to a center for independent living located within the state of Idaho, to a nonprofit substance abuse center licensed by the department of health and welfare, or to a nonprofit rehabilitation facility located within the state of Idaho or its foundation.

(1) In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed twenty percent (20%) of such taxpayer's total income tax liability imposed by section 63-3024, Idaho Code, for the year, or one hundred dollars ($100), whichever is less.

(2) In the case of a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed ten percent (10%) of such corporation's total income or franchise tax liability imposed by sections 63-3025 and 63-3025A, Idaho Code, for the year, or five hundred dollars ($500), whichever is less.

(3) For the purposes of this section, "center for independent living" shall mean a private, nonprofit, nonresidential organization in which at least fifty-one percent (51%) of the principal governing board, management and staff are individuals with disabilities and that:

(a) Is designed and operated within a local community by individuals with disabilities;

(b) Provides an array of independent living services and programs; and

(c) Is cross-disability.

(4) For the purposes of this section, "nonprofit rehabilitation facility" means only a facility that is accredited by the commission on accreditation of rehabilitation facilities or another accreditation organization recognized by the state of Idaho.

Approved March 31, 2006.

CHAPTER 310
(H.B. No. 735, As Amended)

AN ACT
RELATING TO URBAN RENEWAL; AMENDING SECTION 50-2018, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 50-2018, Idaho Code, be, and the same is hereby amended to read as follows:

50-2018. DEFINITIONS. The following terms wherever used or referred to in this chapter, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(~~a~~1) "Agency" or "urban renewal agency" shall mean a public agency created by section 50-2006, Idaho Code.

(~~b~~2) "Municipality" shall mean any incorporated city or town, or county in the state.

(~~c~~3) "Public body" shall mean the state or any municipality, township, board, commission, authority, district, or any other subdivision or public body of the state.

(~~d~~4) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(~~e~~5) "Mayor" shall mean the mayor of a municipality or other officer or body having the duties customarily imposed upon the executive head of a municipality.

(~~f~~6) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(~~g~~7) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(~~h~~8) "Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(1), Idaho Code, absent

the consent of the owner of the agricultural operation, except for an agricultural operation that has not been used for three (3) consecutive years.

(~~i~~9) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; provided, that if such deteriorating area consists of open land the conditions contained in the proviso in section 50-2008(d), Idaho Code, shall apply; and provided further, that any disaster area referred to in section 50-2008(g), Idaho Code, shall constitute a deteriorating area. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(1), Idaho Code, absent the consent of the owner of the agricultural operation, except for an agricultural operation that has not been used for three (3) consecutive years.

(~~j~~10) "Urban renewal project" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

(~~1~~a) ~~a~~Acquisition of a deteriorated area or a deteriorating area or portion thereof;

(~~2~~b) ~~d~~Demolition and removal of buildings and improvements;

(~~3~~c) ~~i~~Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, off-street parking facilities, public facilities or buildings and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this chapter in accordance with the urban renewal plan;

(~~4~~d) ~~d~~Disposition of any property acquired in the urban renewal area, including sale, initial leasing or retention by the agency itself, at its fair value for uses in accordance with the urban renewal plan except for disposition of property to another public body;

(~~5~~e) ~~c~~Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(~~6~~f) ~~a~~Acquisition of real property in the urban renewal area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property;

(~~7~~g) ~~a~~Acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe

conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or to prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(~~8~~h) ~~l~~Lending or investing federal funds; and

(~~9~~i) ~~c~~Construction of foundations, platforms and other like structural forms.

(~~k~~11) "Urban renewal area" means a deteriorated area or a deteriorating area or a combination thereof which the local governing body designates as appropriate for an urban renewal project.

(~~l~~12) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan:

(~~1~~a) ~~s~~Shall conform to the general plan for the municipality as a whole except as provided in section 50-2008(g), Idaho Code; and

(~~2~~b) ~~s~~Shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.

(~~m~~13) "Related activities" shall mean:

(~~1~~a) ~~p~~Planning work for the preparation or completion of a community-wide plan or program pursuant to section 50-2009, Idaho Code; and

(~~2~~b) ~~t~~The functions related to the acquisition and disposal of real property pursuant to section 50-2007(d), Idaho Code.

(~~n~~14) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(~~o~~15) "Bonds" shall mean any bonds, including refunding bonds, notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(~~p~~16) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the municipality property used in connection with urban renewal, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(~~q~~17) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(~~r~~18) "Area of operation" shall mean the area within the corporate limits of the municipality and the area within five (5) miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated city or town or within the unincorporated area of the county unless a resolution shall have been adopted by the governing body of such other city, town or county declaring a need therefor.

(~~s~~19) "Board" or "commission" shall mean a board, commission, department, division, office, body or other unit of the municipality.

(~~t~~20) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

Approved March 31, 2006.

CHAPTER 311
(H.B. No. 743)

AN ACT

RELATING TO THE SCHOOL FACILITIES IMPROVEMENT ACT; PROVIDING LEGISLATIVE FINDINGS AND INTENT; AMENDING SECTION 6-2212, IDAHO CODE, TO PROVIDE REFERENCES TO THE APPOINTING AUTHORITY OF THE STATE BOARD OF EDUCATION AND TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION AND TO MAKE TECHNICAL CHANGES; AMENDING SECTION 33-905, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY, TO DELETE OBSOLETE LANGUAGE, TO PROVIDE FOR DISTRIBUTION OF ADDITIONAL MONEYS, TO REQUIRE USE OF PAYMENTS FROM THE SCHOOL DISTRICT BUILDING ACCOUNT AND TO DELETE CERTAIN REPORTING REQUIREMENTS; AMENDING SECTION 33-906, IDAHO CODE, TO REMOVE THE LIMITATION ON STATE FINANCIAL ASSISTANCE ONLY FOR THE INTEREST COST PORTION OF THE ANNUAL BOND INTEREST AND REDEMPTION PAYMENT AND TO PROVIDE FOR CERTAIN APPLICATION TO SCHOOL DISTRICTS WITH AN INDEX VALUE OF LESS THAN ONE AND ONE-HALF; AMENDING SECTION 33-907, IDAHO CODE, TO PROVIDE CODE REFERENCES; AMENDING CHAPTER 9, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-909, IDAHO CODE, TO PROVIDE A PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM AND TO CREATE A PUBLIC SCHOOL FACILITIES COOPERATIVE FUND; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1018B, IDAHO CODE, TO PROVIDE FOR SCHOOL BUILDING MAINTENANCE MATCHING FUNDS; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1019, IDAHO CODE, TO REQUIRE SCHOOL DISTRICTS TO ANNUALLY DEPOSIT AN AMOUNT EQUAL TO A MINIMUM OF TWO PERCENT OF THE REPLACEMENT VALUE OF SCHOOL BUILDINGS TO A SCHOOL BUILDING MAINTENANCE FUND LESS THE AMOUNT DEPOSITED FROM STATE FUNDS, TO PROVIDE FOR CALCULATION OF THE STATE'S APPROPRIATION, TO PROVIDE FOR A STATE APPROPRIATION, TO PROVIDE FOR USE OF THE FUND MONEYS AND TO PROVIDE DEFINITIONS; AMENDING CHAPTER 80, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-8006A, IDAHO CODE, TO DIRECT THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY AND THE STATE DEPARTMENT OF EDUCATION TO DRAFT A BEST PRACTICES MAINTENANCE PLAN FOR SCHOOL BUILDINGS; AMENDING SECTION 39-8011, IDAHO CODE, TO PROVIDE A CONDITION UNDER WHICH THE ADMINISTRATOR SHALL SUBMIT AN APPLICATION TO THE PUBLIC SCHOOL FACILITIES COOPERATIVE FUND PANEL TO ABATE AN IDENTIFIED SAFETY HAZARD; AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE THAT AN AMOUNT EQUAL TO THE ANNUAL GENERAL FUND APPROPRIATION FOR BOND LEVY EQUALIZATION SHALL BE ANNUALLY DISTRIBUTED TO THE GENERAL FUND; TRANSFERRING AND APPROPRIATING $25,000,000 FROM THE GENERAL FUND TO THE PUBLIC SCHOOL FACILITIES COOPERATIVE FUND; AND PROVIDING NONSEVERABILITY WITH EXCEPTIONS.

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

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The Legislature hereby finds that:

(1) Section 1, Article IX, of the Constitution of the state of Idaho provides that "it shall be the duty of the legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools."

(2) In the case of Idaho Schools for Equal Educational Opportunity v. Evans, 123 Idaho 573 (1993), the Idaho Supreme Court held that the then existing State Board of Education rules for school facilities, textbooks and curriculum, and transportation systems were consistent with the thoroughness requirements of Section 1, Article IX, of the Constitution of the state of Idaho. The Supreme Court remanded the case for trial to determine if the system of funding was providing such school facilities, textbooks and curriculum, and transportation systems called for in the rules.

(3) In response to that action, the Legislature enacted Section 33-1612, Idaho Code, which defined thoroughness and included "a safe environment conducive to learning" among the statutory definitions of thoroughness.

(4) In a subsequent ruling in the same case, Idaho Schools for Equal Educational Opportunity v. State, 132 Idaho 559 (1999), the Idaho Supreme Court held that the statutory requirement of "a safe environment conducive to learning" and the rules adopted pursuant to it were consistent with the thoroughness requirements of Section 1, Article IX, of the Constitution of the state of Idaho, and that such a safe environment was inherently part of a thorough system of public, free common schools required by Section 1, Article IX, of the Constitution of the state of Idaho. The Supreme Court remanded the case to the district court to determine whether the funding system was providing a safe environment conducive to learning.

(5) On February 5, 2001, the Fourth Judicial District Court entered findings of fact and conclusions of law that the system of school funding then in existence was constitutionally deficient in its ability to repair or replace dangerous or unsafe conditions in school buildings.

(6) On December 21, 2005, on appeal to the Supreme Court, the Idaho Supreme Court affirmed the district court's February 5, 2001, decision and said:

> In sum, the evidence in the record clearly supports the district court's 2001 Findings. We affirm the conclusion of the district court that the current funding system is simply not sufficient to carry out the Legislature's duty under the constitution. While the Legislature has made laudable efforts to address the safety concerns of various school districts, the task is not yet complete. The appropriate remedy, however, must be fashioned by the Legislature and not this Court. Quite simply, Article IX of our constitution means what it says: "[I]t shall be the duty of the Legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools." Thus, it is the duty of the State, and not this Court or the local school districts, to meet this constitutional mandate.

(7) In response to the Supreme Court's 2005 decision, and mindful that the Supreme Court has recognized the Legislature's efforts, following the district court's decision in 2001, to provide a system of fund-

ing that provides safe schools, it is the purpose of this Act to fulfill the Legislature's responsibility under Section 1, Article IX, of the Constitution of the state of Idaho, by establishing an ongoing, state-funded system for funding repair or replacement of unsafe school facilities in a manner that fairly and equitably balances the state and local contributions. It requires funds to be dedicated to maintenance to arrest deterioration of schools before they become unsafe.

(8) In proposing this Act, it is the intent of the Legislature to:

(a) Amend the statutes addressing the School District Building Account to provide an ongoing means of providing funds from that account for the purpose of assisting school districts to fund repair or replacement of unsafe school facilities; and

(b) Remove all artificial limits on the functioning of the bond levy equalization value index. The index measures a school district's relative ability to pay, and provides a secure, ongoing revenue source for the bond levy equalization program, enabling each school district's full share of state lottery funds to be used for school building maintenance and repairs; and

(c) Establish an ongoing School Facilities Cooperative Funding Program to assist school districts to fund repair or replacement of unsafe school buildings when school districts are unable to fund necessary repair or replacement; and

(d) Provide ongoing, fair and equitable state assistance to school districts under the School Facilities Cooperative Funding Program whereby the state initially funds the total cost of repair and replacement that school districts are unable to fund themselves. It creates the necessary taxing authority to pay the school district's share of the cost of repair or replacement, and establishes a statutory formula to annually determine the school district's fair and equitable share of the costs of repair or replacement that compares the school district's bonds and/or plant facilities levy rates to the statewide average bond and/or facility levy rate; and

(e) Require each school district to annually set aside an adequate amount of moneys for the exclusive purpose of school building maintenance in order to arrest deterioration in school facilities that have lead to unsafe conditions and to provide a sliding scale of state match subsidies for this amount based upon the school district's relative ability to pay.

SECTION 2. That Section 6-2212, Idaho Code, be, and the same is hereby amended to read as follows:

6-2212. STATE SUPERVISION. When authorized ~~in this chapter~~ by law, the district court, or the state board of education pursuant to section 33-909, Idaho Code, may issue an order for state supervision of a local school district. When an order for state supervision of a local school district is entered by the district court, the superintendent of public instruction shall within thirty-five (35) calendar days appoint, at local school district expense, an officer to be known as a district supervisor. When an order for state supervision of a local school district is entered by the state board of education, the district supervisor shall be appointed pursuant to section 33-909, Idaho Code, at local school district expense. The district supervisor shall have authority to approve or disapprove any actions of the board of the local school dis-

trict, to supervise or dismiss superintendents, ~~assistance~~ assistant superintendents, and any other district administrative personnel, and to take any actions necessary to further the local school district's obligations to provide constitutionally required educational services. In the case of appointment by the superintendent of public instruction, t~~T~~he district supervisor shall serve at the pleasure of the superintendent of public instruction until removed by the superintendent of public instruction or the superintendent of public instruction reports to the district court that the local school district is in substantial compliance with its obligations to provide constitutionally required educational services, or until the district court, upon its own motion or upon motion of any of the parties, orders state supervision to end. In the case of appointment by the state board of education, the district supervisor shall serve pursuant to section 33-909, Idaho Code.

SECTION 3. That Section 33-905, Idaho Code, be, and the same is hereby amended to read as follows:

33-905. SCHOOL DISTRICT BUILDING ACCOUNT -- PAYMENTS TO ACCOUNT -- MONEYS APPROPRIATED TO STATE BOARD -- APPLICATION FOR MONEYS -- PAYMENTS TO DISTRICTS -- REPORTS ON APPLICATIONS -- USES OF MONEYS. (1~~.~~) The state of Idaho, ~~recognizing~~ in order to fulfill its responsibility to establish and maintain a general, uniform and thorough system of public, free common schools, ~~in an effort to partially fulfill this responsibility,~~ hereby creates and establishes the school district building account in the state treasury. The school district building account shall have paid into it such appropriations or revenues as may be provided by law.

(2~~.~~) ~~Moneys in the school district building account are hereby appropriated to and may be expended by the state board of education at any time for the purposes provided in this section, any provision of chapter 35, title 67, Idaho Code, or chapter 36, title 67, Idaho Code, notwithstanding.~~

~~3. (a) As to any moneys in the account other than lottery dividends distributed pursuant to subsection 4. of this section, the board of trustees of any school district may apply to the state board of education to receive a payment or payments from the school district building account; provided, a district demonstrates to the state board of education that it has a substantial and serious need based upon the district's classroom student teacher ratios, past efforts to levy for such construction, physical condition of existing structures, and the total assessed market value of the district, all of which shall be further defined by actual need criteria established by the state board of education.~~

~~(b) When an application for moneys from the account is approved by the state board of education, the state board shall inform the school district that the application has been approved, citing the amount approved for payment and an estimate of the time when the payment can actually be made to the school district.~~

4~~.~~ By not later than August 31, moneys in the account pursuant to distribution from section 67-7434, Idaho Code, the lottery dividends and interest earned thereon, shall be distributed to each of the several school districts, in the proportion that the average daily attendance of that district for the previous school year bears to the total average daily attendance of the state during the previous school year. For the

purposes of this subsection ~~4.~~(2) only, the Idaho school for the deaf and blind shall be considered a school district, and shall receive a distribution based upon the average daily attendance of the school. Average daily attendance shall be calculated as provided in section 33-1002 ~~4~~5., Idaho Code.

(3) Any other state moneys that may be made available shall be distributed to meet the requirements of section 33-1019, Idaho Code. If the amount of such funds exceeds the amount needed to meet the provisions of section 33-1019, Idaho Code, then the excess balance shall be transferred to the public education stabilization fund.

~~5.~~(4) All payments from the school district building account shall be paid out directly to the school district in warrants drawn by the state controller upon presentation of proper vouchers from the state board of education. Pending payments out of the school district building account, the moneys in the account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other idle moneys in the state treasury. Interest earned on the investments shall be returned to the school district building account.

~~6.~~(5) Payments from the school district building account received by a school district may shall be used by the school district for the purposes authorized in section 33-~~1102~~1019, Idaho Code, up to the level of the state match so required. Any payments from the school district building account received by a school district that are in excess of the state match requirements of section 33-1019, Idaho Code, may be used by the school district for the purposes authorized in section 33-1102, Idaho Code.

~~7.--(a)-By--not--later--than--December-1,-each-school-district-shall report-to-the-state-department-of-education-the--projects--on--which moneys--received--from--the--school--district--building-account-were expended.-The-state-department-of-education-shall-transmit-a-summary of-such-reports-to-the-legislature-by-not-later-than-January--15--of the-following-year.~~

~~(b)--By-not-later-than-December-1,-each-school-district-shall-report to-the-state-department-of-education-the-planned-uses-for-the-moneys received--from--the--school--district--building--account.--The-state department-of-education-shall-transmit-a-summary-of-the--reports--to the-legislature-by-not-later-than-January-15-of-the-following-year.~~

SECTION 4. That Section 33-906, Idaho Code, be, and the same is hereby amended to read as follows:

33-906. BOND LEVY EQUALIZATION SUPPORT PROGRAM. (1) Pursuant to section 33-906B, Idaho Code, school districts with a value index below one (1) shall be eligible to receive additional state financial assistance for the cost of annual bond interest and redemption payments made on bonds passed on or after September 15, 2002. However, any school district with a value index of less than one and one-half (1.5), shall receive no less than ten percent (10%) of the interest cost portion of the annual bond interest and redemption payment for bonds passed on or after September 15, 2002. The state department of education shall disburse such funds to school districts from moneys appropriated from the bond levy equalization fund. The department shall disburse the funds by no later than September 1 of each year for school districts in which

voters have approved the issuance of qualifying bonds by no later than January 1 of that calendar year, and which are certifying a qualifying bond interest and redemption payment for the fiscal year in which the disbursement is made. For districts with a value index below one (1), the percentage of each annual bond interest and redemption payment that is paid by the state shall be determined by dividing the difference between one (1) and the school district's value index by one (1). ~~provided that the state shall pay for no more than the interest cost portion of the annual bond interest and redemption payment, and each school district shall receive no less than ten percent (10%) of the interest cost portion of the qualifying bond interest and redemption payment.~~

(2) For the purposes of this section, the annual bond interest and redemption payment shall be determined by dividing the total payment amounts by the number of fiscal years in which payments are to be made. The interest cost portion of the annual bond interest and redemption payment shall be determined by dividing the total interest paid by the number of fiscal years in which payments are to be made. For school districts not qualifying for a state payment in the first year of the bond interest and redemption payment schedule, due solely to the January 1 eligibility deadline, the state department of education shall distribute an additional payment in the next fiscal year, in the amount of such funds that the school district would have otherwise qualified for in the current fiscal year.

(3) The provisions of this section may not be utilized to refinance existing debt or subsidize projects previously subsidized by state grants; provided however, that any school district that has issued qualifying bonds prior to June 30, 2004, in conformance with this section shall not be deemed to be refinancing existing debt when the qualifying bonds are utilized to finance the acquisition of public school facilities previously leased or financed through means other than the issuance of general obligation bonds approved by a two-thirds (2/3) vote at an election called for that purpose subject to subsection (5) of this section.

(4) School districts shall annually report the status of all qualifying bonds to the state department of education by January 1 of each year, including bonds approved by the voters, but not yet issued. Information submitted shall include the following:

(a) The actual or estimated bond interest and redemption payment schedule;

(b) Any qualifying bond that has been paid off;

(c) Other information as may be required by the state department of education.

(5) No school district eligible for participation in the bond levy equalization support program shall be deemed ineligible for participation due to that school district's eligibility and prior participation in the safe school facilities loan and grant program or the Idaho safe schools facilities program under section 33-804A, 33-1017 or 33-1613, Idaho Code, provided that:

(a) Such school district notifies the state department of education of its desire and eligibility to participate in the bond levy equalization support program; and

(b) Such school district shall receive no state financial assistance under the bond levy equalization support program until the amount to which it would otherwise have been entitled to receive

shall equal the amounts received by the school district under the safe school facilities loan and grant program or the Idaho safe schools facilities program under section 33-804A, 33-1017 or 33-1613, Idaho Code.

SECTION 5. That Section 33-907, Idaho Code, be, and the same is hereby amended to read as follows:

33-907. PUBLIC EDUCATION STABILIZATION FUND. There is hereby created in the state treasury a fund to be known as the public education stabilization fund, which shall function as a fund detail of the public school income fund. The fund shall consist of moneys transferred to the fund according to the provisions of sections 33-905 and 33-1018, Idaho Code, and any other moneys made available through legislative transfers or appropriations. Moneys in the fund are hereby continuously appropriated for the purposes stated in sections 33-1018 and 33-1018B, Idaho Code, and shall only be expended for the purposes stated in sections 33-1018, ~~and~~ 33-1018A and 33-1018B, Idaho Code. Any accumulated balances in the fund that are in excess of ~~three~~ five percent (~~3~~5%) of the current fiscal year's total general fund appropriation for public school support shall be transferred to the bond levy equalization fund. Interest earned from the investment of moneys in the fund shall be credited to the public school income fund.

SECTION 6. That Chapter 9, 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 33-909, Idaho Code, and to read as follows:

33-909. PUBLIC SCHOOL FACILITIES COOPERATIVE FUNDING PROGRAM -- FUND CREATED. (1) In fulfillment of the constitutional requirement to provide a general, uniform and thorough system of public, free common schools, it is the intent of the state of Idaho to advance its responsibility for providing a safe environment conducive to learning by providing a public school facilities funding program to enable qualifying school districts to address unsafe facilities identified as unsafe under the standards of the Idaho uniform school building safety act.

(2) Participation in the program, for the purpose of obtaining state financial support to abate identified school building safety hazards, requires submission of an application to the public school facilities cooperative funding program panel. Application can be made by:

(a) Any school district that has failed to approve at least one (1) or more bond levies for the repair, renovation or replacement of existing unsafe facilities, within the two (2) year period immediately preceding submission of the application; or

(b) The administrator of the division of building safety, for a school district that has failed to address identified unsafe facilities as provided in chapter 80, title 39, Idaho Code.

(3) There is hereby created within the office of the state board of education the Idaho public school facilities cooperative funding program panel, hereafter referred to as the panel. The panel shall consist of the administrator of the division of building safety, the administrator of the division of public works and the executive director of the state board of education, or a designee appointed by a panel member. It shall be the duty of the panel to consider all applications made to it, and to

either approve, modify or reject an application based on the most economical solution to the problem, as analyzed within a projected twenty (20) year time frame.

(4) The application shall contain the following information:

(a) The identified school building safety hazards and such other information necessary to document the deficiencies;

(b) The school district's plan for abating the defects, including costs and sources and amounts of revenue available to the school district;

(c) The market value for assessment purposes of the school district; and

(d) A detailed accounting of all bond and plant facility levies of the school district and the revenues raised by such levies.

For applications initiated by the administrator of the division of building safety pursuant to subsection (2)(b) of this section, the school district shall provide the information required in this subsection (4) if such information is not available to the administrator.

(5) In considering an application, the panel shall determine whether the plan as proposed is acceptable, or is acceptable with modifications as determined by the panel, or should be rejected. The panel shall notify the applicant of its decision, in writing, within sixty (60) days of receiving the application. At the same time the panel notifies the applicant, the panel shall send notification of an approved application or a modified application to the state board of education, along with the panel's specifications for the project and its cost.

(6) If an application received from a school district is accepted or modified by the panel, the local board of trustees of that school district, at the next election held pursuant to section 34-106, Idaho Code, shall submit the question to the qualified electors of the school district of whether to approve a bond in the amount of the cost of the project as approved by the panel.

(7) Within thirty-five (35) calendar days of receiving notification from the panel that an application submitted by the administrator of the division of building safety pursuant to subsection (2)(b) of this section has been approved or modified by the panel, or within thirty-five (35) calendar days of receiving certification from the panel that the question submitted to the electorate pursuant to subsection (6) of this section was not approved in the election, the state board of education shall appoint a district supervisor for interim state supervision of the local school district. The district supervisor shall be responsible for ensuring that the project, as approved by the panel, is completed and shall regularly report to the panel in a manner as determined by the panel upon approval of the project. The district supervisor shall also have the authority granted to said position by the provisions of section 6-2212, Idaho Code. A district supervisor's term of service shall continue for the duration of the project, and such person appointed as a district supervisor shall serve at the pleasure of the state board of education.

(8) Upon approval of an application or a modified application submitted by the administrator of the division of building safety pursuant to subsection (2)(b) of this section, or upon receipt of certification from the county that the question submitted to the electorate pursuant to subsection (6) of this section was not approved in the election, the panel shall certify the cost of the project, as approved by the panel,

to the state department of education.

(a) The total cost of the project shall initially be paid by the state from the public school facilities cooperative fund.

(b) The district's share of costs that may be repaid through the levy provisions of this section shall not exceed the district's share of bond payment costs as calculated for the bond levy equalization support program in the fiscal year in which the application is made. Interest shall be charged on the unpaid balance of the district's share of costs, as such balance exists at the end of each fiscal year, at the rate of interest earned by the state treasurer on the investment of idle funds in that fiscal year.

(c) It shall be the responsibility of the state department of education to calculate a state-authorized plant facilities levy rate in accordance with the provisions of subsection (9) of this section, which, when imposed over a maximum period not to exceed twenty (20) years, may yield the revenues needed to repay the school district's share of the cost of the project.

(d) The levy rate calculated by the state department of education shall be certified by the department to the county or counties wherein the boundaries of the school district are contained, for assessment of the levy and collection of the revenues by such county or counties in the manner provided by law. The revenues collected by imposition of the state-authorized plant facilities levy shall be remitted to the state treasurer for deposit to the public school facilities cooperative fund.

(9) The annual state-authorized plant facilities levy rate shall be limited to the greater of:

(a) The difference between the school district's combined bond and plant facilities levy rates, and the statewide average bond and plant facility levy rates; or

(b) The statewide average plant facility levy rate.

The initial levy rate so calculated shall be established as the minimum levy rate that shall be imposed for the amount of time required to reimburse the state for the school district's share of the project cost, but not to exceed twenty (20) years, even if this period would not provide reimbursement of the entire amount of the school district's share of the cost of the project. The state department of education is authorized and directed to recalculate the levy rate on an annual basis, and is authorized to increase or decrease the levy rate according to the scheduled payback, but the levy rate shall not be less than the levy rate initially imposed. Provided however, if the levy rate calculated is estimated to raise more money than would be necessary to repay the district's share of costs, then the state department of education shall certify to the county or counties wherein the boundaries of the school district are contained, the moneys necessary to repay the district's share of costs.

(10) There is hereby created in the state treasury a public school facilities cooperative fund. The fund shall contain such moneys as may be directed pursuant to appropriation. Moneys in the fund shall be used exclusively to finance the public school facilities cooperative funding program, and are hereby continuously appropriated for such purposes as authorized by this section. Moneys in the fund shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code, with respect to other idle moneys in the state treasury.

Interest earned on the investments shall be credited to the school district building account.

SECTION 7. 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 33-1018B, Idaho Code, and to read as follows:

33-1018B. SCHOOL BUILDING MAINTENANCE MATCHING FUNDS. If the amount of money appropriated from the school district building account created in section 33-905, Idaho Code, is insufficient to meet the state matching fund requirements of section 33-1019, Idaho Code, then such insufficiency shall be made up with a distribution from the public education stabilization fund created in section 33-907, Idaho Code.

SECTION 8. 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 33-1019, Idaho Code, and to read as follows:

33-1019. ALLOCATION FOR SCHOOL BUILDING MAINTENANCE REQUIRED. (1) School districts shall annually deposit to a school building maintenance fund moneys from any source available to the district equal to at least two percent (2%) of the replacement value of school buildings, less the deposit of state funds as provided in this section. The state shall annually provide funds to be deposited into the school building maintenance fund as follows:

(a) Divide one (1) by the school district's value index for the fiscal year, as calculated pursuant to section 33-906B, Idaho Code; and

(b) Multiply the result by one-half of one percent (0.5%) of the replacement value of school buildings.

(c) For purposes of the calculation in this subsection (1), public charter schools shall be assigned a value index of one (1).

(2) State funds shall be appropriated through the educational support program/division of facilities, and disbursed from the school district building account. The order of funding sources used to meet the state funding requirements of this section shall be as follows:

(a) State lottery funds distributed pursuant to section 33-905(2), Idaho Code;

(b) If state lottery funds are insufficient to meet the state funding requirements of this section, then other state funds available pursuant to section 33-905(3), Idaho Code, shall be utilized; and

(c) If the funds in paragraphs (a) and (b) of this subsection (2) are insufficient to meet the state funding requirements of this section, then funds available pursuant to section 33-1018B, Idaho Code, shall be utilized.

(3) Moneys in a school district's school building maintenance fund shall be used exclusively for the maintenance and repair of school buildings, and shall be utilized, first, to abate serious or imminent safety hazards, as identified pursuant to chapter 80, title 39, Idaho Code. Unexpended moneys in a school district's school building maintenance fund shall be carried over from year to year. The replacement value of school buildings shall be determined by multiplying the number of square feet of building floor space in school buildings by eighty dollars ($80.00). The joint finance-appropriations committee shall annu-

ally review the replacement value per square foot when setting appropriations for the educational support program, and may make adjustments to this figure as necessary. School districts shall submit the following to the state department of education by not later than December 1:

(a) The number of square feet of school building floor space; and

(b) The funds and fund sources deposited into the school district's school building maintenance fund and the fund balance carried forward from the prior fiscal year; and

(c) The projects on which moneys from the school district's school building maintenance fund were expended, and the amount and categories of expenditures from the fund; and

(d) The planned uses of moneys in the school district's school building maintenance fund.

The state department of education shall transmit a summary of such reports to the legislature by not later than January 15 of the following year.

(4) For the purposes of this section:

(a) "School building" means buildings that are owned by the school district or leased by the school district through a lease-purchase agreement and are occupied by students.

(b) "School district" means a school district or public charter school.

SECTION 9. That Chapter 80, 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 39-8006A, Idaho Code, and to read as follows:

39-8006A. BEST PRACTICES MAINTENANCE PLAN FOR SCHOOL BUILDINGS. The administrator of the division of building safety and the state department of education shall consult and shall draft a best practices maintenance plan for school buildings which shall be supplied to the superintendent of each school district. Based on the best practices maintenance plan, each school district shall develop a ten (10) year plan and submit it to the state department of education for approval. Annually thereafter, the school district shall submit a report to the state department of education detailing the work completed pursuant to the maintenance plan and any revisions to that plan.

SECTION 10. That Section 39-8011, Idaho Code, be, and the same is hereby amended to read as follows:

39-8011. VIOLATIONS. (1) If a school district, the district superintendent, principal, board of trustees, or other person in charge willfully violates the provisions of this chapter, the state superintendent of public instruction shall withhold such ensuing apportionments as are necessary to make repairs to abate the identified imminent safety hazard or serious safety hazard. Withheld funds, not to exceed one and one-half percent (1 1/2%) of the district's appropriation, shall be disbursed only to pay for such repairs.

(2) If the funds that would be raised over two (2) fiscal years from applying the provisions of subsection (1) of this section are insufficient, in combination with all moneys that will be available in the district's school building maintenance fund for the same period, to provide sufficient moneys to abate the identified imminent or serious

safety hazard, then the administrator shall submit an application to abate said hazard to the Idaho public school facilities cooperative funding program panel pursuant to section 33-909, Idaho Code.

(3) It is a misdemeanor to remove, without permission of the administrator, a notice or order posted pursuant to this chapter.

SECTION 11. 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 registry account. The amount of money so distributed to the central tumor registry account shall not exceed the fiscal year's appropriation, and at such time as the appropriation has been distributed to the central tumor registry account 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) ~~21.25% of such balance~~ An amount equal to the annual general fund appropriation for bond levy equalization, pursuant to section 33-906, Idaho Code, shall be annually distributed to the general fund. ~~of the state of Idaho for the fiscal year commencing July 1, 2005 through June 30, 2006.~~

(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.

SECTION 12. There is hereby transferred and appropriated $25,000,000 from the General Fund to the Public School Facilities Cooperative Fund.

SECTION 13. NONSEVERABILITY. With the exception of Sections 4, 11 and 12 of this act, the remaining provisions of this act are hereby declared to be nonseverable and if any provision of the remaining portions of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall render all such remaining portions of this act null, void and of no force or effect.

Approved March 31, 2006.

CHAPTER 312
(H.B. No. 745)

AN ACT

RELATING TO INCOME TAX CREDITS; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3029K, IDAHO CODE, TO DEFINE TERMS AND TO PROVIDE AN INCOME TAX CREDIT FOR LIVE ORGAN DONATION EXPENSES INCURRED BY A TAXPAYER AND PROVIDING A LIMIT, TO PROVIDE RULES AND TO PROVIDE CARRY FORWARD AUTHORITY.

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

SECTION 1. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3029K, Idaho Code, and to read as follows:

63-3029K. TAX CREDIT FOR LIVE ORGAN DONATION EXPENSES. (1) As used in this section:

(a) "Human organ" means human bone marrow or any part of a human including the intestine, kidney, liver, lung or pancreas.

(b) "Live organ donation" means that an individual who is living donates one (1) or more of that individual's human organs to another human to be transplanted using a medical procedure to the body of the other human.

(c) "Live organ donation expenses" means the total amount of expenses incurred by a taxpayer that are not reimbursed to that taxpayer by any person, are directly related to a live organ donation by the taxpayer or another individual that the taxpayer is allowed to claim as a dependent in accordance with section 151 of the Internal Revenue Code and include travel, lodging or lost wages as defined by rule by the state tax commission.

(2) For taxable years beginning on or after January 1, 2007, a taxpayer may claim a nonrefundable credit against taxes imposed by this

chapter for live organ donation expenses incurred during the taxable year for which the live organ donation occurs in an amount equal to the lesser of the actual amount of the live organ donation expenses or five thousand dollars ($5,000).

(3) If the amount of a tax credit under this section exceeds a taxpayer's tax liability under this chapter for a taxable year, the amount of the tax credit that exceeds the taxpayer's income tax liability may be carried forward for a period that does not exceed the next five (5) taxable years.

Approved March 31, 2006.

CHAPTER 313
(H.B. No. 750, As Amended)

AN ACT

RELATING TO STUDENT HARASSMENT, INTIMIDATION AND BULLYING; AMENDING SECTION 33-205, IDAHO CODE, TO PROVIDE THAT SUPERINTENDENTS AND PRINCIPALS MAY TEMPORARILY SUSPEND PUPILS FOR STUDENT HARASSMENT, INTIMIDATION OR BULLYING; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS AND DUTIES FOR BOARDS OF TRUSTEES; AND AMENDING CHAPTER 9, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-917A, IDAHO CODE, TO PROHIBIT STUDENT HARASSMENT, INTIMIDATION OR BULLYING OF ANOTHER STUDENT, TO DEFINE TERMS AND TO PROVIDE THAT ANY STUDENT WHO COMMITS OR CONSPIRES TO COMMIT AN ACT OF HARASSMENT, INTIMIDATION OR BULLYING MAY BE GUILTY OF AN INFRACTION.

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

SECTION 1. That Section 33-205, Idaho Code, be, and the same is hereby amended to read as follows:

33-205. DENIAL OF SCHOOL ATTENDANCE. The board of trustees may deny enrollment, or may deny attendance at any of its schools by expulsion, to any pupil who is an habitual truant, or who is incorrigible, or whose conduct, in the judgment of the board, is such as to be continuously disruptive of school discipline, or of the instructional effectiveness of the school, or whose presence in a public 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. Any pupil having been denied enrollment or expelled may be enrolled or readmitted to the school by the board of trustees upon such reasonable conditions as may be prescribed by the board; but such enrollment or readmission shall not prevent the board from again expelling such pupil for cause.

Provided however, the board shall expel from school for a period of not less than one (1) year, twelve (12) calendar months, or may deny enrollment to, a student who has been found to have carried a weapon or firearm on school property in this state or any other state, except that the board may modify the expulsion or denial of enrollment order on a case-by-case basis. Discipline of students with disabilities shall be in accordance with the requirements of federal law part B of the individuals with disabilities education act and section 504 of the rehabilita-

tion act. An authorized representative of the board shall report such student and incident to the appropriate law enforcement agency.

No pupil shall be expelled nor denied enrollment without the board of trustees having first given written notice to the parent or guardian of the pupil, which notice shall state the grounds for the proposed expulsion or denial of enrollment and the time and place where such parent or guardian may appear to contest the action of the board to deny school attendance, and which notice shall also state the rights of the pupil to be represented by counsel, to produce witnesses and submit evidence on his own behalf, and to cross-examine any adult witnesses who may appear against him. Within a reasonable period of time following such notification, the board of trustees shall grant the pupil and his parents or guardian a full and fair hearing on the proposed expulsion or denial of enrollment. However, the board shall allow a reasonable period of time between such notification and the holding of such hearing to allow the pupil and his parents or guardian to prepare their response to the charge. Any pupil who is within the age of compulsory attendance, who is expelled or denied enrollment as herein provided, shall come under the purview of the juvenile corrections act, and an authorized representative of the board shall, within five (5) days, give written notice of the pupil's expulsion to the prosecuting attorney of the county of the pupil's residence.

The superintendent of any district or the principal of any school may temporarily suspend any pupil for disciplinary reasons, including student harassment, intimidation or bullying, or for other conduct disruptive of good order or of the instructional effectiveness of the school. A temporary suspension by the principal shall not exceed five (5) school days in length; and the school superintendent may extend the temporary suspension an additional ten (10) school days. Provided, that on a finding by the board of trustees that immediate return to school attendance by the temporarily suspended student would be detrimental to other pupils' health, welfare or safety, the board of trustees may extend the temporary suspension for an additional five (5) school days. Prior to suspending any student, the superintendent or principal shall grant an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons. Any pupil who has been suspended may be readmitted to the school by the superintendent or principal who suspended him upon such reasonable conditions as said superintendent or principal may prescribe. The board of trustees shall be notified of any temporary suspensions, the reasons therefor, and the response, if any, thereto.

The board of trustees of each school district shall establish the procedure to be followed by the superintendent and principals under its jurisdiction for the purpose of effecting a temporary suspension, which procedure must conform to the minimal requirements of due process.

SECTION 2. That Section 33-512, Idaho Code, be, and the same is hereby amended to read as follows:

33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:

1. To fix the days of the year and the hours of the day when schools shall be in session. However:

(a) Each school district shall annually adopt and implement a school calendar which provides its students at each grade level with the following minimum number of instructional hours:

Grades	Hours
9-12	990
4-8	900
1-3	810
K	450

(b) School assemblies, testing and other instructionally related activities involving students directly may be included in the required instructional hours.

(c) When approved by a local school board, annual instructional hour requirements stated in paragraph (a) may be reduced as follows:

(i) Up to a total of twenty-two (22) hours to accommodate staff development activities conducted on such days as the local school board deems appropriate.

(ii) Up to a total of eleven (11) hours of emergency school closures due to adverse weather conditions and facility failures.

However, transportation to and from school, passing times between classes, recess and lunch periods shall not be included.

(d) Student and staff activities related to the opening and closing of the school year, grade reporting, program planning, staff meetings, and other classroom and building management activities shall not be counted as instructional time or in the reductions provided in paragraph (c)(i) of this section.

(e) For multiple shift programs, this rule applies to each shift (i.e., each student must have access to the minimum annual required hours of instructions).

(f) The instructional time requirement for grade 12 students may be reduced by action of a local school board for an amount of time not to exceed eleven (11) hours of instructional time.

(g) The state superintendent of public instruction may grant an exemption from the provisions of this section for an individual building within a district, when the closure of that building, for unforeseen circumstances, does not affect the attendance of other buildings within the district.

2. To adopt and carry on, and provide for the financing of, a total educational program for the district. Such programs in other than elementary school districts may include education programs for out-of-school youth and adults; and such districts may provide classes in kindergarten;

3. To provide, or require pupils to be provided with, suitable textbooks and supplies, and for advice on textbook selections may appoint a textbook adoption committee as provided in section 33-512A, Idaho Code;

4. To protect the morals and health of the pupils;

5. To exclude from school, children not of school age;

6. To prescribe rules for the disciplining of unruly or insubordinate pupils, including rules on student harassment, intimidation and bullying, such rules to be included in a district discipline code adopted by the board of trustees and a summarized version thereof to be provided in writing at the beginning of each school year to the teachers

and students in the district in a manner consistent with the student's age, grade and level of academic achievement;

7. To exclude from school, pupils with contagious or infectious diseases who are diagnosed or suspected as having a contagious or infectious disease or those who are not immune and have been exposed to a contagious or infectious disease; and to close school on order of the state board of health or local health authorities;

8. To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;

9. To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;

10. To erect and maintain on each schoolhouse or school grounds a suitable flagstaff or flagpole, and display thereon the flag of the United States of America on all days, except during inclement weather, when the school is in session; and for each Veterans Day, each school in session shall conduct and observe an appropriate program of at least one (1) class period remembering and honoring American veterans;

11. To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor.

12. To supervise and regulate, including by contract with established entities, those extracurricular activities which are by definition outside of or in addition to the regular academic courses or curriculum of a public school, and which extracurricular activities shall not be considered to be a property, liberty or contract right of any student, and such extracurricular activities shall not be deemed a necessary element of a public school education, but shall be considered to be a privilege.

13. To govern the school district in compliance with state law and rules of the state board of education.

14. To submit to the superintendent of public instruction not later than July 1 of each year documentation which meets the reporting requirements of the federal gun-free schools act of 1994 as contained within the federal improving America's schools act of 1994.

15. To require that all persons hired for the first time by the district or who have been in the employ of the district five (5) years or less, undergo a criminal history check as provided in section 33-130, Idaho Code. All such employees who are required to undergo a criminal history check shall obtain the history check within three (3) months of starting employment, or for employees with five (5) years or less with the district, within three (3) months from the date such employee is notified that he must undergo a criminal history check. Such employees

shall pay the cost of the criminal history check. If the criminal history check shows that the employee has been convicted of a felony crime enumerated in section 33-1208, Idaho Code, it shall be grounds for immediate termination, dismissal or other personnel action of the district, except that it shall be the right of the school district to evaluate whether an individual convicted of one (1) of these crimes and having been incarcerated for that crime shall be hired. The district may require any or all persons who have been employed continuously with the same district for more than five (5) years, to undergo a criminal history check as provided in section 33-130, Idaho Code. If the district elects to require criminal history checks of such employees, the district shall pay the costs of the criminal history check or reimburse employees for such cost. A substitute teacher who has undergone a criminal history check at the request of one (1) district in which he has been employed as a substitute shall not be required to undergo an additional criminal history check at the request of any other district in which he is employed as a substitute if the teacher has obtained a criminal history check within the previous three (3) years. If the district next employing the substitute still elects to require another criminal history check within the three (3) year period, that district shall pay the cost of the criminal history check or reimburse the substitute teacher for such cost.

16. Each board of trustees of a school district shall be responsible for developing a system for registering volunteers or contractors consistent with maintaining a safe environment for their students.

17. To ensure that each school district, including specially chartered school districts, participates in the Idaho student information management system (ISIMS) to the full extent of its availability. The terms "Idaho student information management system," "appropriate access" and "real time" shall have such meanings as the terms are defined in section 33-1001, Idaho Code.

18. To provide support for teachers in their first two (2) years in the profession in the areas of: administrative and supervisory support, mentoring, peer assistance and professional development.

SECTION 3. That Chapter 9, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-917A, Idaho Code, and to read as follows:

18-917A. STUDENT HARASSMENT -- INTIMIDATION -- BULLYING. (1) No student shall intentionally commit, or conspire to commit, an act of harassment, intimidation or bullying against another student.

(2) As used in this section, "harassment, intimidation or bullying" means any intentional gesture, or any intentional written, verbal or physical act or threat by a student that:

(a) A reasonable person under the circumstances should know will have the effect of:

(i) Harming a student; or

(ii) Damaging a student's property; or

(iii) Placing a student in reasonable fear of harm to his or her person; or

(iv) Placing a student in reasonable fear of damage to his or her property; or

(b) Is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student.

An act of harassment, intimidation or bullying may also be committed through the use of a land line, car phone or wireless telephone or through the use of data or computer software that is accessed through a computer, computer system, or computer network.

(3) A student who personally violates any provision of this section may be guilty of an infraction.

Approved March 31, 2006.

CHAPTER 314
(H.B. No. 754)

AN ACT

RELATING TO STATE INCOME TAX CREDITS; AMENDING SECTION 63-4402, IDAHO CODE, TO PROVIDE A DEFINITION OF "NEW PLANT AND BUILDING FACILITIES," TO REVISE THE DEFINITION OF "INVESTMENT IN NEW PLANT," TO REVISE THE DEFINITION OF "PROJECT PERIOD," TO REVISE THE DEFINITION OF "PROJECT SITE," AND TO REVISE THE DEFINITION OF "TAX INCENTIVE CRITERIA"; AMENDING SECTION 63-4403, IDAHO CODE, TO REVISE DATES AND TO DECREASE THE MAXIMUM ALLOWABLE CREDIT FOR ANY ONE TAXABLE YEAR; AMENDING SECTION 63-4404, IDAHO CODE, TO REVISE DATES, TO PROVIDE THAT THE CREDIT ALLOWED SHALL BE RELATED TO NEW PLANT AND BUILDING FACILITIES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 63-4405, IDAHO CODE, TO REVISE DATES FOR THE ADDITIONAL INCOME TAX CREDIT FOR NEW JOBS; AMENDING SECTION 63-4408, IDAHO CODE, TO REVISE DATES FOR THE SALES TAX REBATE FOR NEW JOBS AND TO PROVIDE THAT THE REBATE SHALL BE RELATED TO NEW PLANT AND BUILDING FACILITIES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-4402, Idaho Code, be, and the same is hereby amended to read as follows:

63-4402. DEFINITIONS. (1) The definitions contained in the Idaho income tax act, shall apply to this chapter unless modified in this chapter or unless the context clearly requires another definition.

(2) As used in this chapter:

(a) "Commission" means the Idaho state tax commission.

(b) "~~Headquarters--or--administrative~~New plant and building facilities" means facility or facilities, including related parking facilities, where ~~corporate-staff~~ employees are physically employed~~,--and where--the--majority--of-the-company's-services-are-handled.-Company services-may-include:-accounts-receivable-and--payable,--accounting, data--processing,--distribution--management,--employee-benefit-plan, financial-and-securities-accounting,-information-technology,--insurance,-------legal,------merchandising,------payroll,------personnel, purchasing/procurement,-planning,--reporting--and--compliance,--tax, treasury,-or-other-headquarters-related-services.~~

(c) "Idaho income tax act" means chapter 30, title 63, Idaho Code.
(d) "Investment in new plant" means investment in ~~headquarters or administrative~~ new plant and building facilities that are:
(i) Qualified investments; or
(ii) Buildings or structural components of buildings.
(e) "New employee":
(i) Means an individual, employed primarily within the project site by the taxpayer, subject to Idaho income tax withholding whether or not any amounts are required to be withheld, covered for unemployment insurance purposes under chapter 13, title 72, Idaho Code, and who was eligible to receive employer provided coverage under a health benefit plan as described in section 41-4703, Idaho Code, during the taxable year. A person shall be deemed to be so employed if such person performs duties on a regular full-time basis.
(ii) The number of employees employed primarily within the project site by the taxpayer, during any taxable year for a taxpayer shall be the mathematical average of the number of such employees reported to the Idaho department of commerce and labor for employment security purposes during the twelve (12) months of the taxable year which qualified under paragraph (e)(i) of this subsection (2). In the event the business is in operation for less than the entire taxable year, the number of employees of the taxpayer for the year shall be the average number actually employed during the months of operation, provided that the qualifications of paragraph (e)(i) of this subsection (2) are met.
(iii) Existing employees of the taxpayer who obtain new qualifying positions within the project site and employees transferred from a related taxpayer or acquired as part of the acquisition of a trade or business from another taxpayer within the prior twelve (12) months are not included in this definition unless the new position or transfer creates a net new job in Idaho.
(f) "Project period" means the period of time beginning at the earlier of a physical change to the project site or the first employment of new employees located in Idaho who are related to the activities at the project site, but no earlier than January 1, 200~~5~~6, and ending when the facilities constituting the project are placed in service, but no later than December 31, 20~~09~~10.
(g) "Project site" means an area or areas at which ~~headquarters and headquarters~~ new plant and building facilities are located and at which the tax incentive criteria have been or will be met and which are either:
(i) A single geographic area located in this state at which the ~~headquarters or administrative~~ new plant and building facilities owned or leased by the taxpayer are located; or
(ii) One (1) or more geographic areas located in this state if eighty percent (80%) or more of the investment required by subsection (2)(j)(i) of this section is made at one (1) of the areas.
(iii) The project site must be identified and described to the commission by a taxpayer subject to tax under the Idaho income tax act, in the form and manner prescribed by the commission.

(h) "Qualified investment" shall be defined as in section 63-3029B, Idaho Code.

(i) "Recapture period" means:

(i) In the case of credits described in sections 63-4403 and 63-4404, Idaho Code, the same period for which a recapture of investment tax credit under section 63-3029B, Idaho Code, is required; or

(ii) In the case of credits described in section 63-4405, Idaho Code, five (5) years from the date the project period ends.

(j) "Tax incentive criteria" means a taxpayer meeting at a project site the requirements of subparagraphs (i)~~,~~ and (ii) ~~and (iii)~~ of this paragraph (j).

(i) During the project period, making capital investments in new plant of at least five hundred thousand dollars ($500,000) at the project site.

(ii) During a period of time beginning on January 1, 20056, and ending at the conclusion of the project period:

1. Increasing employment at the project site by at least ten (10) new employees each of whom must earn at least nineteen dollars and twenty-three cents ($19.23) per hour worked during the taxpayer's taxable year.

~~(A)--Earnings--calculated--pursuant--to--subparagraph (ii)-of-this-paragraph-(j)-shall-include-income--upon which--Idaho-income-tax-withholding-is-required-under section-63-3035,-Idaho-Code,-but--shall--not--include income--such--as--stock--options--or-restricted-stock grants.~~

~~(B)--For--purposes---of---determining---whether---the increased--employment-threshold-has-been-met,-employment-at-the-project-site-shall-be-determined-by--calculating--the-increase-of-such-new-employees-reported to-the-Idaho-department-of--commerce--and--labor--for employment--security--purposes--over-the-employees-so reported-as-of-the-beginning-of-the-project-period-or no-earlier-than-January-1,-2005,-whichever-is-larger;~~ and

2. Employment increases above the ten (10) new employees described in subparagraph (ii)1. of this paragraph (j) at the project site shall on average earn at least fifteen dollars and fifty cents ($15.50) per hour worked during the taxpayer's taxable year. Calculation of the group average earnings shall not include amounts paid to any employee earning more than forty-eight dollars and eight cents ($48.08) per hour or less than twelve dollars ($12.00) per hour worked during the taxpayer's taxable year. The denominator of this calculation shall be the number of new job positions filled that pay less than forty-eight dollars and eight cents ($48.08) per hour worked during the taxpayer's taxable year.

3. Earnings calculated pursuant to subparagraph (ii) of this paragraph (j) shall include income upon which Idaho income tax withholding is required under section 63-3035, Idaho Code, but shall not include income such as stock

options or restricted stock grants.

4. For purposes of determining whether the increased employment threshold has been met, employment at the project site shall be determined by calculating the increase of such new employees reported to the Idaho department of commerce and labor for employment security purposes over the employees so reported as of the beginning of the project period or no earlier than January 1, 2006, whichever is larger; and

5. Maintaining net increased employment in Idaho required by subparagraph (ii)~~1.~~ of this paragraph (j) during the remainder of the project period.

~~(iii) No person meets the tax incentive criteria unless the ratio of new employees qualified under subparagraph (ii) of this section to investment in new plant under subparagraph (i) of this section exceeds one (1) employee for each fifty thousand dollars ($50,000) of investment in new plant.~~

(k) "Taxpayer," for purposes of paragraphs (j) and (e) of this subsection (2), means either:

(i) A single taxpayer; or

(ii) In the context of a unitary group filing a combined report under section 63-3027(t), Idaho Code, all members of a unitary group includable in a combined report for the tax years in which the credit provided for by this chapter may be claimed. For all other purposes, the terms of section 63-3009, Idaho Code, and section 63-3027(t)(1), Idaho Code, apply to the meaning of "taxpayer."

SECTION 2. That Section 63-4403, Idaho Code, be, and the same is hereby amended to read as follows:

63-4403. ADDITIONAL INCOME TAX CREDIT FOR CAPITAL INVESTMENT. (1) For taxable years beginning on or after January 1, 200~~5~~6, and before December 31, 200~~9~~10, and subject to the limitations of this chapter, a taxpayer who has certified that the tax incentive criteria will be met within a project site during a project period shall, in regard to qualified investments made after the beginning of the project period and before December 31, 200~~9~~10, in lieu of the investment tax credit provided in section 63-3029B, Idaho Code, be allowed a nonrefundable credit against taxes imposed by sections 63-3024, 63-3025 and 63-3025A, Idaho Code, in the amount of three and seventy-five one hundredths percent (3.75%) of the amount of qualified investment made during a taxable year, wherever located within this state.

(2) The credit allowed by this section shall not exceed sixty-two and five-tenths percent (62.5%) of the tax liability of the taxpayer.

(3) The credit allowed by this section shall not exceed ~~one million two~~ seven hundred fifty thousand dollars ($~~1,~~2750,000) in any one (1) taxable year.

SECTION 3. That Section 63-4404, Idaho Code, be, and the same is hereby amended to read as follows:

63-4404. REAL PROPERTY IMPROVEMENT TAX CREDIT. (1) For taxable years beginning on or after January 1, 200~~5~~6, and before December 31,

2009~~0~~10, subject to the limitations of this chapter, a taxpayer who has certified that the tax incentive criteria will be met within a project site during a project period shall be allowed a nonrefundable credit against taxes imposed by sections 63-3024, 63-3025 and 63-3025A, Idaho Code, in the amount of two and five-tenths percent (2.5%) of the investment in new plant which is incurred during the project period applicable to the project site in which the investment is made.

(2) The credit allowed by this section shall not exceed one hundred ~~and~~ twenty-five thousand dollars ($125,000) in any one (1) taxable year.

(3) No credit is allowable under this section for a qualified investment in regard to which a credit under section 63-4403, Idaho Code, is available.

(4) The credit allowed by this section is limited to buildings and structural components of buildings related to ~~headquarters--or--administrative~~ new plant and building facilities.

SECTION 4. That Section 63-4405, Idaho Code, be, and the same is hereby amended to read as follows:

63-4405. ADDITIONAL INCOME TAX CREDIT FOR NEW JOBS. (1) Subject to the limitations of this chapter, for taxable years beginning on or after January 1, 2005~~6~~, and before December 31, 2009~~0~~10, a taxpayer who has certified that the tax incentive criteria will be met within a project site during a project period shall, for the number of new employees earning more than a rate of twenty-four dollars and four cents ($24.04) per hour worked, in lieu of the credit amount in subsection (2)(a) of section 63-3029F, Idaho Code, be allowed the credit provided by this section. The number of new employees is the increase in the number of employees for the current taxable year over the greater of the following:

(a) The number of employees for the prior taxable year; or

(b) The average of the number of employees for the three (3) prior taxable years.

(2) The credit provided by this section shall be:

(a) One thousand five hundred dollars ($1,500) for each new employee whose annual salary during the taxable year for which the credit is earned is greater than twenty-four dollars and four cents ($24.04) per hour worked but equal to or less than an average rate of twenty-eight dollars and eighty-five cents ($28.85) per hour worked;

(b) Two thousand dollars ($2,000) for each new employee whose annual salary during the taxable year for which the credit is earned is greater than an average rate of twenty-eight dollars and eighty-five cents ($28.85) per hour worked but equal to or less than an average rate of thirty-six dollars and six cents ($36.06) per hour worked;

(c) Two thousand five hundred dollars ($2,500) for each new employee whose annual salary during the taxable year for which the credit is earned is greater than an average rate of thirty-six dollars and six cents ($36.06) per hour worked but equal to or less than an average rate of forty-three dollars and twenty-seven cents ($43.27) per hour worked;

(d) Three thousand dollars ($3,000) for each new employee whose

annual salary during the taxable year for which the credit is earned is greater than an average rate of forty-three dollars and twenty-seven cents ($43.27) per hour worked.

(3) The credit allowed by subsection (1) of this section shall apply only to employment primarily within the project site. No credit shall be earned unless such employee shall have performed such duties for the taxpayer for a minimum of nine (9) months during the taxable year for which the credit is claimed.

(4) The credit allowed by this section shall not exceed sixty-two and five-tenths percent (62.5%) of the tax liability of the taxpayer.

(5) Employees transferred from a related taxpayer or acquired from another taxpayer within the prior twelve (12) months shall not be included in the computation of the credit unless the transfer creates a net new job in Idaho.

SECTION 5. That Section 63-4408, Idaho Code, be, and the same is hereby amended to read as follows:

63-4408. SALES AND USE TAX INCENTIVES -- REBATES -- RECAPTURE. (1) For calendar years beginning on January 1, 2005~~6~~, and ending on December 31, 2009~~10~~, subject to the limitations of this chapter, a taxpayer who has certified that the tax incentive criteria will be met within the project site shall be entitled to receive a rebate of twenty-five percent (25%) of all sales and use taxes imposed by chapter 36, title 63, Idaho Code, and that the taxpayer or its contractors actually paid in regard to any property constructed, located or installed within the project site during the project period for that site.

(2) Upon filing of a written refund claim by the taxpayer entitled to the rebate, and subject to such reasonable documentation and verification as the commission may require, the rebate shall be paid by the commission as a refund allowable under section 63-3626, Idaho Code. A claim for rebate under this section must be filed on or before the last day of the third calendar year following the year in which the taxes sought to be rebated were paid or the right to the rebate is lost.

(3) Any rebate paid shall be subject to recapture by the commission:

(a) At one hundred percent (100%) in the event that the tax incentive criteria are not met at the project site during the project period, or

(b) In the event that the property is not used, stored or otherwise consumed within the project site for a period of sixty (60) consecutive full months after the property was placed in service, or

(c) In the event that the employment required in section 63-4402(2)(j), Idaho Code, is not maintained for sixty (60) consecutive full months from the date the project period ends.

(d) Any recapture required by subsection (3)(b) or (3)(c) of this section shall be in the same proportion as an amount of credit required to be recaptured under section 63-3029B, Idaho Code.

(4) Any recapture amount due under this section shall be a deficiency in tax for the period in which the disqualification first occurs for purposes of section 63-3629, Idaho Code, and may be enforced and collected in the manner provided by the Idaho sales tax act, provided however, that in lieu of the provisions of section 63-3633, Idaho Code, the period of time within which the commission may issue a notice under

section 63-3629, Idaho Code, in regard to an amount subject to recapture, shall be the later of five (5) years after the end of the taxable year, for income tax purposes, in which the project period ends.

(5) The rebate allowed by this section is limited to sales and use taxes actually paid by the taxpayer or its contractors for taxable property related to ~~headquarters or administrative~~ new plant and building facilities.

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 its passage and approval, and retroactively to January 1, 2006.

Approved March 31, 2006.

CHAPTER 315
(H.B. No. 756)

AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING SECTION 63-3622D, IDAHO CODE, TO PROVIDE TECHNICAL CORRECTIONS AND TO DELETE REFERENCE TO THE SALES AND USE TAX EXEMPTION FOR HEATING MATERIALS; AND AMENDING SECTION 63-3622JJ, IDAHO CODE, TO DELETE REFERENCE TO THE SALES AND USE TAX EXEMPTION FOR HEATING MATERIALS.

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

SECTION 1. That Section 63-3622D, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622D. PRODUCTION EXEMPTION. There are exempted from the taxes imposed by this chapter:

(a) The sale at retail, storage, use or other consumption in this state of:

(1) Tangible personal property which will enter into and become an ingredient or component part of tangible personal property manufactured, processed, mined, produced or fabricated for sale.

(2) Tangible personal property primarily and directly used or consumed in or during a manufacturing, processing, mining, farming, or fabricating operation, including, but not limited to, repair parts, lubricants, hydraulic oil, and coolants, which become a component part of such tangible personal property; provided that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation.

(3) Chemicals, catalysts, and other materials which are used for the purpose of producing or inducing a chemical or physical change in the product or for removing impurities from the product or otherwise placing the product in a more marketable condition as part of an operation described in subsection (a)(2) of this section, and chemicals and equipment used in clean-in-place systems in the food processing and food manufacturing industries.

(4) Safety equipment and supplies required to meet a safety stan-

dard of a state or federal agency when such safety equipment and supplies are used as part of an operation described in subsection (a)(2) of this section.

(5) Plants to be used as part of a farming operation.

(b) Other than as provided in subsection (c) of this section, the exemptions allowed in subsections (a)(1), (a)(2), (a)(3) and (a)(4) of this section are available only to a business or separately operated segment of a business which is primarily devoted to producing tangible personal property which that business will sell and which is intended for ultimate sale at retail within or without this state. A contractor providing services to a business entitled to an exemption under this section is not exempt as to any property owned, leased, rented or used by it unless, as a result of the terms of the contract, the use of the property is exempt under section 63-3615(b), Idaho Code.

(c) The exemptions allowed in subsections (a)(1), (a)(2), (a)(3) and (a)(4) of this section shall also be available to a business, or separately operated segment of a business, engaged in farming or mining, whether as a subcontractor, contractor, contractee or subcontractee, when such business or segment of a business is primarily devoted to producing tangible personal property which is intended for ultimate sale at retail within or without this state, without regard to the ownership of the product being produced.

(d) As used in this section, the term "directly used or consumed in or during" a farming operation means the performance of a function reasonably necessary to the operation of the total farming business, including, the planting, growing, harvesting and initial storage of crops and other agricultural products and movement of crops and produce from the place of harvest to the place of initial storage. It includes disinfectants used in the dairy industry to clean cow udders or to clean pipes, vats or other milking equipment.

(e) The exemptions allowed in this section do not include machinery, equipment, materials and supplies used in a manner that is incidental to the manufacturing, processing, mining, farming or fabricating operations such as maintenance and janitorial equipment and supplies.

(f) Without regard to the use of such property, this section does not exempt:

(1) Hand tools with a unit purchase price not in excess of one hundred dollars ($100). A hand tool is an instrument used or worked by hand.

(2) Tangible personal property used in any activities other than the actual manufacturing, processing, mining, farming or fabricating operations such as office equipment and supplies, and equipment and supplies used in selling or distributing activities.

(3) Property used in transportation activities.

(4) Machinery, equipment, tools or other property used to make repairs. This subsection does not include repair parts that become a component part of tangible property exempt from tax under this section or lubricants, hydraulic oil, or coolants used in the operation of tangible personal property exempt under this section.

(5) Machinery, equipment, tools or other property used to manufacture, fabricate, assemble or install tangible personal property which is:

(i) Not held for resale in the regular course of business; and

(ii) Owned by the manufacturer, processor, miner, farmer or fabricator;

provided, however, this subsection does not prevent exemption of machinery, equipment, tools or other property exempted from tax under subsection (a)(2) or (a)(3) of this section.

(6) Any improvement to real property or fixture thereto or any tangible personal property which becomes or is intended to become a component of any real property or any improvement or fixture thereto.

(7) Motor vehicles and aircraft.

(8) Tangible personal property used or consumed in processing, producing or fabricating tangible personal property exempted from tax under this chapter in sections 63-3622F~~,63-3622G~~ and 63-3622I, Idaho Code.

(9) Tangible personal property described in section 63-3622HH, Idaho Code.

(g) Any tangible personal property exempt under this section which ceases to qualify for this exemption, and does not qualify for any other exemption or exclusion of the taxes imposed by this chapter, shall be subject to use tax based upon its value at the time it ceases to qualify for exemption. Any tangible personal property taxed under this chapter which later qualifies for this exemption shall not entitle the owner of it to any claim for refund.

SECTION 2. That Section 63-3622JJ, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622JJ. LOGGING EXEMPTION. There are exempted from the taxes imposed by this chapter:

(1) The sale at retail, storage, use or other consumption in this state of tangible personal property which is primarily and directly used or consumed in logging including, but not limited to, log loaders, log jammers, log skidders and fuel used in logging trucks, provided that the use or consumption of such tangible personal property is necessary or essential to logging.

(2) The exemption allowed by subsection (1) of this section does not include machinery, equipment, materials and supplies used in a manner that is incidental to logging such as maintenance and janitorial equipment and supplies, and hand tools with a unit purchase price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than the actual logging, such as office equipment and supplies, equipment and supplies used in selling or distributing activities, in research, or, except for fuel used in logging trucks, in transportation activities; nor shall this exemption include motor vehicles or aircraft, without regard to the use to which such motor vehicles or aircraft are put; nor shall this exemption apply to vehicles or equipment described in section 63-3622HH, Idaho Code~~; nor shall this exemption include tangible personal property used to produce tangible personal property exempted from the tax under this chapter by section 63-3622G, Idaho Code~~.

Approved March 31, 2006.

CHAPTER 316
(H.B. No. 757)

AN ACT

RELATING TO EXEMPTIONS TO THE SALES AND USE TAX; AMENDING SECTION 63-3622O, IDAHO CODE, TO PROVIDE THAT DONATIONS TO, SALES TO OR PURCHASES BY THE ADVOCATES FOR SURVIVORS OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT, INC., A NONPROFIT CORPORATION, SHALL BE EXEMPT FROM THE SALES AND USE TAX AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 63-3622O, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622O. EXEMPT PRIVATE AND PUBLIC ORGANIZATIONS. (1) There are exempted from the taxes imposed by this chapter:

(a) Sales to or purchases by hospitals, health-related entities, educational institutions, forest protective associations and canal companies which are nonprofit organizations; and

(b) Donations to, sales to, and purchases by the Idaho Foodbank Warehouse, Inc.; and

(c) Donations to, sales to, and purchases by food banks or soup kitchens of food or other tangible personal property used by food banks or soup kitchens in the growing, storage, preparation or service of food, but not including motor vehicles or trailers; and

(d) Sales of clothes to, donations of clothes to, and purchases of clothes by nonsale clothiers; and

(e) Sales to or purchases by centers for independent living; and

(f) Sales to or purchases by the state of Idaho and its agencies and its political subdivisions; and

(g) Sales to or purchases by volunteer fire departments or licensed emergency medical service agencies; and

(h) Sales to or purchases by a qualifying senior citizen center; and

(i) Sales to or purchases by the Blind Services Foundation, Inc.; and

(j) Donations to, sales to or purchases by the Advocates for Survivors of Domestic Violence and Sexual Assault, Inc., a nonprofit corporation.

(2) As used in this section, these words shall have the following meanings:

(a) "Educational institution" shall mean nonprofit colleges, universities, public charter schools organized pursuant to chapter 52, title 33, Idaho Code, and other primary and secondary schools, the income of which is devoted solely to education and in which systematic instruction in the usual branches of learning is given. This definition does not include schools primarily teaching business, dancing, dramatics, music, cosmetology, writing, gymnastics, exercise and other special accomplishments nor parent-teacher associations, parent groups, alumni or other auxiliary organizations with purposes related to the educational function of an institution or collective group of institutions.

(b) "Hospital" shall include nonprofit institutions licensed by the state for the care of ill persons. It shall not extend to nursing homes or similar institutions.

(c) "Health-related entities" shall mean the Idaho Cystic Fibrosis Foundation, Idaho Epilepsy League, Idaho Lung Association, March of Dimes, American Cancer Society, Mental Health Association, The Arc, The Children's Home Society of Idaho, American Heart Association, Idaho Ronald McDonald House, United Cerebral Palsy, Arthritis Foundation, Muscular Dystrophy Foundation, National Multiple Sclerosis Society, Rocky Mountain Kidney Association, American Diabetes Association, Easter Seals, Idaho Community Action Agencies, Idaho Primary Care Association and community health centers who are members of the Idaho Primary Care Association, the Idaho Diabetes Youth Programs, Special Olympics Idaho, the Idaho Women's and Children's Alliance, and the Family Services Alliance of Southeast Idaho, together with said entities' local or regional chapters or divisions.

(d) "Canal companies" shall include nonprofit corporations which are incorporated solely for the purpose of operating and maintaining and are engaged solely in operation and maintenance of dams, reservoirs, canals, lateral and drainage ditches, pumps or pumping plants.

(e) "Forest protective associations" shall mean associations whose purpose is the furnishing, operating and maintaining of a protective system for the detection, prevention and suppression of forest or range fires. Forest protective associations shall include only those associations with which the state of Idaho has contracted or become a member of pursuant to chapter 1, title 38, Idaho Code.

(f) "Food banks or soup kitchens" shall mean any nonprofit corporation or association, other than the Idaho Foodbank Warehouse, Inc., one of whose regular activities is the furnishing or providing of food or food products to others without charge.

(g) "Nonsale clothier" shall mean any nonprofit corporation or association, one of whose primary purposes is the furnishing or providing of clothes to others without charge.

(h) "Clothes" shall mean garments in general, designed or intended to be worn by humans and shall include footwear in addition to wearing apparel.

(i) "Center for independent living" shall mean a private, nonprofit, nonresidential organization in which at least fifty-one percent (51%) of the principal governing board, management and staff are individuals with disabilities and that:

(i) Is designed and operated within a local community by individuals with disabilities;

(ii) Provides an array of independent living services and programs; and

(iii) Is cross-disability.

(j) "Political subdivision" means:

(i) A governmental organization which:

1. Embraces a certain territory,

2. Is organized for public advantage and not in the interest of private individuals or classes,

3. Has been delegated functions of government, and

4. Has the statutory power to levy taxes; or

(ii) A public health district created by section 39-408, Idaho Code; or

(iii) A soil conservation district as defined in section 22-2717, Idaho Code; or

(iv) A drainage district created pursuant to chapter 29, title 42, Idaho Code; or

(v) An irrigation district created pursuant to title 43, Idaho Code; or

(vi) A state grazing board created by section 57-1204, Idaho Code; or

(vii) A water measurement district created pursuant to section 42-705 or 42-706, Idaho Code; or

(viii) A ground water management district created pursuant to chapter 51, title 42, Idaho Code.

(k) "Agency of the state of Idaho" shall mean an office or organization created by the constitution or statutes of this state and constituting a component part of the executive, judicial or legislative branch of the government of this state.

(l) "Volunteer fire department" means an entity exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code and which primarily provides fire protection, or fire prevention on a not-for-profit basis to surrounding residents.

(m) "Licensed emergency medical service agency (EMS)" means an emergency medical service licensed by the EMS bureau of the department of health and welfare and which is exempt from federal income taxation pursuant to section 501(c)(3) of the Internal Revenue Code and which provides emergency medical services on a not-for-profit basis to surrounding residents.

(n) "Qualifying senior citizen center" means an entity exempt from income tax pursuant to section 501(c)(3) of the Internal Revenue Code and which is a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

(3) The exemption granted by subsection (1)(f) of this section does not include any association or other organization whose members are political subdivisions or state agencies unless the organization is expressly created under the joint powers provision of sections 67-2328 through 67-2333, Idaho Code.

(4) The exemptions granted by subsection (1) of this section do not include the use of tangible personal property by a contractor used to improve real property of an exempt entity when such use is within the definition provided by section 63-3615(b), Idaho Code, whether the use tax liability is included in a contract total or stated separately in a contract.

(5) There is exempted from the taxes imposed in this chapter, the renting of a place to sleep to an individual by the Idaho Ronald McDonald House.

Approved March 31, 2006.

CHAPTER 317
(H.B. No. 758)

AN ACT

AMENDING THE CHARTER OF THE CITY OF BELLEVUE, TO AMEND CHAPTER III, SECTION 33, AS ADDED BY SECTION 2, CHAPTER 130, LAWS OF 1996, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION; TO AMEND CHAPTER IV, ELECTIONS, SECTIONS 33, 34, 36, 37, 41, 42 AND 43 THEREOF TO PROVIDE FOR THE ELECTION DATES AND ELECTION PROCEDURES TO BE AS SET FORTH IN THE GENERAL LAWS OF THE STATE OF IDAHO APPLICABLE TO ELECTION OF CITY OFFICIALS, INCLUDING SUBSEQUENT AMENDMENTS THERETO; AND TO AMEND CHAPTER VI, SECTION 54, TO PROVIDE QUORUM REQUIREMENTS AND REQUIREMENTS FOR PASSAGE OF ORDINANCES, RESOLUTIONS AND OTHER QUESTIONS.

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

SECTION 1. That Section 33, Chapter III of the Charter of the City of Bellevue, as added by Section 2, Chapter 130, Laws of 1996, be, and the same is hereby amended to read as follows:

Section 33A. All powers and authority granted to cities under any general laws of the state of Idaho are hereby granted to the City of Bellevue. The City of Bellevue may pass and publish ordinances as provided by the general laws of the state of Idaho.

SECTION 2. That Section 33, Chapter IV, of the Charter of the City of Bellevue, be, and the same is hereby amended to read as follows:

Section 33. There shall be a general election for all city officers required to be elected under this Act, on the first ~~Monday in April in every year~~ Tuesday following the first Monday of November in each year, which election shall be conducted as set forth in the general laws of the State of Idaho governing election of city officials under Title 50, Idaho Code, including subsequent amendments thereto and recodifications thereof, which laws shall apply to and govern elections under this Act, unless otherwise set forth herein.

SECTION 3. That Section 34, Chapter IV, of the Charter of the City of Bellevue, be, and the same is hereby amended to read as follows:

Section 34. No person is qualified to vote at any election under this Act who does not possess the qualifications of an elector according to ~~Section 50-411, Idaho Code~~ the general laws of the State of Idaho applicable to city elections under Title 50, Idaho Code, including subsequent amendments thereto and recodifications thereof, which laws shall apply to and govern elections under this Act unless otherwise set forth in this Act.

SECTION 4. That Section 36, Chapter IV, of the Charter of the City of Bellevue, be, and the same is hereby amended to read as follows:

Section 36. The Clerk~~,--under-the-direction-of-the-Common-Council shall-give-ten-days'-notice,-by-posting-the-same-in-at-least-two--public places--in--each--ward--of-the-city,-or-by-publication-in-some-newspaper published-in-said-city,-of-such-general-election,--the--officers--to--be elected,--the--places--designated-for-holding-the-election-in-each-ward, and-the-judges-and-clerks-appointed-to-conduct-the--same~~ shall provide such notices of election, and matters incidental thereto, as required under the general laws of the State of Idaho applicable to city elections under Chapter 4, Title 50, Idaho Code, including subsequent amendments thereto and recodifications thereof, which laws shall apply to and govern elections under this Act, unless otherwise set forth herein, under direction of the Common Council.

SECTION 5. That Section 37, Chapter IV, of the Charter of the City of Bellevue, be, and the same is hereby amended to read as follows:

Section 37. All elections shall ~~commence-at-twelve-o'clock-P.M., and-continue-until-eight-o'clock-P.M.-of-the-same-day,--without--closing the--polls--between--such--hours.--If--any-judge-of-an-election-fails-to attend-and-serve-at-the-proper-time,-the-voters-of-the-ward-then-present may-elect-another-in-his-place,-and-if-any-clerk--fails--to--attend--and serve-at-the-proper-time,-the-judges-of-the-election-may-appoint-another in--his--place~~ be conducted in accordance with the general laws of the State of Idaho applicable to city elections under Title 50, Idaho Code, including subsequent amendments thereto and recodifications thereof, which laws shall apply to and govern elections under this Act unless otherwise set forth in this Act.

SECTION 6. That Section 41, Chapter IV, of the Charter of the City of Bellevue, be, and the same is hereby amended to read as follows:

Section 41. The term of office of everyone elected to office under this Act shall be two (2) years and shall commence ~~on-the-first-Monday of-May-of-each-year.-Any-person-elected-to-any-office-who-shall-fail--to qualify--by--filing--a--bond-and-taking-the-oath-of-office,-as-is-herein provided-on-or-before-the-same-first-Monday-of-May-after--his--election, shall--be--deemed--to--have--declined-said-office,-and-said-office-shall thereby-become-vacant;-except-in-cases-of-contests,-in-which--case--such person--must-qualify-within-ten-days-from-the-determination-of-such-contest~~ upon taking office at the first Common Council meeting in the January following the election at which such person was elected to office in accordance with the general laws of the State of Idaho applicable to election of city officials under Title 50, Idaho Code, including subsequent amendments thereto and recodifications thereof, which laws shall apply to and govern elections under this Act, unless otherwise set forth herein, except the term for elected officials commencing the first Monday in May of 2005, shall be until the first council meeting in January of 2007, and the term for elected officials commencing the first Monday in May of 2006, shall be until the first council meeting in January 2008. Each person holding elected office shall serve until their successor is duly sworn into office.

SECTION 7. That Section 42, Chapter IV, of the Charter of the City of Bellevue, be, and the same is hereby amended to read as follows:

Section 42. All persons elected under this Act, before entering upon the duties of ~~his~~ office, shall take and file with the Clerk an oath ~~to the--following-effect:-"I,-A.B.,-do-solemnly-swear-or-affirm-that-I-will support-the-Constitution-of-the-United-States-and--the--organic--Act--of this--Territory,-and-I-will-to-the-best-of-my-ability-faithfully-perform the-duties-of-.....-during-my-continuance-in-same-office,-so-help me-God,"-and-file-an-official--bond--when--required~~ or affirmation of office in accordance with the general laws of the State of Idaho, including subsequent amendments thereto and recodifications thereof, which laws shall apply to and govern elections under this Act, unless otherwise set forth herein.

SECTION 8. That Section 43, Chapter IV, of the Charter of the City of Bellevue, be, and the same is hereby amended to read as follows:

Section 43. All general laws of ~~this-Territory~~ the State of Idaho regulating and governing general elections and special election proceedings, ~~and--matters--incidental--thereto,--shall-apply-to-and-govern elections-under-this-Act,-unless-as-herein-otherwise-provided~~ including, without limitation, Chapter 4, Title 50, Idaho Code, Municipal Elections, and subsequent amendments thereto and recodifications thereof, shall apply to and govern all such elections under this Act unless expressly otherwise set forth in this Act.

SECTION 9. That Section 54, Chapter VI, of the Charter of the City of Bellevue, be, and the same is hereby amended to read as follows:

Section 54. ~~A-majority-of-the-whole-number-constituting-the--Council is--a-majority-within-the-meaning-of-this-Act,-and-not-otherwise,-unless expressly-so-provided.-The-concurrence-of-a-majority-of-a--quorum--is--a sufficient--majority--to-determine-any-question-or-matter-other-than-the final-passage-of-an-ordinance~~ The presence of a quorum of the Council and the passage of ordinances, resolutions and other questions before the Council shall be in accordance with the general laws of the State of Idaho applicable to cities including subsequent amendments thereto and recodifications thereof, which laws shall apply to and govern elections under this Act, unless otherwise set forth herein.

Approved March 31, 2006.

CHAPTER 318
(H.B. No. 763)

AN ACT

RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1401, IDAHO CODE, TO CLARIFY THE PURPOSE AND POLICY OF THE FIRE PROTECTION DISTRICT LAW; AMENDING SECTION 31-1403, IDAHO CODE, TO PROVIDE FOR COSTS OF PUBLICATION AND ELECTION RELATING TO PETITIONS FOR ORGANIZATION OF FIRE DISTRICTS; AMENDING SECTION 31-1405, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PUBLICATION OF NOTICE OF ELECTION; AMENDING SECTION 31-1408, IDAHO CODE, TO REQUIRE OATHS FOR APPOINTED OFFICERS, TO CLARIFY PROVISIONS RELATING TO FIRE PROTECTION BOARD

COMPOSITION AND TO PROVIDE FOR OATHS OF FIRE PROTECTION COMMISSIONERS AND APPOINTED OFFICERS; AMENDING SECTION 31-1408A, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-1409, IDAHO CODE, TO PROVIDE FOR TERMS OF OFFICE FOR FIRE PROTECTION COMMISSIONERS AND TO PROVIDE FOR THE FILLING OF VACANCIES OF FIRE PROTECTION COMMISSIONERS; AMENDING SECTION 31-1410, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ELECTION OF COMMISSIONERS, TO REVISE PROVISIONS RELATING TO FIRE DISTRICT SUBDISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1411, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ANNEXATION AND TO PROVIDE FOR THE ANNEXATION OF TERRITORY LOCATED WITHIN AN EXISTING FIRE PROTECTION DISTRICT INTO ANOTHER FIRE PROTECTION DISTRICT; AMENDING SECTION 31-1411A, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS RELATING TO PETITIONS OBJECTING TO CONSOLIDATION, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1411B, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS RELATING TO ELECTIONS FOR THE CONSOLIDATION OF DISTRICTS AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 31-1412, IDAHO CODE, TO PROVIDE ADDITIONAL PROCEDURAL REQUIREMENTS FOR ANNEXATION, TO REVISE PROVISIONS RELATING TO ANNEXATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1413, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE THAT THE BOARD SHALL ACT ON LISTS OF BILLS PRESENTED BY THE SECRETARY AND TO PROVIDE FOR THE APPLICABILITY OF SPECIFIED LAWS TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1414, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 31-1415, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR AND TO REVISE CORPORATE POWERS AND DUTIES OF THE BOARD OF FIRE PROTECTION COMMISSIONERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1416A, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 31-1417, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1417A, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR AND REVISE PROVISIONS RELATING TO THE SALE, CONVEYANCE AND DISPOSITION OF PROPERTY OF FIRE PROTECTION DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 31-1418, IDAHO CODE, RELATING TO FIRE PROTECTION BOARD COMMISSIONER COMPENSATION AND EXPENSES; AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1421, IDAHO CODE, TO PROVIDE FOR COMPENSATION AND BENEFITS FOR FIRE PROTECTION COMMISSIONERS, TO PROVIDE FOR EXPENSES OF FIRE PROTECTION COMMISSIONERS, TO PROVIDE FOR COMPENSATION AND BENEFITS FOR OFFICERS, AGENTS AND EMPLOYEES AND TO PROVIDE FOR LIABILITY OF THE FIRE PROTECTION DISTRICT FOR THE ACTS AND OMISSIONS OF CERTAIN PERSONS; AMENDING SECTION 31-1419A, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 31-1420, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1421, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING SECTION 31-1422, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-1423, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR AND TO REVISE PROVISIONS RELATING TO THE HANDLING OF DISTRICT FUNDS; AMENDING SECTION 31-1424, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1424A, IDAHO CODE, TO REDESIGNATE THE SECTION; REPEALING SECTION 31-1425, IDAHO CODE, RELATING TO DUTIES OF FIRE PROTECTION DISTRICT TREASURERS, REPEALING SECTION 31-1426, IDAHO CODE, RELATING

TO WARRANTS, REPEALING SECTION 31-1427, IDAHO CODE, RELATING TO WITHDRAWALS FROM FIRE PROTECTION DISTRICTS, REPEALING SECTION 31-1428, IDAHO CODE, RELATING TO HEARINGS OF PETITIONS FOR WITHDRAWAL FROM DISTRICTS AND DISTRIBUTION OF ASSETS AND REPEALING SECTION 31-1430, IDAHO CODE, RELATING TO COOPERATION AND RECIPROCATING USE OF FIRE FIGHTING FORCES AND APPARATUS OF DISTRICTS AND CITIES; AMENDING SECTION 31-1429, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE INCLUSION, ANNEXATION OR WITHDRAWAL OF AREAS IN CITIES; AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1430, IDAHO CODE, TO PROVIDE FOR THE COOPERATION AND RECIPROCATING USE OF FIREFIGHTING FORCES AND APPARATUS OF DISTRICTS, POLITICAL SUBDIVISIONS AND MUNICIPALITIES AND TO PROVIDE FOR FEES AND LIENS; REPEALING SECTION 31-1430A, IDAHO CODE, RELATING TO COOPERATION BETWEEN FIRE PROTECTION DISTRICTS IN IDAHO AND FIRE PROTECTION DISTRICTS AND MUNICIPALITIES OF OTHER STATES; AMENDING SECTION 31-1430B, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS RELATING TO CONTRACTS BETWEEN FIRE PROTECTION DISTRICTS AND INDIVIDUAL PROPERTY OWNERS OUTSIDE OF THE DISTRICT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1431, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 31-1432, IDAHO CODE, RELATING TO THE DEPOSIT OF COSTS AND REPEALING SECTION 31-1433, IDAHO CODE, RELATING TO INTEREST ON UNPAID WARRANTS AND LIMITATIONS ON AMOUNTS OF WARRANTS; AMENDING SECTION 31-1434, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1435, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE PROVISIONS RELATING TO THE DISSOLUTION OF FIRE PROTECTION DISTRICTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-1436, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-1437, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-1438, IDAHO CODE, TO REDESIGNATE THE SECTION; AND AMENDING SECTION 63-802, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 31-1401, Idaho Code, be, and the same is hereby amended to read as follows:

31-1401. PURPOSE AND POLICY OF LAW -- SHORT TITLE. The protection of property against fire and the preservation of life, and enforcement of any of the fire codes and other rules that are adopted by the state fire marshal pursuant to chapter 2, title 41, Idaho Code, are hereby declared to be a public benefit, use and purpose. Any portion of a county not included in any other fire protection district may be organized into a fire protection district under the provisions of this chapter. All taxable property within any fire protection district created under the provisions of this chapter is and shall be benefited ratably in proportion to assessed valuation by the creation and maintenance of such district, and all taxable property within any such district shall be assessed equally in proportion to its assessed valuation for the purpose of and in accordance with the provisions of this chapter. This chapter shall be known as the "Fire Protection District Law," and when-

ever cited, enumerated, referred to or amended, may be designated as the "Fire Protection District Law," adding when necessary the code section number.

SECTION 2. That Section 31-1403, Idaho Code, be, and the same is hereby amended to read as follows:

31-1403. PETITION. (1) A petition shall first be presented to the board of county commissioners and filed with the clerk of the board of commissioners of each county in which the proposed fire protection district is to be situated, signed by the number of holders of title, or evidence of title specified in section 31-1402, Idaho Code, which petition shall plainly and clearly designate the boundaries of the proposed fire protection district, and shall state the name of the proposed district, and shall be accompanied by a map thereof. The petition, together with all maps and other papers filed therewith shall, at all proper hours, be open to public inspection in the office of said clerk of the board of commissioners between the date of their said filing and the date of the election. The petition may be in one (1) paper or in several papers.

(2) Whenever a petition shall be filed, prior to the publication of notice of hearing pursuant to section 31-1404, Idaho Code, the petitioners shall deposit with the board of county commissioners a sum sufficient to defray the costs of publishing and election as provided by this chapter. In the event a fire protection district is organized, the petitioners shall be reimbursed the amount of their deposit from the first tax moneys collected by the district as provided by this chapter. The amount required to be paid under this subsection shall be determined by the board of county commissioners.

SECTION 3. That Section 31-1405, Idaho Code, be, and the same is hereby amended to read as follows:

31-1405. NOTICE OF ELECTION. After the county commissioners have made their order finally fixing and determining the boundaries of the proposed district, the clerk of the board of county commissioners shall cause to be published a notice of an election to be held, subject to the provisions of section 34-106, Idaho Code, in such proposed fire protection district for the purpose of determining whether or not the same shall be organized under the provisions of this chapter. Such notice shall plainly and clearly designate the boundaries of such proposed fire protection district, and shall state the name of the proposed district as designated in the petition and shall state that a map showing the boundaries of said district is on file in his office.

Such notice shall be published first not less than ~~twelve~~ fifteen (1~~2~~5) days prior to the election, and a second publication not less than five (5) days prior to such election, in a newspaper published within the county aforesaid. Such notice shall require the electors to cast ballots which shall contain the words ".... fire protection district, yes," or ".... fire protection district, no" or words equivalent thereto. No person shall be entitled to vote at any election held under the provisions of this chapter unless he shall possess all the qualifications required of electors under the general laws of the state, and be a resident of the proposed district.

If the district is to be situated in two (2) or more counties, the boards of county commissioners shall provide that the election be held on the same day in each county.

SECTION 4. That Section 31-1408, Idaho Code, be, and the same is hereby amended to read as follows:

31-1408. FIRE PROTECTION BOARD -- APPOINTMENT OF COMMISSIONERS -- OATH. (1) There shall be three (3) fire protection commissioners in each district, who shall constitute the fire protection board. The first fire protection commissioners of such fire protection district shall be appointed by the governor. The certificate of such appointment shall be made in triplicate; one (1) certificate shall be filed in the office of the county recorder of the county; one (1) with the clerk of the board of county commissioners, and one (1) with the assessor and tax collector of the county. Every fire protection commissioner and appointed officer shall take and subscribe the official oath, which oath shall be filed in the office of the board of fire protection commissioners. If the district is situated in two (2) or more counties, not more than two (2) of the fire protection district commissioners shall be from the same county, unless pursuant to section 31-1410A, Idaho Code, the board is comprised of five (5) members, in which event not more than three (3) of the commissioners shall be from the same county.

(2) The oath of office of fire protection commissioners and appointed officers shall be taken before the secretary or the president of the board of the fire district on the second Monday of January succeeding each general election. Provided however, in the event, for any reason, of an inability to appear for the taking of the oath, a duly elected fire protection commissioner may be sworn in and may subscribe to the oath wherever he may be, provided he appear before an officer duly authorized to administer oaths, and provided further, that any person who is in any branch of the armed forces of the United States of America, may appear before any person qualified to administer oaths as prescribed in section 55-705, Idaho Code, and may take and subscribe the oath of office as provided for in section 59-401, Idaho Code, and the oath of office shall have the same force and effect as though it were taken before the secretary or the president of the fire district pursuant to this subsection.

SECTION 5. That Section 31-1408A, Idaho Code, be, and the same is hereby amended to read as follows:

31-140810A. DECISION TO INCREASE THE SIZE OF THE BOARD. Subsequent to the creation of a fire protection district and the appointment of the first board of fire protection commissioners, the fire protection board may, by a majority vote of all of the fire protection district board members elect to increase the size of the board to five (5) members.

If the board of fire protection commissioners elects to expand the board to five (5) members, the existing board members shall subdivide the district into five (5) subdivisions as nearly equal in population, area and mileage as practicable to be known as subdistricts one, two, three, four and five.

At the first election following the decision of the board of fire protection commissioners to expand the board from three (3) to five (5)

members, five (5) commissioners shall be elected. The commissioners from fire protection subdistrict one shall be elected for a term of one (1) year; the commissioner from subdistrict two for two (2) years; the commissioner from subdistrict three for three (3) years; and the commissioners from subdistricts four and five shall be elected for terms of four (4) years. Thereafter, the term of all commissioners shall be four (4) years.

A fire district which, prior to the effective date of this section, had elected to expand a board from three (3) to five (5) members shall, prior to the next election of the district, adopt a transition schedule as nearly reflecting the schedule provided in this section as possible so that one (1) commissioner is elected each year except that in one (1) year, two (2) commissioners are elected.

SECTION 6. That Section 31-1409, Idaho Code, be, and the same is hereby amended to read as follows:

31-1409. RESIDENCE QUALIFICATIONS OF COMMISSIONERS -- TERM OF OFFICE -- VACANCIES. (1) At the meeting of the board of county commissioners at which the fire protection district is declared organized, as provided by section 31-1407, Idaho Code, the county commissioners shall divide the fire protection district into three (3) subdivisions, as nearly equal in population, area and mileage as practicable, to be known as fire protection commissioners subdistricts one, two and three. Not more than one (1) of said commissioners shall be an elector of the same fire protection subdistrict. The first commissioners appointed by the governor shall serve until the next fire protection district election, at which their successors shall be elected. ~~Any vacancy occurring in the office of the fire protection commissioner, other than by the expiration of the term of office, shall be filled by the fire protection board~~ The term of office for fire protection commissioners shall commence on the second Monday of January succeeding each general election. Commissioners appointed and elected must be electors resident within the district for at least one (1) year.

(2) Any fire protection commissioner vacancy occurring, other than by the expiration of the term of office, shall be filled by the fire protection board. If a duly elected or appointed fire protection commissioner resigns, withdraws, becomes disqualified, refuses or becomes otherwise unable to perform the duties of office for longer than ninety (90) days, the board, on satisfactory proof of the vacancy, shall declare the office vacant. The board shall fill any vacancies within sixty (60) days of learning of the vacancy. When a vacancy occurs, the board shall direct the secretary to cause a notice of the vacancy to be published in at least one (1) issue of a newspaper of general circulation within the district. The notice shall include the date and time of the meeting when the board will vote to fill the vacancy, and the deadline for qualified elector residents interested in being appointed to the position to submit a written request for appointment to the board. Should the board fail to agree on an individual to fill the vacancy, it shall select the individual by a coin toss to be conducted at a fire protection board meeting. Candidates for the vacancy shall be invited by the board to attend the meeting and observe the coin toss. The candidate who wins the coin toss shall be appointed to fill the vacancy.

SECTION 7. 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 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. The board of fire protection commissioners 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 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, ~~(1),~~ two ~~(2)~~ and three. ~~(3).~~ Thereafter, at the January meeting of the board of fire protection commissioners preceding any regularly scheduled election, such subdistricts ~~shall~~ may be revised ~~but,~~ by the board when it deems it necessary 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 ~~(1)~~ shall be elected to a term of one (1) year, the commissioner from subdistrict two ~~(2)~~ shall be elected to a term of two (2) years, and the commissioner from fire protection subdistrict three ~~(3)~~ 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 the county clerk of the county or counties in which the district is located.

SECTION 8. That Section 31-1411, Idaho Code, be, and the same is hereby amended to read as follows:

31-1411. ANNEXATION OF TERRITORY IN SAME COUNTY -- PETITION -- HEARING -- ORDER -- CERTIFICATION TO COUNTY COMMISSIONERS -- ALTERNATE PROCEDURE -- ELECTION -- PETITION TO DE ANNEX PROPERTY FROM EXISTING DISTRICT AND ANNEX INTO ANOTHER DISTRICT. After the organization of a fire protection district, additional contiguous or noncontiguous territory lying within the same county may be added thereto and shall thereupon and thenceforth be included in such district. ~~Noncontiguous t~~Territory that is not contained in an existing fire district, and is not immediately adjoining the boundaries of the fire district into which annexation is sought, may be annexed ~~to an existing fire protection~~ into the district ~~shall~~ provided the territory consists of not less than forty (40) contiguous acres. At least seventy-five percent (75%) or more of the owners or contract purchasers of the land sought to be annexed shall petition the fire protection board and request annexation of the territory particularly described in said petition. Upon receipt of any such petition the fire protection board shall hold a hearing not less than ten (10) nor more than thirty (30) days thereafter, or upon the written consent of the petitioner within one hundred eighty (180) days, and said board shall cause notice of such hearing, designating the time and place, to be published in at least one (1) issue of a newspaper of general circulation within the district. Any person supporting or objecting to such petition shall be heard at such hearing, if in attendance, and at the close of such hearing said board shall approve or reject said petition. If the board approves said petition it shall make an order to that effect and certify a copy of said order containing an accurate legal description of the annexed territory to the board of county commissioners of the county where said fire district is situated. Said board of county commissioners shall thereupon enter an order of annexation and cause the same to be recorded so as to include the annexed property on the tax rolls as in this chapter provided.

In the event that more than twenty-five percent (25%) of the owners or contract purchasers of the land sought to be annexed do not join in said petition, ~~or the petition is denied as above set forth,~~ and the board determines by resolution entered on the minutes of the board, that the annexation would be in the best interests of the district and that an election on the issue should be held, additional territory may nevertheless be annexed by the affirmative vote of a majority of the qualified electors of such additional territory voting on the question at an election held therefor, which vote may be taken at an election held as provided in section 31-1405, Idaho Code. ~~But such additional territory shall not be annexed to or be included within the district unless such annexation and inclusion be first approved by the fire protection board of the existing district by resolution entered on the minutes of such board prior to the election on the question of annexation.~~ The same procedure shall be adopted as provided in sections 31-1402 through 31-1406, Idaho Code.

If owners or contract purchasers of territory located within an existing fire protection district seek to petition to be annexed into another fire protection district, they must demonstrate that they are likely to receive an improved response to requests for services from the other fire protection district and obtain written approval of the board of the fire protection district within which the territory is already located. The written approval must be attached to their petition to annex. The procedure for the annexation petition shall be the same as otherwise provided in this section.

SECTION 9. That Section 31-1411A, Idaho Code, be, and the same is hereby amended to read as follows:

31-14~~11A~~13. CONSOLIDATION OF DISTRICTS -- HEARING -- PROTEST -- ELECTION. Any fire protection district may consolidate with one (1) or more existing fire protection districts subject to the following procedure, or pursuant to an election for consolidation as provided in section 31-14~~11B~~14, Idaho Code, and with the following effects:

(~~a~~1) If, in the opinion of the board of any fire protection district, it would be to the advantage of said district to consolidate with one (1) or more other existing fire protection districts, the said board shall cause to be prepared an agreement for consolidation which shall among other things provide:

(~~1~~a) The name of the proposed consolidated fire protection district.

(~~2~~b) That all property of the districts to be consolidated shall become the property of the consolidated district.

(~~3~~c) That all debts of the districts to be consolidated shall become the debts of the consolidated district.

(~~4~~d) That the existing commissioners of the districts to be consolidated shall be the commissioners of the consolidated district until the next election, said election to be held pursuant to the terms of section 31-1410, Idaho Code, at which three (3) commissioners shall be elected, unless the agreement of consolidation establishes a five (5) member board, in which case five (5) commissioners shall be elected. If the board consists of three (3) members, ~~omissioners~~ commissioners from fire protection subdistricts one and two shall be elected for terms of four (4) years, and the commissioner from fire protection subdistrict three shall be elected for a term of two (2) years. If the board consists of five (5) commissioners, commissioners from fire protection subdistricts one, three and five shall be elected for terms of four (4) years, and the commissioners from fire protection subdistricts two and four shall be elected for an initial term of two (2) years. Thereafter the term of all commissioners shall be four (4) years.

(~~5~~e) That the employees of the consolidated fire protection district shall be selected from the employees of the fire protection districts being consolidated, which employees shall retain the seniority rights under their existing employment contracts.

(~~b~~2) After approval of ~~said~~ the agreement of consolidation by each of the fire protection district boards involved, the boards of commissioners of each fire protection district shall hold a hearing not less than ten (10) or more than thirty (30) days thereafter, and shall cause notice of ~~said~~ the hearing, designating the time and place, to be pub-

lished in at least one (1) issue of a newspaper of general circulation within the district not less than five (5) days prior to ~~such~~ the hearing. Any person supporting or objecting to ~~such~~ the petition shall be heard at ~~such meeting~~ the hearing, if in attendance, and at the close of ~~such~~ the hearing ~~said~~ the board shall approve or reject the agreement of consolidation. If each board approves the agreement of consolidation, the agreement shall become effective and the consolidation of ~~said~~ the district complete thirty (30) days after ~~such~~ the approval unless within ~~such~~ the thirty (30) days a petition signed by twenty-five ~~per cent~~ percent (25%) of the qualified electors of one (1) of the fire protection districts objecting to ~~such~~ the consolidation be filed with the secretary of ~~such~~ the district. In the event of ~~such~~ an objection, election shall be held as provided in section 31-1405, Idaho Code, except that the question shall be "consolidation of .... fire protection district, yes~~"~~," or "consolidation of .... fire protection district, no~~"~~," or words equivalent thereto. If more than one-half (1/2) of the votes cast are yes, the agreement shall become effective. If more than one-half (1/2) of the votes cast are no, the agreement shall be void and of no effect; and no new consolidation shall be proposed for at least six (6) months following the date of the consolidation election.

(~~c~~3) Upon the agreement of consolidation becoming effective, the board of the consolidated fire protection district shall file a certified copy of the agreement with the county recorder of each county in which such district is situated, and shall comply with the provisions of section 63-215, Idaho Code. The consolidated district shall thereafter have the same rights and obligations as any other fire protection district organized under the statutes of this state.

SECTION 10. That Section 31-1411B, Idaho Code, be, and the same is hereby amended to read as follows:

31-14~~11~~B14. ELECTION FOR THE CONSOLIDATION OF DISTRICTS. (1) Any two (2) or more fire districts may, in the discretion of the fire district commissioners, or shall, upon a petition signed by ten percent (10%) or more of the electors in the last general election residing in each of the fire protection districts proposed for consolidation, conduct an election in the manner provided in section 31-1405, Idaho Code, at which the following question shall be submitted to the electorate: "Shall ..... fire protection districts be consolidated?" or words equivalent thereto. At least one (1) public hearing shall be held by the boards of fire district commissioners prior to the election. If a majority of the votes cast in each district proposed for consolidation are in favor of consolidation, the districts shall be deemed consolidated and an agreement of consolidation in conformity with the provisions of section 31-14~~11~~A13, Idaho Code, shall be entered into by the fire protection district boards involved, except that an agreement of consolidation entered into pursuant to an election as provided in this section shall not thereafter be subject to an election upon objection as provided in subsection (~~b~~2) of section 31-14~~11~~A13, Idaho Code.

(2) If two (2) districts are proposed for consolidation and less than a majority of the votes cast in any one (1) of the districts are in favor of the consolidation, the consolidation shall not become effective. If more than two (2) districts are proposed for consolidation, the consolidation may proceed with respect to those districts in which a

majority of the votes cast are in favor of the consolidation. ~~The--failure--of-an-election-for-consolidation-shall-not-prohibit-a-proposed-consolidation-under-the-procedures-and-subject-to-the-limitations--of--section-31-1411A,-Idaho-Code.~~

SECTION 11. That Section 31-1412, Idaho Code, be, and the same is hereby amended to read as follows:

31-1412. ANNEXATION OF TERRITORY IN ADJOINING COUNTY. After the organization of a fire protection district, additional territory, contiguous or noncontiguous thereto and located wholly within an adjoining county, may be added to the district and become a part thereof as hereinafter provided in this section. Noncontiguous territory annexed to an existing fire protection district shall consist of not less than forty (40) contiguous acres. The proceedings for annexation shall be the same as the proceedings for the creation and organization of a fire protection district with the following exceptions and modifications:

~~a.~~(1) Such proceeding may be initiated by two (2) or more of the holders of title or evidence of title to lands aggregating not less than one hundred (100) acres~~,--or-of-less-area-but-having-market-value-for-assessment-purposes-of-at-least-one-hundred-twenty-five-thousand-dollars-($125,000)~~.

~~b.~~(2) A petition, such as is required by section 31-1403, Idaho Code, shall be filed with the fire protection board of the fire protection district into which petitioners seek to be annexed. The petition shall accurately describe the boundaries of the territory and name and describe the fire protection district to which annexation is sought. The petition shall be accompanied by a map showing and distinguishing the boundaries of the original district and the boundaries of the territory proposed to be annexed, and showing the location of the intervening county line. The fire protection board shall follow the notice and public hearing requirements contained in section 31-1411, Idaho Code, and if it approves of the annexation proposal, it will issue a written resolution consenting to the proposed annexation. If the fire protection board issues such a resolution, the petitioners shall proceed in accordance with the steps outlined in this section.

(3) A petition, such as is required by section 31-1403, Idaho Code, shall be filed with the board of county commissioners of the county in which is situated the territory proposed to be annexed but shall accurately describe the boundaries of the territory, and name and describe the fire protection district to which annexation is sought, shall be accompanied by a map showing and distinguishing the boundaries of the original district and the boundaries of the territory proposed to be annexed, and showing the location of the intervening county line. The petition must be accompanied by a certified copy of ~~a~~ the resolution of the board of fire protection commissioners ~~of-the-original-district~~ consenting to the annexation.

~~c.~~(4) The notice of hearing on the petition shall state that certain territory described in the petition, is proposed to be annexed to a fire protection district named in the petition and that any taxpayer within the boundaries of the territory proposed to be annexed may offer objections at the time and place specified. The order entered by the local board of county commissioners on the petition shall, if the petition be granted, fix the boundaries of the annexed territory and direct

that a map of it be prepared under the direction of the clerk of the board, and certified copies of the order and map shall be transmitted to the clerk of the board of county commissioners of the county in which the original fire protection district is situated.

~~d.~~(5) An election shall be ~~held~~ conducted by the county clerk or elections office in the county where the land sought to be annexed is situated, subject to the provisions of section 34-106, Idaho Code, in the territory proposed to be annexed for the purpose of voting upon the annexation and the notice shall accurately describe the boundaries of the territory proposed to be annexed, shall state the name of the district to which annexation is sought, and that a map showing the boundaries of the district and of the territory proposed to be annexed is on file in the office of the clerk of the local board of county commissioners. The notice shall prescribe the form of ballot to be cast, which shall contain the words "In favor of annexation to .... Fire Protection District" and "Against annexation to .... Fire Protection District," and shall direct that the voter indicate his choice thereon by a cross (X).

~~e.~~(6) The territory proposed to be annexed shall constitute one (1) election precinct and there shall be added to the usual elector's oath, in case of challenge, the following words: "And I am a resident within the boundaries of the territory proposed to be annexed to .... Fire Protection District." The returns of the election shall be canvassed by the board of the county commissioners of the county in which the territory proposed to be annexed is situated, and if it shall appear from the canvass that more than one-half (1/2) of the voters are in favor of the annexation, the board shall, by order entered on its minutes, declare the territory a part of the fire protection district to which annexation is sought, and a certified copy of the order shall be transmitted to the fire protection board of the original district, and also to the board of the county commissioners of the county in which the original district is situated. A certified copy of the order shall also be filed in the office of the county recorder of the county in which the territory proposed to be annexed is situated. At the first meeting of the board of ~~county~~ fire protection commissioners following the annexation of property from another county, the board ~~of--county--commissioners~~ shall resubdivide the expanded fire protection district into three (3) subdivisions, as nearly equal in population and area as practicable. Not more than one (1) fire protection district commissioner shall reside in each subdistrict. If, because of resubdistricting, two (2) or more commissioners reside in the same subdistrict, they shall draw lots to determine who shall remain in office. The ~~county~~ remaining commissioners on the board shall appoint, as necessary, persons to fill vacancies created as a result of annexation pursuant to the provisions of section 31-1409, Idaho Code. An appointee shall serve the remainder of the term of office he or she is appointed to fill. Certified copies of appointments of secretary and treasurer of the district shall be filed with the clerk of the board of county commissioners and with the tax collector of each county in which any portion of the district is situated and all taxes levied by the district shall be certified to, and extended, collected and remitted by, the proper officers of the county in which is situated the property subject to the levy.

SECTION 12. That Section 31-1413, Idaho Code, be, and the same is hereby amended to read as follows:

31-14~~13~~15. ORGANIZATION OF BOARD -- MEETINGS -- OFFICERS -- OFFICIAL BONDS. Immediately after qualifying, the board of fire protection commissioners shall meet and organize as a board, and at that time, and whenever thereafter vacancies in the respective offices may occur, they shall elect a president from their number, and shall appoint a secretary and treasurer who may also be from their number, all of whom shall hold office during the pleasure of the board, or for terms fixed by the board. The offices of secretary and treasurer may be filled by the same person. Certified copies of all such appointments, under the hand of each of the commissioners, shall be forthwith filed with the clerk of the board of county commissioners and with the tax collector of the county.

As soon as practicable after the organization of the first board of fire protection commissioners, and thereafter when deemed expedient or necessary, such board shall designate a day and hour on which regular meetings shall be held and a place for the holding thereof, which shall be within the district. Regular meetings shall be held at least quarterly. The minutes of all meetings must show what bills are submitted, considered, allowed or rejected. The secretary shall make a list of all bills presented, showing to whom payable, for what service or material, when and where used, amount claimed, allowed or disallowed. Such list shall be ~~signed by the chairman and attested by the secretary; provided, that all special meetings must be ordered by the president or a majority of the board, the order must be entered of record, and the secretary must give each member not joining in the order, five (5) days' notice of special meetings: provided, further, that whenever all members of the board are present, however called, the same shall be deemed a legal meeting and any lawful business may be transacted~~ acted on by the board. All meetings of the board must be public, and a majority shall constitute a quorum for the transaction of business. All fire protection districts shall meet the financial audit filing requirements as provided in section 67-450B, Idaho Code. All meetings of fire protection boards shall be noticed and run in accordance with the open meeting law provided for in sections 67-2340 through 67-2347, Idaho Code, inclusive. All records ~~shall be open to the inspection of any elector during business hours~~ of fire protection districts shall be available to the public in accordance with the provisions of public records law as provided for in chapter 3, title 9, Idaho Code.

The officers of the district shall take and file with the secretary, an oath for faithful performance of the duties of the respective offices. The treasurer shall on his appointment execute and file with the secretary an official bond in compliance with section 41-2604, Idaho Code, in such an amount as may be fixed by the fire protection board but in no case less than ten thousand dollars ($10,000).

SECTION 13. That Section 31-1414, Idaho Code, be, and the same is hereby amended to read as follows:

31-14~~14~~16. FIRE PROTECTION DISTRICTS ARE GOVERNMENTAL SUBDIVISIONS OF IDAHO AND BODIES POLITIC AND CORPORATE. Every fire protection district upon being organized as provided by this chapter shall be a governmental subdivision of the state of Idaho and a body politic and corporate, and as such has the power specified in this chapter. Its powers can be exercised only by the fire protection board or by agents and

officers acting under their authority, or authority of law. The name of the district designated in the order of the board of county commissioners declaring the territory duly organized as a fire protection district, shall be the corporate name of such district, and it must be known and designated thereby in all actions and proceedings touching its corporate right, property and duties.

SECTION 14. That Section 31-1415, Idaho Code, be, and the same is hereby amended to read as follows:

31-14~~15~~17. CORPORATE POWERS AND DUTIES OF BOARD OF FIRE PROTECTION COMMISSIONERS. ~~The~~ A board of fire protection commissioners shall have discretionary powers to manage and conduct the business and affairs of the district. ~~Each fire protection district has power~~ The discretionary powers shall include, but not be limited to, the following:

(1~~.~~) To sue and be sued.

(2~~.~~) To purchase, hold, sell and convey real property, make such contracts, and purchase, hold, sell and dispose of such personal property as may be necessary or convenient for the purposes of this ~~act~~ chapter.

(3~~.~~) To levy and apply such taxes for purposes under its exclusive jurisdiction as are authorized by law, and to approve the annual district budget by resolution of the board.

(4~~.~~) To make and execute all necessary contracts.

(5~~.~~) To adopt such rules and resolutions as may be necessary to carry out their duties and responsibilities.

(6) To hire, pay, promote, discipline and terminate district employees, contractors and agents, or delegate such powers.

(7) To set compensation and benefit levels for employees, commissioners, contractors and agents.

(8) To appoint members of district appeals boards and investigatory boards for the purpose of handling personnel matters or disputes concerning fire code enforcement issues, and to appoint other boards or committees that commissioners deem necessary for carrying out the purposes and policies of this chapter.

(9) To enforce the fire code and rules adopted by the state fire marshal pursuant to chapter 2, title 41, Idaho Code.

(10) To charge and collect reasonable fees for services provided to residents of the fire protection district or city, in accordance with the provisions of sections 63-1311 and 63-1311A, Idaho Code.

SECTION 15. That Section 31-1416A, Idaho Code, be, and the same is hereby amended to read as follows:

31-14~~16A~~18. TEMPORARY INABILITY OF COMMISSIONER. Whenever, for any reason, any member of the board of fire protection district commissioners submits to the board a signed written notice stating that the commissioner is temporarily unable to perform the duties of the office for a period of at least ninety (90) days, the other members of the board shall appoint a suitable person to perform such duties temporarily as an acting officer as provided herein, until the incumbent of the office shall be able to resume the performance of his duties, or a vacancy occurs in such office.

Each member of the board of a fire protection district shall desig-

nate two (2) temporary interim successors to his powers and duties and specify their order of succession. Each member shall review and, as necessary, revise the designations of temporary interim successors so there are always two (2) qualified temporary interim successors. The designation of a temporary interim successor shall become effective when the member making the designation files with the secretary of the board of the fire protection district the name, address and rank of the successors in order of succession.

When a member of the board of fire protection district commissioners is temporarily unable to perform the duties of office, the other members of the board shall appoint a temporary interim successor highest in order of succession who is available. The interim successor, except for the power and duty to appoint temporary interim successors, shall exercise the power and assume the duties of the member of the board of fire protection district commissioners. No person shall be designated or serve as a temporary interim successor unless he is qualified to hold the office of a member of the board of fire protection district commissioners, to whose powers and duties he is designated to succeed under the constitution and laws of the state of Idaho. The order of appointment of a temporary interim successor shall be recorded in the official proceedings of the board.

SECTION 16. That Section 31-1417, Idaho Code, be, and the same is hereby amended to read as follows:

31-14~~17~~19. FIRE PROTECTION DISTRICT HAS LEGAL TITLE TO PROPERTY. The legal title to all property acquired under the provisions of this chapter shall immediately and by operation of law, vest in such fire protection district, and shall be held by such district in trust for and is hereby dedicated and set apart to the uses and purposes set forth in this ~~act~~ chapter. Said board is hereby authorized and empowered to hold, use, acquire, manage, occupy, possess, sell, convey and dispose of said property, whether real or personal, as in this chapter provided; and to institute and maintain any and all actions and proceedings, suits at law or in equity necessary or proper in order to fully carry out the provisions of this ~~act~~ chapter, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities created by this ~~act~~ chapter or acquired in pursuance thereof. In all courts, actions, suits or proceedings, the said board may sue, appear and defend, in person or by attorneys, and in the name of such fire protection district.

SECTION 17. That Section 31-1417A, Idaho Code, be, and the same is hereby amended to read as follows:

31-14~~17A~~20. PROCEDURE FOR SALE, CONVEYANCE AND DISPOSITION OF PROPERTY. Real or personal property of a fire protection district may be sold, conveyed, and disposed of by its board of commissioners whenever the board finds and by resolution declares that the district no longer has use therefor, subject to the following procedure:

(~~a~~1) If in the opinion of the board, any such personal property does not exceed ~~five~~ ten thousand dollars ($~~5~~10,000) in value, the same may be sold without independent appraisal, notice, or competitive bids.

(~~b~~2) All such real property, and any such personal property ~~exceeding--five~~ that the board determines to exceed ten thousand dollars

($~~5~~10,000) in value, shall be appraised by ~~three (3) disinterested residents of the county in which the district is located;~~ a certified appraiser who shall be selected by the board. It may then be sold at public or private sale to the highest bidder for cash at not less than its appraised value, after due notice. If the property cannot be sold for the appraised value after reasonable efforts have been made, the board may then sell the property for adequate and valuable consideration as determined by the board.

(~~c~~3) Due notice of sale shall be accomplished if the notice shall describe the property to be sold (legal description, if real property), state the appraised value thereof (by separate items, if so appraised), and specify the time, place, and conditions of sale.

(~~d~~4) Said notice shall be published in a newspaper having general circulation in the district at least twice, the first publication thereof to be not less than ~~ten~~ fifteen (~~10~~5) days preceding the day of sale.

(~~e~~5) If such property is sold on terms, the board may contract for the sale of the same for a period of years not exceeding ten (10) years, with an annual rate of interest on all deferred payments not to exceed ~~six~~ twelve percent (~~6~~12%) per annum. The title to all property sold on contract shall be retained in the name of the district until full payment has been made by the purchaser. Any property sold by the board under the provisions of this section, either for cash or on contract, shall be assessed by the county assessor in the same manner and upon the same basis of valuation as though the purchaser held a record title to the property so sold. The board shall have authority to cancel any contract of sale, pursuant to law, if the purchaser shall fail to comply with any of the terms of such contract, and retain all payments paid thereon. The board may by agreement with the purchaser modify or extend any of the terms of any contracts of sale, but the total period of years shall not exceed ten (10) years.

(~~f~~6) Upon final payment pursuant to the sale of such real property, the president and secretary, pursuant to resolution of the board, shall duly execute and deliver an appropriate deed to the purchaser, and upon the accomplishment of the sale of such personal property, the president and secretary, pursuant to resolution of the board, shall duly execute and deliver an appropriate bill of sale to the purchaser.

(7) In addition to any other powers granted by law, the board of fire commissioners may, at their discretion, grant to or exchange with the federal government, the state of Idaho, any political subdivision, or taxing district of the state of Idaho, with or without compensation, any real or personal property or any interest in such property owned by the fire district or acquired by tax deed, after adoption of a resolution that the grant or exchange of property is in the public interest. Such resolution may be made at any regularly or specially scheduled meeting of the board. Notice of such grant or exchange shall be made in the same manner as set forth in subsections (3) and (4) of this section. The fire protection district's execution and delivery of the deed conveying an interest in the property shall operate to discharge and cancel all levies, liens and taxes made or created for the benefit of the fire protection district and to cancel all titles or claims of title including claims of redemption to such real property asserted or existing at the time of such conveyance.

SECTION 18. That Section 31-1418, Idaho Code, be, and the same is hereby repealed.

SECTION 19. That Chapter 14, 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 31-1421, Idaho Code, and to read as follows:

31-1421. COMPENSATION AND BENEFITS -- EXPENSES -- LIABILITY. (1) Fire district commissioners may receive reasonable compensation for their services as commissioners. The fire protection board shall fix commissioner benefits and compensation for the fiscal year. Compensation for performing district business shall not exceed seventy-five dollars ($75.00) per day. District business shall include time spent preparing for and attending regular and special board meetings and meetings of committees established by the board. Additional compensation, if approved by a majority of the fire protection board, may be calculated for commissioners who attend county or state agency meetings, educational classes, seminars, and other miscellaneous district business. Commissioners may also participate in the district's employee benefit package in the same manner as employees or volunteers. Any proposed commissioner benefits and annual compensation shall be published as a separate line item in the annual budget of the fire protection district.

(2) Actual expenses of commissioners for travel, and other district expenses approved by the board, shall be paid to the commissioners in addition to their annual compensation and benefits. The payment for expenses shall be paid from the funds of the fire protection district on either a per diem basis or upon the presentation of itemized receipts to the treasurer.

(3) The board shall fix the annual compensation and benefits to be paid to the other officers, agents and employees of the fire district, which shall be paid out of the treasury of the fire district.

(4) The district shall be liable and responsible for the actions and omissions of the commissioners, officers, agents and employees of the district, when the commissioners, officers, agents and employees are performing their duties within the course and scope of their employment with the district, and on behalf of the district.

SECTION 20. That Section 31-1419A, Idaho Code, be, and the same is hereby amended to read as follows:

31-14~~19A~~22. BUDGET AND HEARING -- NOTICE OF HEARING -- PUBLIC INSPECTION. (1) The fire protection district board shall adopt a budget and shall cause a public hearing to be held upon such budget, prior to certifying a tax levy to the board of county commissioners of each county within the district, or having a portion of its territory within the district.

(2) Notice of the budget hearing meeting shall be posted at least ten (10) full days prior to the date of said meeting in at least one (1) conspicuous place in each fire protection district to be determined by the board; a copy of such notice shall also be published in a daily or weekly newspaper published within such district, in one (1) issue thereof, during such ten (10) day period. The place, hour and day of such hearing shall be specified in said notice, as well as the place where such budget may be examined prior to such hearing. A full and com-

plete copy of such proposed budget shall be published with and as a part of the publication of such notice of hearing.

(3) Such budget shall be available for public inspection from and after the date of the posting of notices of hearing as in this section provided, at such place and during such business hours as the board may direct.

(4) A quorum of the board shall attend such hearing and explain the proposed budget and hear any and all objections thereto.

(5) The fiscal year of a fire protection district shall commence either on the first day of October of each calendar year, or on the first day of January of each calendar year, as established by resolution of the fire protection district board of commissioners.

SECTION 21. That Section 31-1420, Idaho Code, be, and the same is hereby amended to read as follows:

31-142~~0~~3. LEVY. (1) Each year, immediately prior to the annual county levy of taxes, the board of commissioners of each fire protection district, organized and existing under this ~~act~~ chapter, may levy a tax upon all the taxable property within the boundaries of such district sufficient to defray the cost of equipping and maintaining the district of twenty-four hundredths percent (.24%) of market value for assessment purposes, to be used for the purposes of this ~~act~~ chapter and for no other purpose. The levy shall be made by resolution entered upon the minutes of the board of commissioners of the fire protection district, and it shall be the duty of the secretary of the district, immediately after entry of the resolution in the minutes, to transmit to the county auditor, county assessor and state board of equalization certified copies of the resolution providing for such levy. Said taxes shall be collected as provided by section 63-812, Idaho Code.

(2) If two (2) or more fire protection districts consolidate into one (1) district, the provisions of section 63-802, Idaho Code, shall apply to the consolidated district's budget request as if the former district which, in the year of the consolidation, has the higher levy subject to the limitations of section 63-802, Idaho Code, had annexed the other district or districts. In addition, the consolidated district shall receive the benefit of foregone increases accumulated by the former districts under section 63-802(1)(a), Idaho Code.

SECTION 22. That Section 31-1421, Idaho Code, be, and the same is hereby amended to read as follows:

31-142~~1~~4. DUTIES OF COUNTY COMMISSIONERS. The board of county commissioners, at the time of making the annual county levies, shall make a levy upon all the taxable property not exempt from taxation within each district within the county in the same amount as the levy made by the board of commissioners of each fire protection district, and shall certify such levy or levies to the county auditor, and said auditor shall extend such levy on the rolls of the county, as other county taxes are extended; such special taxes so levied, as aforesaid, shall constitute a lien upon the property so assessed and shall be due and payable at the same time and in all respects are to be collected in the same manner as the state and county taxes, except that the tax collector must keep a separate list thereof and must list said tax in his receipt to the tax-

payers and must pay to the county treasurer as he pays other taxes, specify to the treasurer what taxes they are and take a separate receipt therefor, and keep separate accounts thereof.

SECTION 23. That Section 31-1422, Idaho Code, be, and the same is hereby amended to read as follows:

31-142~~2~~5. EXEMPTIONS. (1) All public utilities, as defined in section 61-129, Idaho Code, shall be exempt from taxation under the provisions of this ~~act~~ chapter and shall not be entitled to the privileges or protection hereby provided without their consent in writing filed with the clerk of the board of county commissioners. Provided however, the board of fire protection commissioners, may enter into an agreement with a public utility for the purpose of affording the privileges or protection provided by the fire protection district to all, or such portion, of the property of the public utility as may be agreed upon between the parties and upon such terms and conditions as may be mutually agreed upon between the parties to the agreement.

(2) The board of county commissioners, upon application and recommendation of the board of fire protection commissioners, may, by an ordinance enacted by not later than the second Monday of July, exempt all or a portion of the unimproved real property within the district from taxation, and may exempt all or a portion of the taxable personal property within the district from taxation. Any ordinance of the board of county commissioners granting an exemption from taxation under the provisions of this section must provide that each category of property is treated uniformly. Notice of intent to adopt an ordinance which exempts unimproved real property shall be provided to property owners of record in substantially the same manner as required in section 67-6511(b), Idaho Code, as if the ordinance were making a zoning district boundary change.

SECTION 24. That Section 31-1423, Idaho Code, be, and the same is hereby amended to read as follows:

31-142~~3~~26. HANDLING OF DISTRICT FUNDS. ~~Such--funds~~ (1) The tax receipts collected by the county as provided for in section 31-1424, Idaho Code, and other funds shall immediately be paid over by the county treasurer to the treasurer of the fire protection district, who shall deposit the same in a bank and be handled in the manner prescribed by the state depository law and all other funds received, by or on behalf of the district, shall be deposited by the treasurer to the credit of the district fund and shall be drawn only upon voucher and by check bearing the signature of the treasurer ~~and-countersigned-by--the--president--of--such-district,-or~~ and at least one (1) commissioner, or in the event that the treasurer is unavailable, checks may be signed by two (2) commissioners. Provided however, upon written resolution of the board, ~~such~~ checks may be signed by a designated representatives who ~~has~~ have been bonded in an amounts deemed appropriate by the board.

(2) It is hereby made the duty of the treasurer of the fire protection district to keep account of the district's funds; to place to the credit of the district all moneys received by him from the collector of taxes or from any other officer charged with the collection of taxes as the proceeds of taxes levied by the fire protection board, or from any

other sources, and of all other moneys belonging to the district and to pay over all moneys belonging to the district on legally drawn warrants or orders of the district officers entitled to draw the same.

(3) No checks or warrants shall be signed until it is determined that the payment has been legally authorized, that the money has been duly appropriated by the board, and that such appropriation has not been exhausted. No checks or warrants shall be drawn in excess of the moneys actually in the district treasury. Provided however, warrants may be issued in anticipation of a levy except as otherwise provided in this chapter. The district shall pay warrants presented for payment provided there is money in the treasury for that purpose.

(4) All warrants for the payment of an indebtedness of a fire protection district which are unpaid due to lack of funds shall bear interest at a rate to be fixed by the fire protection board from the date of the registering of such unpaid warrants with the treasurer. Provided however, that the dollar amount of the warrants shall not exceed the revenue provided for the year in which the indebtedness was incurred.

SECTION 25. That Section 31-1424, Idaho Code, be, and the same is hereby amended to read as follows:

31-1424~~7~~. INDEBTEDNESS PROHIBITED -- EXCEPTIONS. The board of commissioners of a fire protection district organized pursuant to the provisions of this chapter shall have no power to incur any debt or liability, except to the extent for the purposes and in the manner hereinafter provided:

(~~a~~1) In the first year after organization, the board of a district may, for the purpose of organization, to finance general preliminary expenses of the district or for any other purpose of the fire protection district law, and before making a tax levy, incur an indebtedness not exceeding in the aggregate a sum equal to one cent ($.01) on each one hundred dollars ($100) of market value for assessment purposes of all real and personal property within the district.

(~~b~~2) Whenever the board of commissioners of a fire protection district shall determine that the interest of said district and the public interest or necessity require incurring an indebtedness exceeding the income and revenue provided for the year for the purposes of (~~i~~a) acquiring, purchasing, constructing, improving and equipping lands, building sites and buildings together with the necessary appurtenant facilities and equipment and (~~ii~~b) acquiring and purchasing suitable equipment and apparatus necessary to provide fire protection, the board shall have the power and authority as hereinafter provided to issue general obligation coupon bonds not to exceed in the aggregate at any time two percent (2%) of market value for assessment purposes of the real and personal property in said district.

Whenever the board of a district shall deem it advisable to issue general obligation coupon bonds, the board shall provide for the issuance of such bonds by ordinance which shall specify and set forth all the purposes, objects and things required by section 57-203, Idaho Code, and make provision for the collection of an annual tax sufficient to (~~i~~a) constitute a sinking fund for the payment of the principal thereof within thirty (30) years from the time of contracting said bonded indebtedness and (~~ii~~b) to pay the interest on such proposed bonds as it falls due.

The aforesaid ordinance shall also provide for holding an election, notice of which shall be given for thirty (30) days in a newspaper or newspapers of general circulation in the district. The election shall be conducted in the manner and form, the returns canvassed, and the qualifications of electors of the district voting or offering to vote shall be determined, as provided by the pertinent and applicable provisions of title 34, Idaho Code. The voting at such election 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 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 purposes, objects, and things provided in said Ordinance No. ....., such bonds shall be issued in the manner provided by chapter 2, title 57, Idaho Code, the municipal bond law of the state of Idaho.

Bonds issued pursuant to the provisions of this section and the income therefrom shall be exempt from taxation except transfer and estate taxes.

SECTION 26. That Section 31-1424A, Idaho Code, be, and the same is hereby amended to read as follows:

31-1424~~A~~8. CARRY OVER -- FUND BALANCE. The board of commissioners of a fire protection district may accumulate fund balances at the end of a fiscal year and carry over those fund balances into the ensuing fiscal year budget for equipping and maintaining the district. A "fund balance" is the excess of the assets of a fund over its liabilities and reserves.

SECTION 27. That Sections 31-1425, 31-1426, 31-1427, 31-1428 and 31-1430, Idaho Code, be, and the same are hereby repealed.

SECTION 28. That Section 31-1429, Idaho Code, be, and the same is hereby amended to read as follows:

31-1429. INCLUSION, ANNEXATION OR WITHDRAWAL OF AREA IN CITIES. Except as otherwise provided in section 50-224, Idaho Code, a~~A~~ny area embraced within the limits of any city may, with the consent of the governing boards ~~thereof~~ of such city and the respective fire protection district, expressed by ordinance or resolution, be included within the limits of a fire protection district, when formed, or be subsequently annexed thereto. Any area in any city embraced within the limits of a fire protection district, shall, upon the consent of the governing boards ~~thereof~~ of such city and fire protection district, expressed by ordinance or resolution, be withdrawn from such fire district.

SECTION 29. That Chapter 14, 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 31-1430, Idaho Code, and to read as follows:

31-1430. COOPERATION AND RECIPROCATING USE OF FIREFIGHTING FORCES AND APPARATUS OF DISTRICTS AND CITIES. Fire protection districts shall have all of the powers given to political subdivisions of the state of

Idaho as set forth in section 67-2339, Idaho Code, and sections 67-2326 through 67-2333, Idaho Code, inclusive, to enter into intra-agency and mutual aid agreements with other political subdivisions and municipalities in Idaho, and in other states, for the purposes of protecting life and property against loss by fire and for all other purposes of this chapter. Any fire protection district or city fire department extinguishing a fire or responding to a call for emergency assistance to persons or property not situated within the taxing authority of the fire district or city fire department, is authorized to charge a reasonable fee for the services provided and shall have a lien upon property serviced, which lien shall be filed of record against the property in the name of the district or city in the time and manner provided by section 45-507, Idaho Code, for liens of original contractors. Fire districts and cities are also authorized to charge reasonable fees for services provided to residents located within the fire district or city in accordance with the requirements and procedures contained in sections 63-1311 and 63-1311A, Idaho Code, and shall have a lien upon the property serviced as provided in this section.

SECTION 30. That Section 31-1430A, Idaho Code, be, and the same is hereby repealed.

SECTION 31. That Section 31-1430B, Idaho Code, be, and the same is hereby amended to read as follows:

31-1430~~B~~1. CONTRACTS BETWEEN FIRE PROTECTION DISTRICTS AND INDIVIDUAL PROPERTY OWNERS OUTSIDE OF DISTRICT. Fire protection districts subject to the conditions hereinafter set forth ~~are--hereby--authorized--to~~ may, pursuant to the discretion of the fire protection board, contract with individual property owners whose property is situated outside of the external boundaries of the fire protection district within the state of Idaho or within any neighboring state to provide for the same measure of fire protection to such contracting property owner as is provided to property owners within the boundaries of such contracting fire protection districts. All such contracts shall be for a term of one (1) year and shall commence at 12:01 ~~A.M.~~ a.m. on January 1 of such year and expire at 12 midnight on December 31 of such year. ~~Such-c~~Contracts shall provide for a monetary consideration to be paid in advance by such property owner and the monetary consideration ~~provided-to-be-paid-therein~~ shall be based upon the cost of providing such service to such property owner, including, but not limited to, covering the district's administrative and contract preparation costs, including legal fees for preparation and review of the contracts, and shall also take into consideration the distance between such property and the fire station or other facility wherein the ~~fire-fighting~~ firefighting equipment of such fire protection district is kept.~~;-and-such-m~~Monetary consideration shall in no event be less than the amount that would have been paid in taxes that would have been levied and assessed under the provisions of this ~~act~~ chapter, if such property had been included within the boundaries of said fire protection district. The power herein granted is subject to the limitation that no such contract may be entered into with any property owner whose house and ~~out-buildings~~ outbuildings are situate further distant from the firehouse or other facility wherein such district's fire protection equipment is kept than the point on the

external boundary of such district that is furthest distant from the firehouse or other facility wherein such district's fire protection equipment is kept.~~,-and-p~~Provided further, however, that all of the contiguous lands of any contracting property owner must be included in said contract unless a portion of such property owner's lands are further distant from the firehouse where such district's ~~fire-fighting~~ fire-fighting equipment is kept than the point on the external boundary of such fire protection district that is furthest distant from the firehouse, in which case such portion of said lands must be excluded. For the purpose of determining value of eligible property situate outside the state of Idaho, the board of commissioners of such fire protection district shall determine as nearly as possible what the assessed value of such lands outside the state of Idaho would be if the same were situate within the state of Idaho.

SECTION 32. That Section 31-1431, Idaho Code, be, and the same is hereby amended to read as follows:

31-143~~1~~2. CONSTRUCTION OF ~~ACT~~ CHAPTER. The provisions of this ~~act~~ chapter shall be liberally construed to ~~affect~~ effect the purposes thereof.

SECTION 33. That Sections 31-1432 and 31-1433, Idaho Code, be, and the same are hereby repealed.

SECTION 34. That Section 31-1434, Idaho Code, be, and the same is hereby amended to read as follows:

31-143~~4~~3. CONTINUATION OF EXISTING DISTRICTS -- VALIDATING ACTS OF OFFICERS. Nothing in this ~~act~~ chapter shall be construed as impairing the legality or organization of any fire protection district heretofore organized pursuant to law, nor the legality of any act of such district done in accordance with the prior law, nor shall it be deemed to affect the legality of the election of any officer of any such existing fire protection district, and all directors and officers duly elected, qualified and holding office at the time of the taking effect of this ~~act~~ chapter, shall continue to serve in such office until the expiration of their present terms; provided, however, that such fire protection districts as have existed heretofore shall comply with the provisions of this ~~act~~ chapter as soon as they can conveniently do so and thereafter be governed by the provisions of this ~~act~~ chapter. Nor shall anything in this ~~act~~ chapter be deemed in any way to affect the existing indebtedness of any fire protection district created under and by virtue of the provisions of chapter 3, title 30, Idaho Code. All such existing fire protection districts, and the lawful acts of their officers and agents, are hereby declared prima facie lawful as de facto fire protection districts; provided, however, that such districts shall comply with the provisions of this ~~act~~ chapter as soon as they can conveniently do so and thereafter be governed by the provisions of this ~~act~~ chapter.

SECTION 35. That Section 31-1435, Idaho Code, be, and the same is hereby amended to read as follows:

31-1435~~4~~. ANY DISSOLUTION. Dissolution of any fire protection district organized under this chapter may be initiated by a petition signed ~~by--twenty-five--(25)--or--more--of-the-holders-of-title,-or-evidence-of title-to-real-property-within-the-fire-protection--district--aggregating not--less--than--one--thousand-(1,000)-acres-of-contiguous-territory,-or consisting-of-contiguous-territory-of--less--extent,--by--having--market value--for-assessment-purposes-of-at-least-five-hundred-thousand-dollars ($500,000)-at-the-last-preceding-county-assessment,--or--by--a--petition signed~~ by at least twenty-five ~~per-cent~~ percent (25%) of the holders of title, or evidence of title, to the real property within the fire protection district, requesting dissolution of such fire protection district, in the following manner:

The petition shall first be presented to the board of county commissioners of each county in which the fire protection district is situated, signed by the number of holders of title or evidence of title above provided, which petition shall clearly designate the boundaries of the fire protection district and shall state the name of the district and shall be accompanied by a map thereof. The petition, together with all maps and other papers filed therewith, shall, at proper hours, be open to public inspection in the office of the clerk of the board of county commissioners between the date of their said filing and the date of the election on the question of districts as hereafter provided. The petition may be in one (1) or in several papers. When such petition is presented to the board of county commissioners, and filed in the office of the clerk of the board, the said board shall set a time for hearing of such petition, which time shall not be less than four (4) nor more than six (6) weeks from the date of the presenting and filing of said petition. A notice of the time of such hearing shall be published by said board, once a week for three (3) successive weeks previous to the time set for such hearing, in a newspaper published within the county in which said district is situated. Said notice shall give the boundaries of the fire protection district and shall state that a petition has been filed to dissolve the same, and that on the date fixed for the hearing, any taxpayer within the district, may appear ~~and-offer-any-objection-to the-dissolving-of-such-district~~ at the hearing and testify and/or present exhibits upon any issue pertaining to the proposed dissolution of the fire district, or may object to or support the proposed dissolution.

After hearing and considering any and all ~~objections-to-the-dissolving-of-said~~ testimony and other evidence either made in favor of or in opposition to the dissolution of the fire district, if the board of county commissioners makes a sufficient factual finding that the majority of the residents of the fire district will receive no benefit by continuing the existence of the fire district, the county commissioners shall ~~thereupon~~ make an order ~~either-denying-such-petition-or~~ granting ~~same~~ the petition, with or without modification. Provided however, the board of county commissioners, after hearing and considering all testimony and other evidence either in favor of or in opposition to the dissolution of the fire district, cannot make a sufficient factual finding that the majority of the residents of the fire district will receive no benefit by continuing the existence of the fire district, the county commissioners shall make an order denying the petition. After the county commissioners have entered their order approving or denying such petition, the clerk of the board of county commissioners shall cause to be published, a notice of election to be held in such proposed fire protec-

tion district, for the purpose of determining whether or not the same shall be dissolved. Such notice shall plainly and clearly designate the boundaries of the fire protection district, its name, and further, that the election is to be held to decide the question of whether the fire protection district shall be maintained or dissolved. Such notice shall be published once in each week for three (3) successive publications prior to such election, in a newspaper published within the county aforesaid.

Such notice shall require the electors to cast ballots which shall contain the words "fire protection district dissolved .... yes" or: "fire protection district dissolved .... no" or words equivalent thereto. No person shall be entitled to vote at any election held under the provisions of this ~~act~~ chapter, unless he shall possess all the qualifications required of electors under the general laws of the state and be a resident of the district.

The election qualifications of electors and canvass of the ballots shall be made in the same manner as provided for in sections 31-1406 and 31-1407, Idaho Code.

If a majority of the electors voting at such election shall vote to dissolve the fire protection district, the board of county commissioners shall, after certifying the results of such election, enter an order upon the minutes of its official proceedings dissolving said fire protection district, and such district shall thereupon be dissolved.

Provided, however, that whenever a petition requesting dissolution of a fire protection district is signed by the holders of title, or evidence of title, to all of the real property included within the fire protection district and is presented to the board of county commissioners of the county in which the fire protection district is situated, accompanied by a map clearly designating the boundaries of the district, the board of county commissioners shall set a time for hearing of such petition, which time shall not be less than four (4) nor more than six (6) weeks from the date of the presenting and filing of said petition. A notice of the time and place of such hearing shall be published by said board once a week for three (3) successive weeks previous to such hearing, in a newspaper published within the county in which the fire protection district is situated. Said notice shall give the boundaries of the fire protection district and shall state that a petition has been filed to dissolve the same, and that on the date fixed for the hearing, any resident, taxpayer, or creditor of such fire protection district may appear and offer any objection to the dissolving of the fire protection district. If at such hearing, no protests are made to the granting of the petition, the board of county commissioners shall enter an order upon the minutes of its official proceedings dissolving such fire protection district, and such district shall thereupon be dissolved. If, however, any protests from residents, taxpayers, or creditors of the district are entered at such hearing, the board of county commissioners shall, within thirty (30) days of said hearing, determine whether or not such fire protection district shall be dissolved and shall cause an order to that effect to be entered upon the minutes of its official proceedings. If the board determines that the fire protection district shall be dissolved, such dissolution shall be effective as of the date of the entry of such order upon the minutes.

The property of such district shall remain the property of the county in which such district is located and any money remaining in the

fund of such district shall be expended in the maintenance and repair of the highways of such district whether such highways at the time of the dissolution, are in the incorporated territory or in unincorporated territory.

If the district is situated in two (2) or more counties, each board of county commissioners shall coordinate the hearing date and the publications of notice so that only one (1) hearing need be held. Unless otherwise agreed to by each board of county commissioners involved, the hearing shall be held at the administrative offices of the district, and the boards of county commissioners are hereby specifically authorized to act in a joint manner for such purposes. If an election is called, the boards of county commissioners shall provide that the election be held on the same day in each county, and the boards of county commissioners shall coordinate the canvass of the votes cast and make one (1) joint announcement. If a majority of votes in any county are against the dissolution of the district, such rejection shall void the dissolution of the district in all counties.

SECTION 36. That Section 31-1436, Idaho Code, be, and the same is hereby amended to read as follows:

31-1436~~5~~. SEPARABILITY. The several parts and provisions of this ~~act~~ chapter are hereby declared independent and severable and the invalidity of any part or feature thereof shall not affect, impair, or invalidate the remainder of said section, or any part thereof.

SECTION 37. That Section 31-1437, Idaho Code, be, and the same is hereby amended to read as follows:

31-1437~~6~~. NONLIABILITY OF AGENCY FOR DELAY IN REPORT OF FIRE -- EXCEPTION. No person, corporation, partnership or association which is authorized by any city fire department, fire protection district or by any volunteer fire company to receive any report of fire or which agrees to receive and transmit ~~any~~ the report to the fire department, fire protection district or volunteer fire company, shall be liable in any civil action for damage to property or persons, including death, caused by delay in reporting or failure to report the fire, unless the delay or failure is the result of the gross negligence of the person, corporation, partnership or association.

SECTION 38. That Section 31-1438, Idaho Code, be, and the same is hereby amended to read as follows:

31-1438~~7~~. LIABILITY FOR INDEBTEDNESS OF FIRE PROTECTION DISTRICTS AFTER BOUNDARY CHANGES. Territory withdrawn from any fire protection district shall continue to be subject to taxation for the payment of the principal of and interest on any indebtedness, whether evidenced by bonds, notes, or other similar evidences of indebtedness created by election outstanding upon the effective date of withdrawal as fully as though the territory had not been withdrawn. For the purpose of discharging the indebtedness and interest thereon and other obligations, the territory shall be considered a part of the district the same as though not withdrawn. All provisions which could have been used to compel the payment by the withdrawn territory of its portion of the indebt-

edness and interest thereon had the withdrawal not occurred can be used to compel the payment on the part of the withdrawn territory of the portion for which it is liable. Provided, however, by mutual agreement, the entity annexing or withdrawing territory from the district may acquire the capital assets which represent the proceeds of the indebtedness and pay off or assume the indebtedness to the extent otherwise permitted by law and the terms of the underlying obligation.

SECTION 39. 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, 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, 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 31-142~~2~~5, 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.

Approved March 31, 2006.

CHAPTER 319
(H.B. No. 764)

AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602D, IDAHO CODE, TO PROVIDE THAT CERTAIN PROPERTY OF A COUNTY HOSPITAL OR HOSPITAL DISTRICT IS EXEMPT FROM TAXATION AND TO PROVIDE THAT THE BOARD OF EQUALIZATION SHALL GRANT AN EXEMPTION TO THE PROPERTY OF A COUNTY HOSPITAL OR A HOSPITAL DISTRICT IF CERTAIN CIRCUMSTANCES OCCUR; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-602D, Idaho Code, be, and the same is hereby amended to read as follows:

63-602D. PROPERTY EXEMPT FROM TAXATION -- CERTAIN HOSPITALS. (1) For the purposes of this section, "hospital" means a hospital as defined by chapter 13, title 39, Idaho Code, and includes one (1) or more acute care, outreach, satellite, outpatient, ancillary or support facilities of such hospital whether or not any such individual facility would independently satisfy the definition of hospital.

(2) The following property is exempt from taxation: the real property owned and personal property, including medical equipment, owned or leased by a hospital corporation <u>or a county hospital or hospital district</u> which is operated as a hospital and the necessary grounds used therewith.

(3) If real property, not currently exempt from taxation, is being prepared for use as a hospital, the value of the bare land only shall be taxed while the property is being prepared for use as a hospital. All improvements to and construction on the real property, while it is being prepared for use as a hospital, shall be exempt from taxation. For purposes of this section, property is being "prepared for use as a hospital" if the corporation has begun construction of a hospital project as evidenced by obtaining a building permit that will, on completion, qualify such property for an exemption and, as of the assessment date, has not abandoned the construction. Construction shall not be considered abandoned if it has been delayed by causes and circumstances beyond the corporation's control or when delay is caused by an event that has occurred in the absence of the corporation's willful neglect or intentional acts, omissions or practices engaged in by the corporation for the purpose of impeding progress. Notwithstanding the foregoing, in no event shall improvements to property that is being prepared for use as a hospital qualify for an exemption from ad valorem property tax under this subsection for more than three (3) consecutive tax years; upon completion of construction and obtaining a certificate of occupancy, the entire real property shall be exempt from taxation if the corporation meets the requirements of subsection (4) of this section; provided, property already exempt or eligible for exemption shall not be affected by the provisions of this subsection.

(4) The corporation must show that the hospital:

(a) Is organized as a nonprofit corporation pursuant to chapter 3, title 30, Idaho Code, or pursuant to equivalent laws in its state of incorporation;

(b) Has received an exemption from taxation from the Internal Revenue Service pursuant to section 501(c)(3) of the Internal Revenue Code.

(5) The board of equalization shall grant an exemption to the property of: (a) a county hospital; (b) a hospital district; or (c) any hospital corporation meeting the criteria provided in subsection (4) of this section.

(6) If a hospital corporation uses property for business purposes from which a revenue is derived which is not directly related to the hospital corporation's exempt purposes, then the property shall be assessed and taxed as any other property. If property is used in part by a hospital corporation for such purposes, then the assessor shall determine the value of the entire property and the value of the part used that is not directly related to the hospital corporation's exempt purposes. If the value of the part which is not directly related to the hospital corporation's exempt purposes is determined to be three percent (3%) or less than the value of the entire property, then the property shall remain exempt. If the value of the part which is not directly related to the hospital corporation's exempt purposes is determined to be more than three percent (3%) of the value of the entire property, then the assessor shall assess the proportionate part of the property, including the value of the real estate used for such purposes.

(7) A hospital corporation issued an exemption from property taxation pursuant to this section and operating a hospital having one hundred fifty (150) or more patient beds shall prepare a community benefits report to be filed with the board of equalization by December 31 of each year. The report shall itemize the hospital's amount of unreimbursed services for the prior year (including charity care, bad debt, and underreimbursed care covered through government programs); special services and programs the hospital provides below its actual cost; donated time, funds, subsidies and in-kind services; additions to capital such as physical plant and equipment; and indication of the process the hospital has used to determine general community needs which coincide with the hospital's mission. The report shall be provided as a matter of community information. Neither the submission of the report nor the contents shall be a basis for the approval or denial of a corporation's property tax exemption.

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, 2006.

Approved March 31, 2006.

CHAPTER 320
(H.B. No. 765)

AN ACT

RELATING TO INCOME TAX CREDITS; AMENDING SECTION 63-3029C, IDAHO CODE, TO PROVIDE A STATE INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS MADE BY A TAXPAYER TO THE SHEPHERD'S HOME, INC. OR ITS FOUNDATION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

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

63-3029C. INCOME TAX CREDIT FOR CERTAIN CHARITABLE CONTRIBUTIONS -- LIMITATION. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided herein, as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty percent (50%) of the aggregate amount of charitable contributions made by such taxpayer during the year to the anchor house or its foundation, to the children's home society of Idaho, inc., to the Idaho youth ranch or its foundation, to kinderhaven or its foundation, to the women's and children's alliance or its foundation, to children's village, inc. or its foundation, to gem youth services or its foundation, to the hope house, inc. or its foundation, to the north Idaho children's home or its foundation, to the shepherd's home, inc. or its foundation, to a center for independent living located within the state of Idaho, to a nonprofit substance abuse center licensed by the department of health and welfare, or to a nonprofit rehabilitation facility located within the state of Idaho or its foundation.

(1) In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed twenty percent (20%) of such taxpayer's total income tax liability imposed by section 63-3024, Idaho Code, for the year, or one hundred dollars ($100), whichever is less.

(2) In the case of a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed ten percent (10%) of such corporation's total income or franchise tax liability imposed by sections 63-3025 and 63-3025A, Idaho Code, for the year, or five hundred dollars ($500), whichever is less.

(3) For the purposes of this section, "center for independent living" shall mean a private, nonprofit, nonresidential organization in which at least fifty-one percent (51%) of the principal governing board, management and staff are individuals with disabilities and that:

(a) Is designed and operated within a local community by individuals with disabilities;

(b) Provides an array of independent living services and programs; and

(c) Is cross-disability.

(4) For the purposes of this section, "nonprofit rehabilitation facility" means only a facility that is accredited by the commission on accreditation of rehabilitation facilities or another accreditation organization recognized by the state of Idaho.

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, 2006.

Approved March 31, 2006.

CHAPTER 321
(H.B. No. 780)

AN ACT

RELATING TO DEVELOPMENT IMPACT FEES; AMENDING SECTION 67-8206, IDAHO CODE, TO REVISE THE PROCEDURE FOR THE IMPOSITION OF DEVELOPMENT IMPACT FEES; AND AMENDING SECTION 67-8210, IDAHO CODE, TO INCREASE THE NUMBER OF YEARS THAT A GOVERNMENTAL ENTITY MAY HOLD DEVELOPMENT IMPACT FEES BEFORE EXPENDING THEM AND TO INCREASE THE MAXIMUM NUMBER OF YEARS THAT COLLECTED DEVELOPMENT IMPACT FEES MAY BE HELD OTHER THAN FEES FOR WASTEWATER COLLECTION, TREATMENT AND DISPOSAL AND DRAINAGE FACILITIES.

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

SECTION 1. That Section 67-8206, Idaho Code, be, and the same is hereby amended to read as follows:

67-8206. PROCEDURE FOR THE IMPOSITION OF DEVELOPMENT IMPACT FEES. (1) A development impact fee shall be imposed by a governmental entity in compliance with the provisions set forth in this section.

(2) A capital improvements plan shall be developed in coordination with the development impact fee advisory committee utilizing the land use assumptions most recently adopted by the appropriate land use planning agency or agencies.

(3) ~~At least one (1) public hearing shall be held~~ A governmental entity that seeks to consider adoption, amendment, or repeal of a capital improvements plan shall hold at least one (1) public hearing. ~~Two (2) notices, at least one (1) week apart,~~ The governmental entity shall publish a notice of the time, place and purpose of the hearing ~~shall be published~~ or hearings not ~~less~~ fewer than fifteen (15) nor more than thirty (30) days before the scheduled date of the hearing, in a newspaper of general circulation within the jurisdiction of the governmental entity. ~~A second notice of the hearing on adoption of the capital improvements plan, containing the same information, shall be published in the same manner at least seven (7) days before the scheduled date of the hearing.~~ Such notices shall also include a statement that the governmental entity shall make available to the public, upon request, the following: proposed land use assumptions, a copy of the proposed capital improvements plan or amendments thereto, and a statement that any member of the public affected by the capital improvements plan or amendments shall have the right to appear at the public hearing and present evidence regarding the proposed capital improvements plan or amendments. The governmental entity shall send notice of the intent to hold a public hearing by mail to any person who has requested in writing notification of the hearing date at least fifteen (15) days prior to the hearing date, provided that the governmental entity may require that any person making such request renew the request for notification, not more frequently than once each year, in accordance with a schedule determined by the governmental entity, in order to continue receiving such notices.

(4) If the governmental entity makes a material change in the capital improvements plan or amendment, further notice and hearing may be provided before the governmental entity adopts the revision if the gov-

ernmental entity makes a finding that further notice and hearing are required in the public interest.

(5) ~~Following~~ Either following or concurrently with adoption of the initial or amended capital improvements plan, a governmental entity shall conduct a public hearing to consider adoption of an ordinance authorizing the imposition of development impact fees or any amendment thereof. Notice of the hearing shall be provided in the same manner as set forth in subsection (3) of this section for adoption of a capital improvements plan, and such hearing, at the option of the governmental entity, may be combined with the public hearing held to adopt, amend or repeal the capital improvements plan.

(6) Nothing contained in this section shall be construed to alter the procedures for adoption of an ordinance by the governmental entity. Provided, however, a development impact fee ordinance shall not be adopted as an emergency measure but may be read for the first and second times on successive days prior to the public hearing to consider its adoption and shall not take effect ~~earlier~~ sooner than thirty (30) days ~~subsequent to~~ following its adoption.

SECTION 2. That Section 67-8210, Idaho Code, be, and the same is hereby amended to read as follows:

67-8210. EARMARKING AND EXPENDITURE OF COLLECTED DEVELOPMENT IMPACT FEES. (1) An ordinance imposing development impact fees shall provide that all development impact fee funds shall be maintained in one (1) or more interest-bearing accounts within the capital projects fund. Accounting records shall be maintained for each category of system improvements and the service area in which the fees are collected. Interest earned on development impact fees shall be considered funds of the account on which it is earned, and not funds subject to section 57-127, Idaho Code, and shall be subject to all restrictions placed on the use of development impact fees under the provisions of this chapter.

(2) Expenditures of development impact fees shall be made only for the category of system improvements and within or for the benefit of the service area for which the development impact fee was imposed as shown by the capital improvements plan and as authorized in this chapter. Development impact fees shall not be used for any purpose other than system improvement costs to create additional improvements to serve new growth.

(3) As part of its annual audit process, a governmental entity shall prepare an annual report:

(a) Describing the amount of all development impact fees collected, appropriated, or spent during the preceding year by category of public facility and service area; and

(b) Describing the percentage of tax and revenues other than impact fees collected, appropriated or spent for system improvements during the preceding year by category of public facility and service area.

(4) Collected development impact fees must be expended within ~~five~~ eight (~~5~~8) years from the date they were collected, on a first-in, first-out (FIFO) basis, except that the development impact fees collected for wastewater collection, treatment and disposal and drainage facilities must be expended within twenty (20) years. Any funds not expended within the prescribed times shall be refunded pursuant to section 67-8211, Idaho Code. A governmental entity may hold the fees for

longer than ~~five~~ eight (~~5~~8) years if it identifies, in writing:

(a) A reasonable cause why the fees should be held longer than ~~five~~ eight (~~5~~8) years; and

(b) An anticipated date by which the fees will be expended but in no event greater than ~~eight~~ eleven (~~8~~11) years from the date they were collected.

Approved March 31, 2006.

CHAPTER 322
(H.B. No. 781)

AN ACT

RELATING TO PROPERTY TAXES; AMENDING SECTION 63-902, IDAHO CODE, TO PROVIDE THAT SCHOOL DISTRICT TAXES SHALL BE SEPARATELY SHOWN ON TAX NOTICES AS MAINTENANCE AND OPERATION, BOND, SUPPLEMENTAL AND OTHER; AND AMENDING SECTION 63-906, IDAHO CODE, TO PROVIDE THAT ANY PERSON UPON APPLICATION TO THE TAX COLLECTOR MAY ESTABLISH A PAYMENT SCHEDULE TO ALLOW PAYMENTS OF CURRENT OR FUTURE REAL OR PERSONAL PROPERTY TAXES ON A MONTHLY OR A QUARTERLY BASIS OF AT LEAST TWENTY-FIVE DOLLARS OR THE BALANCE OWING.

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

SECTION 1. That Section 63-902, Idaho Code, be, and the same is hereby amended to read as follows:

63-902. PROPERTY TAX NOTICE AND RECEIPTS -- DUTY OF TAX COLLECTOR. (1) For property on the property roll or operating property roll, the county tax collector must, prior to the fourth Monday of November in each year, mail to every taxpayer, or to his agent or representative, at his last known post-office address, a tax notice prepared upon forms prescribed in section 63-219, Idaho Code, which shall contain at least the following:

(a) The year in which the property tax was levied;

(b) The name and address of the property owner;

(c) An accurate description of the property, or in lieu thereof, the tax number of record;

(d) The parcel number;

(e) Full market value for assessment purposes;

(f) The total amount of property taxes due:

(i) State;

(ii) County;

(iii) City;

(iv) School district separately shown as:

(A) Maintenance and operation;

(B) Bond;

(C) Supplemental;

(D) Other;

(v) And every other tax being separately shown.

(g) All property tax levies in the tax code area;

(h) The date when such property taxes become delinquent;

(i) Notation of delinquencies against said property;

(j) Whether an interim payment account exists;

(k) The different payment options available to the taxpayer, his agent or representative shall be printed in boldface type in a contrasting color or highlighted on the face of the tax notice.

(2) The tax notices shall be numbered consecutively and the numbers must be entered upon all property rolls.

(3) Tax notices prepared in tax code area format shall state that levy sheets are available to the public.

(4) Levy sheets shall list the total property tax levy for each taxing district or taxing jurisdiction and the total in each tax code area.

(5) If the taxpayer is one other than the equitable titleholder, such as an escrowee, trustee of trust deed or other third party, the taxpayer shall deliver to the equitable titleholder a statement of the total amount of property taxes billed, on or before the second Monday of December.

(6) The tax collector in each county of the state is authorized to destroy all duplicate property tax receipts and microfilm of tax receipts on file in his office as they reach ten (10) years old. Property tax receipts may be destroyed if information has been replicated in other storage media.

(7) Computer and data processing routines for completion of all phases of the property tax roll procedures may be utilized with the responsibility for completion of each office's statutory duties to remain under the supervision of that office. Wherever the designation "property roll" appears within title 63, data processing or computer procedures and forms may be substituted as permanent records.

(8) The county tax collector must, as soon as possible after the subsequent or missed property roll is delivered to him from the county auditor, mail a notice to every taxpayer listed on the subsequent or missed property roll, or to his agent or representative. The notice shall conform as nearly as possible to the notice required for property listed on the property roll.

(9) Failure to mail such property tax notice, or receipt of said notice by the taxpayer, shall not invalidate the property taxes, or any proceedings in the collection of property taxes, or any proceedings in the foreclosure of property tax liens.

(10) No charge, other than property taxes, shall be included on a tax notice unless the entity placing such charge has received approval from the board of county commissioners to place such charge on the tax notice and such entity:

(a) Has the authority by law to place a lien on property; and

(b) Has the authority to certify such charge to the auditor; and

(c) Is required to collect such charge in the same manner provided by law for the collection of real and personal property taxes.

SECTION 2. That Section 63-906, Idaho Code, be, and the same is hereby amended to read as follows:

63-906. INTERIM PAYMENT ACCOUNT -- RECEIPT FOR DEPOSITS. Any person, upon application to the tax collector, may establish a payment schedule to allow payments <u>including, but not limited to, monthly or quarterly, in amounts</u> of at least twenty-five dollars ($25.00) or the

balance owing, to be accumulated toward the payment of current or future real or personal property taxes.

(1) The tax collector shall issue a numbered receipt consisting of:

(a) Date deposited;

(b) Name and address of person making deposit;

(c) The amount of payment; and

(d) Account identification number or parcel number or legal description.

(2) The county shall pay no interest on any interim payment receipts, and the amount so deposited cannot be withdrawn by the depositor. Such receipts shall not invalidate any proceedings in the collection of property taxes, or in the issuance of any delinquency or any proceedings in the foreclosure of tax liens.

(3) The payment shall be posted to the roll when the current property tax becomes due.

(4) The tax collector may return to the depositor any moneys deposited in excess of the amount necessary to satisfy the tax lien if the payment schedule is not maintained.

(5) The tax collector shall be held accountable for all moneys received under this subsection and shall be liable on his official bond for the custody and safekeeping of such moneys, except as to what may be on deposit in designated depositories under the provisions of the public depository law, which is hereby made applicable to such deposits.

Approved March 31, 2006.

CHAPTER 323
(H.B. No. 784)

AN ACT

RELATING TO TITLE LOANS; AMENDING CHAPTER 46, TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW PART 5, CHAPTER 46, TITLE 28, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO REQUIRE LICENSURE, TO SET FORTH REQUIREMENTS APPLICABLE TO TITLE LOAN AGREEMENTS, TO PROVIDE FOR DISCLOSURE, TO PROVIDE FOR THE RENEWAL OF TITLE LOAN AGREEMENTS, TO SET FORTH DEFAULT PROVISIONS, TO PROHIBIT SPECIFIED ACTIONS AND TO PROVIDE AN EXEMPTION.

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

SECTION 1. That Chapter 46, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW PART, to be known and designated as Part 5, Chapter 46, Title 28, Idaho Code, and to read as follows:

PART 5
TITLE LOAN ACT

28-46-501. SHORT TITLE. This part shall be known and may be cited as the "Title Loan Act."

28-46-502. DEFINITIONS. As used in this part, unless the context otherwise requires:

(1) "Title lender" means a regulated lender authorized pursuant to this part to make title loans.

(2) "Title loan" means a loan for a consumer purpose that is secured by a nonpurchase money security interest in titled personal property and that is scheduled to be repaid in either a single installment or in multiple installments that are not fully amortized. Title loans are regulated consumer loans and, except as otherwise provided in this part, all provisions of the Idaho credit code relating to regulated consumer loans apply to title loans and to persons engaged in the business of making title loans.

(3) "Title loan agreement" means a written agreement whereby a title lender agrees to make a title loan to a debtor, and the debtor agrees to give the title lender a security interest in unencumbered titled personal property owned by the debtor. Except as otherwise provided in this part, all provisions of chapter 9, title 28, Idaho Code, apply to title loans and to persons engaged in the business of making title loans.

(4) "Titled personal property" means any motor vehicle, the ownership of which is evidenced and delineated by a state issued certificate of title, but does not include a motor home, mobile home or manufactured home.

28-46-503. LICENSE REQUIRED. (1) No person shall engage in the business of making title loans without having first obtained a license from the administrator pursuant to this chapter authorizing the person to make regulated consumer loans.

(2) Any title loan made without first having obtained a license is void, in which case the person making the loan forfeits the right to collect any moneys, including principal, interest, and any other fee paid by the debtor in connection with the title loan agreement. The person making the title loan shall release its security interest in the titled personal property used as security for the title loan and shall return to the debtor:

(a) The certificate of title for such titled personal property;

(b) Such titled personal property if the person making the loan took possession of such property;

(c) The fair market value of such titled personal property if the person making the loan took possession of such property and is not able to return such property; and

(d) All principal, interest, and any other fees paid by the debtor.

28-46-504. TITLE LOAN AGREEMENTS. (1) Every title lender shall keep a numbered record of each and every title loan agreement executed by the title lender and debtor. Such record, as well as the title loan agreement, shall include the following information:

(a) The make, model and year of the titled personal property;

(b) The vehicle identification number, or other comparable identification number, along with the license plate number, if applicable, of the titled personal property;

(c) The name, residential address and date of birth of the debtor;

(d) The date the title loan agreement is executed by the title lender and the debtor; and

(e) The maturity date of the title loan agreement.

(2) The following information shall also be printed on the title loan agreement:

(a) The name and physical address of the title loan office;

(b) In not less than twelve (12) point bold type, the name and address of the administrator as well as a telephone number to which consumers may address complaints;

(c) The following statement in not less than twelve (12) point bold type and in all capitalized letters:

"(1) This loan is not intended to meet long-term financial needs.

(2) You should use this loan only to meet short-term cash needs.

(3) You will be required to pay additional interest and fees if you renew this loan rather than pay the debt in full when due.

(4) This loan may be a higher interest loan. You should consider what other lower cost loans may be available to you.

(5) You are placing at risk your continued ownership of the titled personal property you are using as security for this loan.

(6) If you default under this loan the title lender may take possession of the titled personal property used as security for this loan and sell the property in the manner provided by law.

(7) If you enter into a title loan agreement, you have a legal right of rescission. This means you may cancel your contract at no cost to you by returning the money you borrowed by the next business day after the date of your loan.

(8) If you believe that the title lender has violated the provisions of the Idaho Title Loan Act, you have the right to file a written complaint with the Idaho Department of Finance and the Department will investigate your complaint."

(d) The statement that "The debtor represents and warrants, to the best of the debtor's knowledge, that the titled personal property is not stolen and has no liens or encumbrances against it, the debtor has the right to enter into this transaction and will not apply for a duplicate certificate of title while the title loan agreement is in effect."

(3) The debtor shall sign the title loan agreement and shall be provided with a copy of such agreement. The title loan agreement shall also be signed by the title lender or the title lender's employee or agent. If the debtor has been issued a social security number, the title lender shall keep on file the social security number of the debtor.

28-46-505. DISCLOSURE. (1) Notwithstanding the provisions of section 28-46-103, Idaho Code, or any other law to the contrary, in accordance with the Idaho administrative procedure act, chapter 52, title 67, Idaho Code, the administrator may promulgate rules requiring each title lender to issue a standardized consumer notification and disclosure form in compliance with federal truth-in-lending laws prior to entering into any title loan agreement. The required style, content and method of executing the form may be prescribed by the rule and shall be designed to ensure that the debtor, prior to entering into such agreement, receives and acknowledges an accurate and complete notification and disclosure of

the itemized and total amounts of all interest, fees, charges and other costs that will or potentially could be imposed as a result of such agreement.

(2) A title lender shall conspicuously post in each licensed location the statements listed in section 28-46-504(2)(c), Idaho Code.

28-46-506. RENEWAL OF TITLE LOAN AGREEMENTS. (1) Title loan agreements shall not exceed thirty (30) days in length. However, such agreements may provide for renewals, which may occur automatically, unless one (1) of the following has occurred:

(a) The debtor has paid all principal and finance charges due in accordance with the title loan agreement;

(b) The debtor has surrendered possession, title and all other interest in and to the titled personal property to the title lender; or

(c) The title lender has notified the debtor in writing that the title loan agreement is not to be renewed.

(2) A debtor has the right to cancel the debtor's obligation to make payments under a title loan agreement until the close of the next business day after the day when the debtor signs a title loan agreement if the debtor returns the original check or cash to the location where the loan was originated. For the purpose of this section, "business day" means any day that the title loan office is open for business.

(3) Notwithstanding any provision of this part 5 to the contrary, beginning with the third renewal or continuation and at each successive renewal or continuation thereafter, the debtor shall be required to make a payment of at least ten percent (10%) of the principal amount of the original title loan in addition to any finance charges that are due. Finance charges due at each successive renewal or continuation shall be calculated on the outstanding principal balance. Principal payments in excess of the ten percent (10%) required principal reduction shall be credited to the outstanding principal on the day received. If at the maturity of any renewal requiring a principal reduction, the debtor has not made previous principal reductions adequate to satisfy the current required principal reduction, and the debtor cannot repay at least ten percent (10%) of the original principal balance and any outstanding finance charges, the title lender may, but shall not be obligated to, defer any required principal payment until a future date. No further finance charges may accrue on any such principal amount thus deferred.

(4) Within fourteen (14) days after a title loan is automatically renewed, the title lender shall provide the debtor written notice of the renewal either by personal delivery to the debtor or by deposit in the regular mail to the debtor's residential address listed in the title loan agreement. For the purpose of this section, a renewal is any extension of a title loan for an additional period without any change in the terms of the title loan other than extension of the maturity date and a reduction in principal.

28-46-507. DEFAULT. (1) Before exercising any of its rights upon a default by a debtor under a title loan agreement, the title lender shall mail a "Notice to Cure Default" to the debtor at the debtor's last address shown in the title lender's file, notifying the debtor that the debtor has ten (10) days from the date of the notice in which to cure the default.

(2) If the debtor does not cure the default within the ten (10) days, the title lender may proceed to exercise its rights under chapter 9, title 28, Idaho Code. There shall be no further finance charges assessed to the debtor after the title lender has obtained possession of the titled personal property.

(3) Upon voluntary surrender of the titled personal property used as security for a title loan, the title lender shall have no obligation to send any "Notice to Cure Default" to the debtor.

(4) Title lenders may assess and collect reasonable expenses of collection and enforcement as authorized by chapter 9, title 28, Idaho Code.

28-46-508. PROHIBITED ACTIONS. A title lender shall not:

(1) Enter into a title loan agreement with a person less than eighteen (18) years of age, or with anyone who appears to be intoxicated;

(2) Make any agreement giving the title lender any recourse against the debtor other than the title lender's right to take possession of the titled personal property and certificate of title upon the debtor's default, and to sell or otherwise dispose of the titled personal property in accordance with the provisions of chapter 9, title 28, Idaho Code, except where the debtor prevented repossession of the vehicle, damaged or committed or permitted waste on the vehicle or committed fraud;

(3) Enter into a title loan agreement in which the amount of money loaned, when combined with the outstanding balance of other outstanding title loan agreements the debtor has with the same lender secured by any single titled personal property, exceeds the retail value of the titled personal property as determined by common motor vehicle appraisal guides;

(4) Accept any waiver, in writing or otherwise, of any right or protection accorded a debtor under this chapter;

(5) Fail to exercise reasonable care to protect from loss or damage the certificate of title in the physical possession of the title lender;

(6) Purchase titled personal property used as security for a title loan made by the title lender;

(7) Enter into a title loan agreement unless the debtor presents a clear title to titled personal property at the time that the loan is made. If the title lender files a lien against such titled personal property without possession of a clear title to such property, the resulting lien shall be void;

(8) Capitalize or add any accrued interest or fee to the original principal of the title loan agreement during any renewal of the agreement;

(9) Require a debtor to provide any additional guaranty as a condition to entering into a title loan agreement;

(10) Use any device or agreement, including agreements with affiliated title lenders, with the intent to obtain greater charges than otherwise would be authorized by this part; or

(11) Violate the provisions of this part or any rule promulgated pursuant thereto.

28-46-509. EXEMPTION. The provisions of this part shall not apply to any person licensed or chartered under the laws of any state or of the United States as a bank, savings and loan association, credit union,

insurance company, or industrial loan company. The terms "bank," "savings and loan association," "credit union," "insurance company" and "industrial loan company" shall include employees and agents of such organizations as well as wholly-owned subsidiaries of such organizations, provided that the subsidiary is regularly examined by the chartering state or federal agency for consumer compliance purposes.

Approved March 31, 2006.

CHAPTER 324
(H.B. No. 793)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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 Division of Human Resources the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
DIVISION OF HUMAN RESOURCES:				
FROM:				
Division of Human Resources Fund	$2,137,000	$582,900	$28,600	$2,748,500
Seminars and Publications Fund		130,000		130,000
TOTAL	$2,137,000	$712,900	$28,600	$2,878,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Division of Human Resources is authorized no more than thirty-six (36) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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. The Division of Human Resources is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 325
(H.B. No. 794)

AN ACT
APPROPRIATING MONEYS FOR THE AGRICULTURAL RESEARCH AND COOPERATIVE EXTENSION SERVICE PROGRAM FOR FISCAL YEAR 2007.

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 Program the following amounts from the listed funds for the period July 1, 2006, through June 30, 2007:

FROM:	
General Fund	$25,700,600
Economic Recovery Reserve Fund	90,000
Equine Education Fund	50,000
Miscellaneous Revenue Fund (Uncontrolled)	181,900
Federal Grant Fund (Uncontrolled)	4,599,500
TOTAL	$30,622,000

Approved March 31, 2006.

CHAPTER 326
(H.B. No. 796)

AN ACT
RELATING TO TAXATION; AMENDING SECTION 63-3622X, IDAHO CODE, TO REVISE THE EXEMPTION APPLICABLE TO POLLUTION CONTROL EQUIPMENT; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 63-3622X, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622X. POLLUTION CONTROL EQUIPMENT. There is hereby exempted from the taxes imposed by this chapter the sale, use or purchase of tangible personal property, which property is pollution control equipment required to meet air and water quality standards of a state or federal agency having authority to regulate and set air and water quality emission standards.

This exemption applies to the purchase of dry cleaning equipment that is designed to protect employees from exposure to perchloroethylene as well as retaining the fluid in the machine in order to protect sewer systems and air quality standards. Dry cleaning machines meeting these standards are referred to as "dry to dry transfer systems."

This exemption applies to the purchase of a liner or reagent required to meet water quality standards, rules or regulations of a state or federal agency having authority to regulate and set water quality standards regardless of whether the liner or reagent later becomes

or is intended to become a component of any real property or improvement or fixture thereto.

This exemption does not include motor vehicles or aircraft, without regard to the use to which such motor vehicles or aircraft are put.

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 July 1, 2005.

Approved March 31, 2006.

CHAPTER 327
(H.B. No. 797)

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF LAND COMMISSIONERS FOR THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; EXPRESSING LEGISLATIVE INTENT REGARDING THE TRANSFER OF MONEYS FROM THE EARNINGS RESERVE FUNDS TO THE INCOME FUNDS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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

SECTION 1. There is hereby appropriated to the State Board of Land Commissioners for the Endowment Fund Investment Board the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
ENDOWMENT FUND INVESTMENT BOARD:				
FROM:				
Miscellaneous Revenue Fund	$122,500	$ 65,100	$ 3,500	$191,100
Endowment Administrative Fund	246,400	177,500	6,900	430,800
TOTAL	$368,900	$242,600	$10,400	$621,900

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Endowment Fund Investment Board is authorized no more than four (4) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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. The Endowment Fund Investment Board is hereby granted continuous appropriation authority for moneys in the Endowment Administrative Fund for consulting fees, bank custodial fees and portfolio-related external costs for the period July 1, 2006, through June 30, 2007.

SECTION 4. It is legislative intent that for fiscal year 2007, the Endowment Fund Investment Board transfer $35,845,600 as follows: $24,648,200 from the Public School Earnings Reserve Fund to the Public School Income Fund; $661,200 from the Agricultural College Earnings Reserve Fund to the Agricultural College Income Fund; $2,361,300 from the Charitable Institutions Earnings Reserve Fund to the Charitable Institutions Income Fund; $2,115,700 from the Normal School Earnings Reserve Fund to the Normal School Income Fund; $809,300 from the Penitentiary Earnings Reserve Fund to the Penitentiary Income Fund; $2,375,800 from the Scientific School Earnings Reserve Fund to the Scientific School Income Fund; $1,051,500 from the Mental Hospital Earnings Reserve Fund to the Mental Hospital Income Fund; and $1,822,600 from the University Earnings Reserve Fund to the University Income Fund.

SECTION 5. The Endowment Fund Investment Board is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 328
(H.B. No. 798)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:					
FROM:					
General Fund	$ 881,600	$ 611,700			$ 1,493,300
Indirect Cost Recovery Fund	276,800	136,500			413,300
Economic Recovery Reserve Fund			$ 49,500		49,500
Water Administration Fund	40,300	21,700			62,000
TOTAL	$ 1,198,700	$ 769,900	$ 49,500		$ 2,018,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. PLANNING AND TECHNICAL SERVICES:					
FROM:					
General Fund	$ 1,991,000	$ 666,300		$911,800	$ 3,569,100
Indirect Cost Recovery Fund	62,700	14,900			77,600
Economic Recovery Reserve Fund			$ 34,400		34,400
Miscellaneous Revenue Fund		380,400			380,400
Federal Grant Fund	476,400	2,081,800			2,558,200
TOTAL	$ 2,530,100	$ 3,143,400	$ 34,400	$911,800	$ 6,619,700
III. ENERGY RESOURCES:					
FROM:					
General Fund	$ 34,000	$ 2,900			$ 36,900
Indirect Cost Recovery Fund	47,700	172,000			219,700
Miscellaneous Revenue Fund	128,500	544,400			672,900
Petroleum Price Violation Fund	557,100	1,557,700			2,114,800
Federal Grant Fund	529,400	573,600			1,103,000
TOTAL	$ 1,296,700	$ 2,850,600			$ 4,147,300
IV. SNAKE RIVER BASIN ADJUDICATION:					
FROM:					
General Fund	$ 1,434,400	$ 1,070,700			$ 2,505,100
V. WATER MANAGEMENT:					
FROM:					
General Fund	$ 3,397,100	$ 801,200			$ 4,198,300
Indirect Cost Recovery Fund	48,300	6,000			54,300
Economic Recovery Reserve Fund			$176,900		176,900
Water Administration Fund	1,051,200	982,700			2,033,900
Miscellaneous Revenue Fund	628,000	244,500			872,500
Federal Grant Fund	243,600	193,200			436,800
TOTAL	$ 5,368,200	$ 2,227,600	$176,900		$ 7,772,700
GRAND TOTAL	$11,828,100	$10,062,200	$260,800	$911,800	$23,062,900

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred eighty (180) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 Department of Water Resources is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 329
(H.B. No. 799)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Public Utilities Commission Fund	$3,196,200	$1,175,600	$35,800	$4,407,600
Federal Grant Fund	46,300	21,300		67,600
TOTAL	$3,242,500	$1,196,900	$35,800	$4,475,200

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, 2006, through June 30, 2007, 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 Public Utilities Commission is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered.

Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 330
(H.B. No. 801)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

FOR:	
Personnel Costs	$1,417,200
Operating Expenditures	548,300
TOTAL	$1,965,500
FROM:	
General Fund	$1,965,500

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, 2006, through June 30, 2007, 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. The State Appellate Public Defender is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 331
(H.B. No. 802)

AN ACT

APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE COST FUND FOR FISCAL YEAR 2007.

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

SECTION 1. There is hereby appropriated $20,766,800 from the General Fund to be deposited in the Catastrophic Health Care Cost Fund for the period July 1, 2006, through June 30, 2007.

Approved March 31, 2006.

CHAPTER 332
(H.B. No. 803)

AN ACT

APPROPRIATING MONEYS FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2007; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. FOREST UTILIZATION RESEARCH:					
FROM:					
General Fund	$ 499,900	$ 95,200			$ 595,100
II. IDAHO GEOLOGICAL SURVEY:					
FROM:					
General Fund	$ 789,300	$ 26,200			$ 815,500
III. SCHOLARSHIPS AND GRANTS:					
FROM:					
General Fund				$7,504,100	$ 7,504,100
Federal Grant Fund				440,000	440,000
TOTAL				$7,944,100	$ 7,944,100
IV. IDAHO MUSEUM OF NATURAL HISTORY:					
FROM:					
General Fund	$ 491,500	$ 13,800			$ 505,300
Economic Recovery Reserve Fund			$25,500		25,500
TOTAL	$ 491,500	$ 13,800	$25,500		$ 530,800
V. IDAHO SMALL BUSINESS DEVELOPMENT CENTERS:					
FROM:					
General Fund	$ 289,800				$ 289,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VI. IDAHO COUNCIL ON ECONOMIC EDUCATION:					
FROM:					
General Fund				$ 53,800	$ 53,800
VII. TECHHELP:					
FROM:					
General Fund	$ 166,600				$ 166,600
GRAND TOTAL	$2,237,100	$135,200	$25,500	$7,997,900	$10,395,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, there is hereby authorized no more than twenty-four and eighty-hundredths (24.80) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, for the Forest Utilization Research Program, Idaho Geological Survey Program and the Idaho Museum of Natural History 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.

Approved March 31, 2006.

CHAPTER 333
(H.B. No. 804)

AN ACT

APPROPRIATING MONEYS FOR THE HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR THE SEVERAL DESIGNATED PROGRAMS; AND SETTING CONDITIONS FOR REAPPROPRIATION.

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 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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. WOI VETERINARY EDUCATION:				
FROM:				
General Fund	$ 506,100	$1,159,700		$1,665,800
UI Restricted Fund			$ 100,000	100,000
TOTAL	$ 506,100	$1,159,700	$ 100,000	$1,765,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. WWAMI MEDICAL EDUCATION:				
FROM:				
General Fund	$ 661,900	$ 99,300	$2,517,700	$3,278,900
Unrestricted Fund (Uncontrolled)	22,600	76,700	144,100	243,400
TOTAL	$ 684,500	$ 176,000	$2,661,800	$3,522,300
III. IDEP DENTAL EDUCATION:				
FROM:				
General Fund	$ 206,800	$ 15,000	$ 804,100	$1,025,900
Unrestricted Fund	122,100			122,100
TOTAL	$ 328,900	$ 15,000	$ 804,100	$1,148,000
IV. UNIVERSITY OF UTAH MEDICAL EDUCATION:				
FROM:				
General Fund			$1,039,100	$1,039,100
V. FAMILY PRACTICE RESIDENCIES:				
FROM:				
General Fund	$ 423,700	$ 264,900	$ 846,100	$1,534,700
VI. WICHE:				
FROM:				
General Fund			$ 219,800	$ 219,800
GRAND TOTAL	$1,943,200	$1,615,600	$5,670,900	$9,229,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, the agency is authorized no more than twenty and thirty-nine hundredths (20.39) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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. There is hereby reappropriated to the Board of Regents of the University of Idaho and the State Board of Education for the WOI Veterinary Education Program, WWAMI Medical Education Program, IDEP Dental Education Program, University of Utah Medical Education Program, Family Practice Residencies Program, and the WICHE Program, subject to the provisions of Section 4 of this act, the unexpended and unencumbered balance of any appropriation contained in Section 1, Chapter 251, Laws of 2005, to be used for nonrecurring expenditures, for the period July 1, 2006, through June 30, 2007.

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, 2006, 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, 2006, 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 Office of the State Board of Education bears to the total General Fund reappropriation authority granted to all state agencies.

Approved March 31, 2006.

CHAPTER 334
(H.B. No. 805)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE AND LABOR FOR FISCAL YEAR 2007; APPROPRIATING FEDERAL FUNDS FOR UNEMPLOYMENT INSURANCE PROGRAM; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING ALLOCATION OF SALARY SAVINGS; PROVIDING FOR CERTAIN APPROPRIATIONS TO BE FOR THE PERIOD OF JULY 1, 2006 THROUGH JUNE 30, 2008; DIRECTING THE DEPARTMENT TO REPORT ON THE IMPACT OF THE FILM/TOURISM MARKETING SPECIALIST; DIRECTING THE DEPARTMENT TO REPORT ON THE IMPACT OF THE SMALL BUSINESS ASSISTANCE FUND; AND DIRECTING THE DEPARTMENT TO REPORT ON THE IMPACT OF RURAL ECONOMIC DEVELOPMENT PROFESSIONALS.

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

SECTION 1. There is hereby appropriated to the Department of Commerce and Labor the following amounts from the listed funds to be expended according to the designated expense classes for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMMERCE:					
FROM:					
General Fund	$2,175,300	$1,458,600		$ 4,650,000	$ 8,283,900
Tourism and Promotion Fund	598,600	3,213,600	$ 5,000	3,655,200	7,472,400
Federal Grant Fund	451,400	245,500		15,620,800	16,317,700
Economic Recovery Reserve Fund		7,200	28,000		35,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue Fund	118,500	156,800			275,300
Seminars and Publications Fund		378,200			378,200
TOTAL	$3,343,800	$5,459,900	$33,000	$23,926,000	$32,762,700
II. IDAHO RURAL PARTNERSHIP:					
FROM:					
Miscellaneous Revenue Fund	$ 107,200	$ 126,900			$ 234,100
Federal Grant Fund		51,100			51,100
TOTAL	$ 107,200	$ 178,000			$ 285,200
III. WAGE AND HOUR:					
FROM:					
General Fund	$ 408,000	$ 151,000			$ 559,000
Miscellaneous Revenue Fund		10,600			10,600
TOTAL	$ 408,000	$ 161,600			$ 569,600
GRAND TOTAL	$3,859,000	$5,799,500	$33,000	$23,926,000	$33,617,500

SECTION 2. There is hereby appropriated out of the funds made available to the Department of Commerce and Labor of the State of Idaho, pursuant to Section 903 of the federal Social Security Act, as amended, the sum of $9,000,000 for the payment of expenses incurred for the administration of the Unemployment Insurance and the Employment Service Programs. This appropriation is authorized by and subject to the limitations of Section 72-1346(4), Idaho Code.

SECTION 3. In accordance with Section 67-3519, Idaho Code, the Department of Commerce and Labor is authorized no more than sixty-three and one-half (63.5) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 4. The Department of Commerce and Labor is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

SECTION 5. Of the General Fund appropriation made in Section 1 of this act for the Commerce Program within the Department of Commerce and Labor, $800,000 shall be for the period July 1, 2006, through June 30, 2008. The appropriation authorized in Section 2 of this act shall be for the period July 1, 2006, through June 30, 2008.

SECTION 6. The Department is directed to report to the Joint Finance-Appropriations Committee during the 2007 Legislative Session on the effect and impact of the Film/Tourism Marketing Specialist. The Department shall also report on the effect and impact of film industry incentive legislation passed during the 2006 Legislative Session.

SECTION 7. The Department is directed to report to the Joint Finance-Appropriations Committee during the 2007 Legislative Session on the effect and impact of the Small Business Assistance Fund. The report shall include, but not be limited to, information regarding the number of businesses awarded grants, the number of applicants, and other indicators of the program's impact.

SECTION 8. The Department is directed to report to the Joint Finance-Appropriations Committee during the 2006 legislative interim on the effectiveness and impact of the twelve Rural Economic Development Professionals. This report shall include, but not be limited to, covering the program's specific accomplishments, the program's long-range plan and, what plans exist, if any, to bring areas and communities into this program which currently do not meet participation criteria.

Approved March 31, 2006.

CHAPTER 335
(H.B. No. 808)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. INSURANCE REGULATION:					
FROM:					
Self-Governing Operating Fund	$3,445,000	$2,269,200	$127,000		$5,841,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue Fund	76,800	15,700			92,500
Federal Grant Fund	134,600	99,700		$2,500	236,800
TOTAL	$3,656,400	$2,384,600	$127,000	$2,500	$6,170,500
II. STATE FIRE MARSHAL:					
FROM:					
Self-Governing State Fire Marshal Fund	$ 633,500	$ 349,500	$ 93,800		$1,076,800
GRAND TOTAL	$4,289,900	$2,734,100	$220,800	$2,500	$7,247,300

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Insurance is authorized no more than seventy-three (73) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 Department of Insurance is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 336
(H.B. No. 809)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT TO CLARIFY THE SCOPE OF THE APPROPRIATION; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

FOR:	
Personnel Costs	$ 2,549,500
Operating Expenditures	8,353,600
Capital Outlay	159,000
TOTAL	$11,062,100
FROM:	
State Lottery Fund	$11,062,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho State Lottery is authorized no more than forty-eight (48) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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. The State Lottery Commission is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 337
(H.B. No. 810)

AN ACT

APPROPRIATING MONEYS FOR THE PUBLIC EMPLOYEE RETIREMENT SYSTEM FOR FISCAL YEAR 2007; CLARIFYING THE APPROPRIATION FOR THE PORTFOLIO INVESTMENT PROGRAM; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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 Public Employee Retirement System the following amounts to be expended for the named programs according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. RETIREMENT ADMINISTRATION:				
FROM:				
PERSI Administrative Fund	$3,045,000	$2,438,000	$ 94,900	$5,577,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
II. PORTFOLIO INVESTMENT:				
FROM:				
PERSI Special Fund	$ 463,900	$ 255,700	$ 15,000	$ 734,600
GRAND TOTAL	$3,508,900	$2,693,700	$109,900	$6,312,500

SECTION 2. 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 3. In accordance with Section 67-3519, Idaho Code, the Public Employee Retirement System is authorized no more than sixty-three (63) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 4. The Public Employee Retirement System is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 338
(H.B. No. 811)

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2007; 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; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General Fund	$ 916,400	$314,700	$1,231,100
State Treasurer LGIP Fund	204,800	104,400	309,200
Treasurer's Office - Professional Services Fund	193,200	122,900	316,100
TOTAL	$1,314,400	$542,000	$1,856,400

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, 2007, 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 2006, to be used for nonrecurring expenditures only for the period July 1, 2006, through June 30, 2007. Provided however, that if said reappropriation exceeds the unencumbered cash balance in the State Treasurer LGIP Fund as of June 30, 2006, 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 Office of the State Treasurer is authorized no more than eighteen (18) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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. The State Treasurer is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 339
(H.B. No. 812)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General Fund	$513,700	$150,400	$664,100
Federal Grant Fund	111,300	111,700	223,000
Miscellaneous Revenue Fund		6,800	6,800
TOTAL	$625,000	$268,900	$893,900

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, 2006, through June 30, 2007, 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. The Human Rights Commission is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 340
(H.B. No. 813)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION ON THE ARTS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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 on the Arts the following amounts from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
COMMISSION ON THE ARTS:					
FROM:					
General Fund	$312,900	$156,400		$430,000	$ 899,300
Miscellaneous Revenue Fund		85,200		16,300	101,500
Federal Grant Fund	258,700	108,200		291,700	658,600
Economic Recovery Reserve Fund		1,500	$39,600	50,000	91,100
TOTAL	$571,600	$351,300	$39,600	$788,000	$1,750,500

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, 2006, through June 30, 2007, 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. The Commission on the Arts is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 341
(H.B. No. 817)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. SUPPORT SERVICES:						
FROM:						
General Fund	$ 459,300	$ 253,100				$ 712,400
Department of Lands Fund	450,400	315,100	$ 69,300			834,800
Indirect Cost Recovery Fund	56,600	128,200				184,800
Endowment Administrative Fund	1,878,800	934,200	277,100			3,090,100
TOTAL	$ 2,845,100	$1,630,600	$346,400			$ 4,822,100
II. FOREST RESOURCES MANAGEMENT:						
FROM:						
General Fund	$ 1,003,600	$ 68,400				$ 1,072,000
Department of Lands Fund	460,500	348,000				808,500
Indirect Cost Recovery Fund	79,100	320,000				399,100
Economic Recovery Reserve Fund			$ 23,300			23,300
Endowment Administrative Fund	7,693,600	4,063,700	455,000	$ 492,500		12,704,800
Community Forestry Fund				79,700		79,700
Federal Grant Fund	602,200	962,500		1,306,300		2,871,000
TOTAL	$ 9,839,000	$5,762,600	$478,300	$1,878,500		$17,958,400
III. LAND, RANGE, AND MINERAL RESOURCE MANAGEMENT:						
FROM:						
General Fund	$ 689,500	$ 121,000				$ 810,500
Department of Lands Fund	18,000	493,900				511,900
Land and Building Rental Fund	1,000	64,000				65,000
Endowment Administrative Fund	1,773,000	1,450,900	$ 69,400			3,293,300
TOTAL	$ 2,481,500	$2,129,800	$ 69,400			$ 4,680,700
IV. FOREST AND RANGE FIRE PROTECTION:						
FROM:						
General Fund					$2,101,900	$ 2,101,900
Department of Lands Fund					3,864,900	3,864,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
Fire Suppression Deficiency Fund					124,600	124,600
Economic Recovery Reserve Fund					25,000	25,000
Federal Grant Fund					3,533,800	3,533,800
TOTAL					$9,650,200	$ 9,650,200
V. SCALING PRACTICES:						
FROM:						
Department of Lands Fund	$ 176,300	$ 46,600	$ 23,000			$ 245,900
GRAND TOTAL	$15,341,900	$9,569,600	$917,100	$1,878,500	$9,650,200	$37,357,300

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Lands is authorized no more than two hundred sixty-five and sixty-one hundredths (265.61) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 Department of Lands is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 342
(H.B. No. 818)

AN ACT

APPROPRIATING MONEYS TO THE SOIL CONSERVATION COMMISSION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$1,389,700	$ 949,200		$1,885,200	$4,224,100
Economic Recovery Reserve Fund			$72,500		72,500
Resource Conservation and Rangeland Development Fund		101,600			101,600
Clean Water Revolving Loan Fund (SCC)		80,000			80,000
Federal Grant Fund	181,100	245,000		76,400	502,500
TOTAL	$1,570,800	$1,375,800	$72,500	$1,961,600	$4,980,700

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, 2006, through June 30, 2007, 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. The Soil Conservation Commission is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 343
(H.B. No. 819)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General Fund	$ 469,600	$ 430,800		$ 25,300	$ 925,700
Administration and Accounting Services Fund	631,300	137,800	$ 29,600		798,700
Facilities Maintenance Fund	95,400	65,600			161,000
Agriculture in the Classroom Fund		28,500			28,500
TOTAL	$ 1,196,300	$ 662,700	$ 29,600	$ 25,300	$ 1,913,900
II. ANIMAL INDUSTRIES:					
FROM:					
General Fund	$ 1,424,000	$ 244,300			$ 1,668,300
Economic Recovery Reserve Fund			$ 2,000		2,000
Agricultural Fees - Livestock Disease Control Fund	508,000	262,900	86,900		857,800
Agricultural Fees - Dairy Inspection Fund	906,100	291,100	66,000		1,263,200
Agricultural Fees - Egg Inspection Fund	152,100	15,200			167,300
Agricultural Fees - Commercial Fisheries Fund	6,000	4,200			10,200
Seminars and Publications Fund		98,400			98,400
Federal Grant Fund	790,300	530,900	22,000	$ 333,200	1,676,400
TOTAL	$ 3,786,500	$1,447,000	$ 176,900	$ 333,200	$ 5,743,600
III. AGRICULTURAL RESOURCES:					
FROM:					
General Fund	$ 446,600	$ 448,700			$ 895,300
Economic Recovery Reserve Fund			$ 17,000		17,000
Agricultural Smoke Management Fund	106,900	106,100			213,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Agricultural Fees - Pesticides Fund	1,310,700	507,800	279,600		2,098,100
Federal Grant Fund	437,100	170,900			608,000
TOTAL	$ 2,301,300	$1,233,500	$ 296,600		$ 3,831,400
IV. PLANT INDUSTRIES:					
FROM:					
General Fund	$ 539,900	$ 193,700		$ 425,100	$ 1,158,700
Economic Recovery Reserve Fund			$ 60,000		60,000
Agricultural Inspection Fund	1,047,900	292,700	123,000	111,100	1,574,700
Agricultural Fees - Commercial Feed and Fertilizer Fund	659,300	170,300	51,200		880,800
Agricultural Fees - Honey Advertising Fund	400	16,300			16,700
Agricultural Fees - Organic Food Products Fund	87,300	31,200	1,500		120,000
Quality Assurance Laboratory Services Fund	335,000	40,800			375,800
Federal Grant Fund	691,400	1,665,400	38,400	1,161,700	3,556,900
TOTAL	$ 3,361,200	$2,410,400	$ 274,100	$1,697,900	$ 7,743,600
V. AGRICULTURAL INSPECTIONS:					
FROM:					
General Fund	$ 574,300	$ 201,300			$ 775,600
Economic Recovery Reserve Fund			$ 110,000		110,000
Agricultural Inspection Fund	123,700	49,700		$ 3,700	177,100
Weights and Measures Inspection Fund	206,700	42,400	74,000		323,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Agricultural Fees - Fresh Fruit and Vegetable Inspection Fund	7,239,300	712,100	239,000	371,100	8,561,500
TOTAL	$ 8,144,000	$1,005,500	$ 423,000	$ 374,800	$ 9,947,300
VI. MARKETING AND DEVELOPMENT:					
FROM:					
General Fund	$ 376,700	$ 364,500			$ 741,200
Economic Recovery Reserve Fund			$ 6,500		6,500
Agricultural Inspection Fund	24,800	10,300			35,100
Seminars and Publications Fund		239,100			239,100
USDA Publications Fund		64,900			64,900
Agricultural Loans Fund	13,100	15,300		$ 5,200	33,600
Federal Grant Fund	58,600	25,500		42,500	126,600
TOTAL	$ 473,200	$ 719,600	$ 6,500	$ 47,700	$ 1,247,000
VII. ANIMAL DAMAGE CONTROL:					
FROM:					
General Fund				$ 145,800	$ 145,800
Animal Damage Control Fund				215,700	215,700
Agricultural Fees - Sheep Industry Regulation Fund		$ 200		167,200	167,400
TOTAL		$ 200		$ 528,700	$ 528,900
VIII. SHEEP COMMISSION:					
FROM:					
General Fund	$ 53,000	$ 500			$ 53,500
Agricultural Fees - Sheep Industry Regulation Fund	63,400	40,100			103,500
Sheep and Goat Disease Indemnity Fund		20,300			20,300
TOTAL	$ 116,400	$ 60,900			$ 177,300
GRAND TOTAL	$19,378,900	$7,539,800	$1,206,700	$3,007,600	$31,133,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than two hundred six and sixty-hundredths (206.60) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 Department of Agriculture is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 344
(H.B. No. 826)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILD WELFARE PROGRAM FOR FISCAL YEAR 2007; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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 Program 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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
Economic Recovery Reserve Fund			$194,900		$ 194,900
General Fund	$ 8,873,200	$2,173,700		$ 4,950,900	15,997,800
Cooperative Welfare Fund (Federal)	11,926,700	6,225,700	86,100	15,191,500	33,430,000
Cooperative Welfare Fund (Dedicated)				480,300	480,300
TOTAL	$20,799,900	$8,399,400	$281,000	$20,622,700	$50,103,000

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 three hundred eighty-five and forty-seven hundredths (385.47) full-time equivalent positions for the Child Welfare Program during the period July 1, 2006, through June 30, 2007. 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. The Department of Health and Welfare is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 345
(H.B. No. 827)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2007; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SELF-RELIANCE PROGRAMS:					
FROM:					
General Fund	$11,783,100	$ 6,747,600	$150,000		$ 18,680,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare Fund (Federal)	17,745,100	14,073,000	184,400		32,002,500
Economic Recovery Reserve Fund			37,400		37,400
Cooperative Welfare Fund (Dedicated)	55,600	2,265,200			2,320,800
TOTAL	$29,583,800	$23,085,800	$371,800		$ 53,041,400
II. BENEFIT PAYMENTS:					
FROM:					
General Fund				$19,066,600	$ 19,066,600
Cooperative Welfare Fund (Dedicated)				311,300	311,300
Cooperative Welfare Fund (Federal)				58,953,100	58,593,100
TOTAL				$78,331,000	$ 78,331,000
GRAND TOTAL	$29,583,800	$23,085,800	$371,800	$78,331,000	$131,372,400

SECTION 2. 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 3. REAPPROPRIATION. There is hereby reappropriated to the Department of Health and Welfare any unexpended and unencumbered balances of the Cooperative Welfare Fund as appropriated for fiscal year 2006 to the Self-Reliance and Benefit Payments Programs, to be used to develop a replacement of the Eligibility Programs Integrated Computer System (EPICS) for the period July 1, 2006, through June 30, 2007. The reappropriation shall be computed by the Department of Health and Welfare and for budgeting purposes any General Fund portion of the balance in the Cooperative Welfare Fund shall be identified as part of the General Fund.

SECTION 4. 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 twenty-three and fifty-six hundredths (623.56) full-time equivalent positions for the Self-Reliance Programs during the period July 1, 2006, through June 30, 2007. 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 2008. 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 5. The Department of Health and Welfare is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 346
(H.B. No. 828)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2007; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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 for the designated program according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	$10,344,100	$ 6,528,800		$16,872,900
Economic Recovery Reserve Fund		5,400	$ 74,700	80,100
Cooperative Welfare Fund (Federal)	9,495,500	6,760,100	61,000	16,316,600
Cooperative Welfare Fund (Dedicated)	171,000	402,300		573,300
TOTAL	$20,010,600	$13,696,600	$135,700	$33,842,900

SECTION 2. 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 3. 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 eighteen and ninety-eight hundredths (318.98) full-time equivalent positions for the Indirect Support Ser-

vices Program during the period July 1, 2006, through June 30, 2007. 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. The Department of Health and Welfare is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 347
(H.B. No. 829)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDEPENDENT COUNCILS FOR FISCAL YEAR 2007; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE INDEPENDENT COUNCILS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. DOMESTIC VIOLENCE COUNCIL:					
FROM:					
General Fund	$ 12,500				$ 12,500
Domestic Violence Project Fund	184,800	$ 138,200		$ 171,800	494,800
Cooperative Welfare Fund (Federal)	73,600	126,900		3,065,400	3,265,900
Cooperative Welfare Fund (Dedicated)		40,000			40,000
TOTAL	$270,900	$305,100		$3,237,200	$3,813,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
B. DEVELOPMENTAL DISABILITIES COUNCIL:					
FROM:					
General Fund	$ 76,200	$ 13,700		$ 600	$ 90,500
Cooperative Welfare Fund (Federal)	292,700	194,500		31,600	518,800
Cooperative Welfare Fund (Dedicated)		15,000			15,000
TOTAL	$368,900	$223,200		$ 32,200	$ 624,300
C. COUNCIL ON THE DEAF AND HARD OF HEARING:					
FROM:					
Economic Recovery Reserve Fund			$600		$ 600
General Fund	$115,300	$ 23,600			138,900
Cooperative Welfare Fund (Federal)	29,500	86,000			115,500
Cooperative Welfare Fund (Dedicated)		7,500			7,500
TOTAL	$144,800	$117,100	$600		$ 262,500
GRAND TOTAL	$784,600	$645,400	$600	$3,269,400	$4,700,000

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 thirteen (13) full-time equivalent positions for the Independent Councils during the period July 1, 2006, through June 30, 2007. 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. The Department of Health and Welfare is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the

midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 348
(H.B. No. 830)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SERVICES FOR THE DEVELOPMENTALLY DISABLED IN THE COMMUNITY DEVELOPMENTAL DISABILITY SERVICES PROGRAM FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE COMMUNITY DEVELOPMENTAL DISABILITY SERVICES PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SERVICES FOR THE DEVELOPMENTALLY DISABLED IN THE IDAHO STATE SCHOOL AND HOSPITAL PROGRAM; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE IDAHO STATE SCHOOL AND HOSPITAL PROGRAM; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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 in the Community Developmental Disability Services Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
Economic Recovery Reserve Fund		$ 9,600	$ 31,800		$ 41,400
General Fund	$3,745,400	1,321,800	52,500	$3,489,400	8,609,100
Cooperative Welfare Fund (Federal)	4,346,700	1,903,600	19,600	1,300,500	7,570,400
Cooperative Welfare Fund (Dedicated)	1,560,800	46,300		79,800	1,686,900
TOTAL	$9,652,900	$3,281,300	$103,900	$4,869,700	$17,907,800

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 seventy-one and forty-four hundredths (171.44) full-time equivalent positions for the Community Developmental Disability Services Program during the period July 1, 2006, through June

30, 2007. 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. There is hereby appropriated to the Department of Health and Welfare for services for the developmentally disabled in the Idaho State School and Hospital Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
Economic Recovery Reserve Fund		$ 29,500	$ 6,700		$ 36,200
General Fund	$ 3,927,200	917,000		$111,900	4,956,100
Medical Assistance Fund		3,500			3,500
Cooperative Welfare Fund (Federal)	13,009,400	2,178,700	15,900	219,400	15,423,400
Cooperative Welfare Fund (Dedicated)	667,500	122,400		10,200	800,100
TOTAL	$17,604,100	$3,251,100	$22,600	$341,500	$21,219,300

SECTION 4. 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 seventy-five and fifty-three hundredths (375.53) full-time equivalent positions for the Idaho State School and Hospital Program during the period July 1, 2006, through June 30, 2007. 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 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. REAPPROPRIATION OF THE COOPERATIVE WELFARE FUND. There is hereby reappropriated to the Department of Health and Welfare any unexpended and unencumbered balances in the Cooperative Welfare Fund as appropriated for fiscal year 2006 to the Community Developmental Disability Services Program to be used for nonrecurring expenditures for the Infant and Toddler Program, for the period July 1, 2006, through

June 30, 2007. The reappropriation shall be computed by the Department of Health and Welfare and for budgeting purposes any General Fund portion of the balance in the Cooperative Welfare Fund shall be identified as part of the General Fund.

SECTION 7. The Department of Health and Welfare is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 31, 2006.

CHAPTER 349
(H.B. No. 831)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2007; 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; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND EXPRESSING LEGISLATIVE INTENT REGARDING ONE-TIME FUNDING FOR THE TECHNICAL LEADERSHIP GROUP.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
General Fund	$ 1,527,800	$ 967,800			$ 2,495,800
Economic Recovery Reserve Fund			$263,500		263,500
Air Quality Permitting Fund	178,800	216,400			395,200
Public Water System Supervision Fund	294,200	44,200	1,500		339,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Water Pollution Control Fund	62,300	16,000			78,300
Department of Environmental Quality Fund (Receipts)	111,300	17,100	1,500		129,900
Department of Environmental Quality Fund (Federal)	1,866,200	1,012,300	13,500		2,892,000
TOTAL	$ 4,040,600	$ 2,273,800	$280,000		$ 6,594,400
II. AIR QUALITY:					
FROM:					
General Fund	$ 1,931,400	$ 330,500			$ 2,261,900
Economic Recovery Reserve Fund			$ 13,500		13,500
Air Quality Permitting Fund	1,099,200	338,800	9,000		1,447,000
Department of Environmental Quality Fund (Receipts)	76,600	171,700			248,300
Department of Environmental Quality Fund (Federal)	1,323,100	320,400	24,000	$ 41,400	1,708,900
TOTAL	$ 4,430,300	$ 1,161,400	$ 46,500	$ 41,400	$ 5,679,600
III. WATER QUALITY:					
FROM:					
General Fund	$ 5,037,900	$ 1,602,600		$1,494,800	$ 8,135,300
Economic Recovery Reserve Fund			$ 30,500		30,500
Public Water System Supervision Fund	859,900	161,400	4,500	336,500	1,362,300
Water Pollution Control Fund	195,200	20,000		101,900	317,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Department of Environmental Quality Fund (Receipts)	324,200	87,200	1,500	51,600	464,500
Department of Environmental Quality Fund (Federal)	3,887,500	2,604,400	25,500	2,683,200	9,200,600
TOTAL	$10,304,700	$ 4,475,600	$ 62,000	$4,668,000	$19,510,300
IV. COEUR D'ALENE BASIN COMMISSION:					
FROM:					
General Fund	$ 96,100	$ 60,000			$ 156,100
Environmental Remediation Fund (Basin)	60,600	15,300			75,900
Department of Environmental Quality Fund (Federal)	43,300	2,053,300			2,096,600
TOTAL	$ 200,000	$ 2,128,600			$ 2,328,600
V. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
General Fund	$ 2,183,500	$ 442,700		$ 134,600	$ 2,760,800
Economic Recovery Reserve Fund			$ 18,000		18,000
Environmental Remediation Fund (Box)	24,800	76,400		25,500	126,700
Environmental Remediation Fund (Basin)	99,300	840,700			940,000
Department of Environmental Quality Fund (Receipts)	313,500	438,800	1,500	51,800	805,600
Bunker Hill Trust Fund				300,000	300,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Department of Environmental Quality Fund (Federal)	2,495,700	9,361,900	13,500	15,500	11,886,600
TOTAL	$ 5,116,800	$11,160,500	$ 33,000	$ 527,400	$16,837,700
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:					
FROM:					
General Fund	$ 189,600	$ 8,700			$ 198,300
Economic Recovery Reserve Fund			$ 1,500		1,500
Department of Environmental Quality Fund (Federal)	945,100	382,000	17,000	$ 596,900	1,941,000
TOTAL	$ 1,134,700	$ 390,700	$ 18,500	$ 596,900	$ 2,140,800
GRAND TOTAL	$25,227,100	$21,590,600	$440,000	$5,833,700	$53,091,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Environmental Quality is authorized no more than three hundred seventy-eight and fifty-five hundredths (378.55) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 Fund (Basin) for the period July 1, 2006, through June 30, 2007.

SECTION 4. It is legislative intent that moneys deposited into the Environmental Remediation Fund (Basin) 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. The Department of Environmental Quality is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

SECTION 7. It is legislative intent that funding for the Technical Leadership Group of the Coeur d'Alene Basin Environmental Improvement Project Commission be one-time and that the Department of Environmental Quality seek ongoing funding from the Environmental Protection Agency.

Approved March 31, 2006.

CHAPTER 350
(H.B. No. 422, As Amended in the Senate)

AN ACT

RELATING TO THE CIRCUIT BREAKER PROPERTY TAX RELIEF PROGRAM; AMENDING SECTION 63-705, IDAHO CODE, TO DELETE ADJUSTMENTS TO INCOME LIMITATIONS, TO PROVIDE FOR A MAXIMUM INCOME LIMITATION OF THE GREATER OF TWENTY-EIGHT THOUSAND DOLLARS FOR TAX YEAR 2006, AND EACH TAX YEAR THEREAFTER OR ONE HUNDRED EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY GUIDELINES FOR A HOUSEHOLD OF TWO FOR TAX YEAR 2006, AND EACH TAX YEAR THEREAFTER, AND TO PROVIDE FOR A MAXIMUM TAX REDUCTION OF ONE THOUSAND THREE HUNDRED TWENTY DOLLARS IN TAX YEAR 2006 AND THEREAFTER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-701, IDAHO CODE, TO REVISE THE DEFINITIONS OF "CLAIMANT" AND "INCOME"; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-705, Idaho Code, be, and the same is hereby amended to read as follows:

63-705. PUBLICATION OF CHANGES IN INCOME LIMITATIONS AND PROPERTY TAX REDUCTION AMOUNTS. (1) The state tax commission shall publish adjustments to the income limitations, ~~and--property--tax-reduction amounts-to-reflect-cost-of-living-fluctuations.--The--adjustments--shall effect--changes--in-each-income-limitation-by-a-percentage-equal-as-near as-practicable-to-the-annual-cost-of-living-percentage--modification--as determined--by-the-secretary-of-health-and-human-services-pursuant-to-42 USC-415(i)~~ which shall be the greater of: (a) an individual's income as defined in section 63-701, Idaho Code, of not more than twenty-eight thousand dollars ($28,000) per household for tax year 2006, and each tax year thereafter; or (b) one hundred eighty-five percent (185%) of the federal poverty guidelines for a household of two (2) for tax year 2006, and each tax year thereafter. The lowest limitation shall allow a maximum reduction of ~~one-thousand-one-hundred-dollars--($1,100)--in--tax year--1998,--and~~ one thousand ~~two~~ three hundred twenty dollars ($1,320~~0~~) in tax year ~~1999~~ 2006 and thereafter, or actual property taxes, whichever is less. Each income limitation and reduction amount shall be pro-

rated based on the basic maximum reduction, in practicable increments so that the highest income limitation will provide for a reduction of one hundred fifty dollars ($150), or actual property taxes, whichever is less.

(2) The tax commission shall publish the adjustments required by this section each and every year the secretary of health and human services announces said cost-of-living modification. The adjustments shall be published no later than October 1 of each such year and shall be effective for claims filed in and for the following property tax year.

(3) The publication of adjustments under this section shall be exempt from the provisions of chapter 52, title 67, Idaho Code, but shall be provided to each county and to members of the public upon request and without charge.

SECTION 2. That Section 63-701, Idaho Code, be, and the same is hereby amended to read as follows:

63-701. DEFINITIONS. As used in this chapter:

(1) "Claimant" means a person who has filed an application under section 63-602G, Idaho Code, and has filed a claim under the provisions of sections 63-701 through 63-710, Idaho Code. Except as provided in section 63-702(2), Idaho Code, on January 1, or before April 15, of the year in which the claimant first filed a claim on the homestead in question, a claimant must be an owner of the homestead and on January 1 of said year a claimant must be:

(a) Not less than sixty-five (65) years old; or

(b) A child under the age of eighteen (18) years who is fatherless or motherless or who has been abandoned by any surviving parent or parents; or

(c) A widow or widower; or

(d) A disabled person who is recognized as disabled by the social security administration pursuant to title 42 of the United States Code, or by the railroad retirement board pursuant to title 45 of the United States Code, or by the office of management and budget pursuant to title 5 of the United States Code; or

(e) A disabled veteran of any war engaged in by the United States, whose disability is recognized as a service-connected disability of a degree of ten percent (10%) or more, or who has a pension for nonservice-connected disabilities, in accordance with laws and regulations administered by the United States department of veterans affairs; or

(f) A person, as specified in 42 U.S.C. 1701, who was or is entitled to receive benefits because he is known to have been taken by a hostile force as a prisoner, hostage or otherwise; or

(g) Blind.

(2) "Homestead" means the dwelling, owner-occupied by the claimant as described in this chapter and used as the primary dwelling place of the claimant and may be occupied by any members of the household as their home, and so much of the land surrounding it, not exceeding one (1) acre, as is reasonably necessary for the use of the dwelling as a home. It may consist of a part of a multidwelling or multipurpose building and part of the land upon which it is built. "Homestead" does not include personal property such as furniture, furnishings or appliances, but a manufactured home may be a homestead.

(3) "Household" means the claimant and the claimant's spouse. The term does not include bona fide lessees, tenants, or roomers and boarders on contract. "Household" includes persons described in subsection (8)(b) of this section.

(4) "Household income" means all income received by the claimant and, if married, all income received by the claimant's spouse, in a calendar year.

(5) "Income" means the sum of federal adjusted gross income as defined in the Internal Revenue Code, as defined in section 63-3004, Idaho Code, and to the extent not already included in federal adjusted gross income:

(a) Alimony;

(b) Support money;

(c) Nontaxable strike benefits;

(d) The nontaxable amount of any individual retirement account, pension or annuity, (including railroad retirement benefits, all payments received under the federal social security act except the social security death benefit as specified in this subsection, state unemployment insurance laws, and veterans disability pensions and compensation, excluding <u>any return of principal paid by the recipient of an annuity and excluding</u> rollovers as provided in section 402 or 403 of the Internal Revenue Code);

(e) Nontaxable interest received from the federal government or any of its instrumentalities or a state government or any of its instrumentalities;

(f) Worker's compensation; and

(g) The gross amount of loss of earnings insurance.

It does not include ~~capital gains,~~ gifts from nongovernmental sources or inheritances. To the extent not reimbursed, the cost of medical care as defined in section 213(d) of the Internal Revenue Code, incurred or paid by the claimant and, if married, the claimant's spouse, may be deducted from income. To the extent not reimbursed, personal funeral expenses, including prepaid funeral expenses and premiums on funeral insurance, of the claimant and claimant's spouse only, may be deducted from income up to an annual maximum of five thousand dollars ($5,000) per claim. "Income" does not include veterans disability pensions received by a person described in subsection (1)(e) who is a claimant or a claimant's spouse if the disability pension is received pursuant to a service-connected disability of a degree of forty percent (40%) or more. "Income" does not include dependency and indemnity compensation or death benefits paid to a person described in subsection (1) of this section by the United States department of veterans affairs and arising from a service-connected death or disability. "Income" does not include lump sum death benefits made by the social security administration pursuant to 42 U.S.C. section 402(i). Documentation of medical expenses may be required by the county assessor, board of equalization and state tax commission in such form as the county assessor, board of equalization or state tax commission shall determine. "Income" shall be that received in the calendar year immediately preceding the year in which a claim is filed. Where a claimant and/or the claimant's spouse does not file a federal tax return, the claimant's and/or the claimant's spouse's federal adjusted gross income, for purposes of this section, shall be an income equivalent to federal adjusted gross income had the claimant and/or the claimant's spouse filed a federal tax return, as determined by the

county assessor. The county assessor, board of equalization or state tax commission may require documentation of income in such form as each shall determine, including, but not limited to: copies of federal or state tax returns and any attachments thereto; and income reporting forms such as the W-2 and 1099.

(6) "Occupied" means actual use and possession.

(7) "Owner" means a person holding title in fee simple or holding a certificate of motor vehicle title (either of which may be subject to mortgage, deed of trust or other lien) or who has retained or been granted a life estate or who is a person entitled to file a claim under section 63-702, Idaho Code. "Owner" shall also include any person who:

(a) Is the beneficiary of a revocable or irrevocable trust which is the owner of such homestead and under which the claimant or the claimant's spouse has the primary right of occupancy of the homestead; or

(b) Is a partner of a limited partnership, member of a limited liability company or shareholder of a corporation if such entity holds title in fee simple or holds a certificate of motor vehicle title and if the person holds at least a five percent (5%) ownership in such entity, as determined by the county assessor; or

(c) Has retained or been granted a life estate.

"Owner" includes a vendee in possession under a land sale contract. Any partial ownership shall be considered as ownership for determining initial qualification for property tax reduction benefits; however, the amount of property tax reduction under section 63-704, Idaho Code, and rules promulgated pursuant to section 63-705, Idaho Code, shall be computed on the value of the claimant's partial ownership. "Partial ownership," for the purposes of this section, means any one (1) person's ownership when property is owned by more than one (1) person or where the homestead is held by an entity, as set forth in this subsection, but more than one (1) person has the right of occupancy of such homestead. A person holding either partial title in fee simple or holding a certificate of motor vehicle title together with another person but who does not occupy the dwelling as his primary dwelling place, shall not be considered an owner for purposes of this section, if such person is a cosignatory of a note secured by the dwelling in question and at least one (1) of the other cosignatories of the note occupies the dwelling as his primary dwelling place. The combined community property interests of both spouses shall not be considered partial ownership so long as the combined community property interests constitute the entire ownership of the homestead, including where the spouses are occupying a homestead owned by an entity, as set forth in this subsection, and the spouses have the primary right of occupancy of the homestead. The proportional reduction required under this subsection shall not apply to community property interests. Where title to property was held by a person who has died without timely filing a claim for property tax reduction, the estate of the deceased person shall be the "owner," provided that the time periods during which the deceased person held such title shall be attributed to the estate for the computation of any time periods under subsection (8)(a) or (8)(b) of this section.

(8) (a) "Primary dwelling place" means the claimant's dwelling place on January 1 or before April 15 of the year for which the claim is made. The primary dwelling place is the single place where a claimant has his true, fixed and permanent home and principal

establishment, and to which whenever the individual is absent he has the intention of returning. A claimant must establish the dwelling to which the claim relates to be his primary dwelling place by clear and convincing evidence or by establishing that the dwelling is where the claimant resided on January 1 or before April 15 and:

(i) At least six (6) months during the prior year; or

(ii) The majority of the time the claimant owned the dwelling if owned by the claimant less than one (1) year; or

(iii) The majority of the time after the claimant first occupied the dwelling if occupied by the claimant for less than one (1) year. The county assessor may require written or other proof of the foregoing in such form as the county assessor may determine.

(b) Notwithstanding the provisions of paragraph (a) of this subsection, the property upon which the claimant makes application shall be deemed to be the claimant's primary dwelling place if the claimant is otherwise qualified and resides in a care facility and does not allow the property upon which the claimant has made application to be occupied by persons paying a consideration to occupy the dwelling. Payment of utilities shall not be payment of a consideration to occupy the dwelling. A claimant's spouse who resides in a care facility shall be deemed to reside at the claimant's primary dwelling place and to be a part of the claimant's household. A care facility is a hospital, nursing facility or intermediate care facility for the mentally retarded as defined in section 39-1301, Idaho Code, or a facility as defined in section 39-3302(14), Idaho Code, or a dwelling other than the one upon which the applicant makes application where a claimant who is unable to reside in the dwelling upon which the application is made lives and receives help in daily living, protection and security.

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, and retroactively to January 1, 2006.

Approved April 7, 2006.

CHAPTER 351

(H.B. No. 561, As Amended in the Senate, As Amended in the Senate)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-1002, IDAHO CODE, TO REVISE THE CRITERIA FOR MAXIMUM ALLOWABLE LOAD FOR ANY VEHICLE TIRE OPERATED ON ANY PUBLIC HIGHWAY, TO PROVIDE NONAPPLICATION TO NONREDUCIBLE OVERWEIGHT AND/OR OVERSIZE VEHICLES AND/OR LOADS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 49-1002, Idaho Code, be, and the same is hereby amended to read as follows:

49-1002. ALLOWABLE LOAD PER INCH WIDTH OF TIRE. (1) The maximum allowable load for any vehicle tire operated on any public highway shall not exceed six hundred (600) pounds per inch width of tire and shall not exceed the manufacturer's load rating, whichever is less. Single tires are prohibited on single axles or within groups of axles except for steering axles, self-steering variable load suspension axles or when equipped with wide-base tires fifteen (15) inches wide or greater. The width of a tire shall be determined by the manufacturer's description marked on the sidewall of the tire. Tires on vehicles manufactured prior to July 1, 1987, may exceed the six hundred (600) pounds per inch width of tire limit subject to a maximum of eight hundred (800) pounds per inch width of tire. This section shall not apply to nonreducible overweight and/or oversize vehicles and/or loads as authorized under section 49-1004, Idaho Code.

(2) Except as provided herein, no vehicle or combination of vehicles may proceed past the place of weighing at temporary or permanent ports of entry or checking stations when the weight carried on a single tire, as determined by dividing the weight carried on an axle or group of axles by the number of wheels on the axle or group of axles, exceeds on a single axle the allowable weight above by two thousand (2,000) pounds or more or the weight of a combination of axles exceeds the allowable weight above by seven percent (7%) or more. Vehicles or combinations of vehicles which exceed the weight limitations set forth herein shall be required to be brought into compliance with the applicable weight per inch width of tire contained within this subsection prior to continuing except those vehicles or combinations of vehicles which are transporting loads which, in the determination of the board or other proper authorities in charge of or having jurisdiction over a highway, are deemed unsafe or impractical to bring into compliance at the place of weighing. Vehicles or combinations of vehicles transporting loads in this latter category shall obtain a travel authorization to the nearest place of safe unloading, load adjustment or other means of legalization.

(a) Neither the state of Idaho or its employees, nor any authority and its employees in charge of or having jurisdiction over a highway, shall be held liable for personal injury or property damage resulting from the requirements of section 49-1001(8), Idaho Code.

(b) The fee for a travel authorization as set forth above shall be fifty dollars ($50.00) and shall be on a form prescribed by the board or other proper authorities.

(c) The board or other proper authorities in charge of or having jurisdiction over a highway shall adopt and enforce administrative rules ~~and--regulations~~ as may be necessary to carry out the provisions of this section.

Approved April 7, 2006.

CHAPTER 352
(H.B. No. 570, As Amended)

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 9-337, IDAHO CODE, TO DEFINE "APPLICANT" AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 9-340B, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMEND-

ING SECTION 9-340C, IDAHO CODE, TO PROVIDE THAT NAMES OF APPLICANTS TO CLASSIFIED OR MERIT SYSTEM POSITIONS SHALL NOT BE DISCLOSED WITHOUT WRITTEN CONSENT OF THE APPLICANT, TO PROVIDE THAT THE NAMES OF THE FIVE FINAL APPLICANTS TO ALL OTHER POSITIONS SHALL BE AVAILABLE TO THE PUBLIC AND TO PROVIDE FOR RELEASE TO THE PUBLIC IF THERE ARE LESS THAN FIVE APPLICANTS; AND AMENDING SECTION 67-5241, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 9-337, Idaho Code, be, and the same is hereby amended to read as follows:

9-337. DEFINITIONS. As used in sections 9-337 through 9-347, Idaho Code:

(1) "Applicant" means any person formally seeking a paid or volunteer position with a public agency. "Applicant" does not include any person seeking appointment to a position normally filled by election.

(2) "Copy" means transcribing by handwriting, photocopying, duplicating machine and reproducing by any other means so long as the public record is not altered or damaged.

(~~2~~3) "Custodian" means the person having personal custody and control of the public records in question. If no such designation is made by the public agency or independent public body corporate and politic, then custodian means any public official having custody of, control of, or authorized access to public records and includes all delegates of such officials, employees or representatives.

(~~3~~4) "Independent public body corporate and politic" means the Idaho housing and finance association as created in chapter 62, title 67, Idaho Code.

(~~4~~5) "Inspect" means the right to listen, view and make notes of public records as long as the public record is not altered or damaged.

(~~5~~6) "Investigatory record" means information with respect to an identifiable person, group of persons or entities compiled by a public agency or independent public body corporate and politic pursuant to its statutory authority in the course of investigating a specific act, omission, failure to act, or other conduct over which the public agency or independent public body corporate and politic has regulatory authority or law enforcement authority.

(~~6~~7) "Law enforcement agency" means any state or local agency given law enforcement powers or which has authority to investigate, enforce, prosecute or punish violations of state or federal criminal statutes, ordinances or regulations.

(~~7~~8) "Local agency" means a county, city, school district, municipal corporation, district, public health district, political subdivision, or any agency thereof, or any committee of a local agency, or any combination thereof.

(~~8~~9) "Person" means any natural person, corporation, partnership, firm, association, joint venture, state or local agency or any other recognized legal entity.

(~~9~~10) "Prisoner" means a person who has been convicted of a crime and is either incarcerated or on parole for that crime or who is being held in custody for trial or sentencing.

(9~~1~~1) "Public agency" means any state or local agency as defined in this section.

(1~~0~~2) "Public official" means any state, county, local district, independent public body corporate and politic or governmental official or employee, whether elected, appointed or hired.

(1~~1~~3) "Public record" includes, but is not limited to, any writing containing information relating to the conduct or administration of the public's business prepared, owned, used or retained by any state agency, independent public body corporate and politic or local agency regardless of physical form or characteristics.

(1~~2~~4) "State agency" means every state officer, department, division, bureau, commission and board or any committee of a state agency including those in the legislative or judicial branch, except the state militia.

(1~~3~~5) "Writing" includes, but is not limited to, handwriting, typewriting, printing, photostating, photographing and every means of recording, including letters, words, pictures, sounds or symbols or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums or other documents.

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(6~~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(9<u>10</u>), 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 section 18-3302, 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.

SECTION 3. That Section 9-340C, Idaho Code, be, and the same is hereby amended to read as follows:

9-340C. RECORDS EXEMPT FROM DISCLOSURE -- PERSONNEL RECORDS, PERSONAL INFORMATION, HEALTH RECORDS, PROFESSIONAL DISCIPLINE. The following records are exempt from disclosure:

(1) Except as provided in this subsection, all personnel records of a current or former public official other than the public official's public service or employment history, classification, pay grade and step, longevity, gross salary and salary history, status, workplace and employing agency. All other personnel information relating to a public employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. Names of applicants to classified or merit system positions shall not be disclosed to the public without the applicant's written consent. Disclosure of names as part of a background check is permitted. Names of the five (5) final applicants to all other positions shall be available to the public. If such group is less than five (5) finalists, then the entire list of applicants shall be available to the public. A public official or authorized representative may inspect and copy his personnel records, except for material used to screen and test for employment.

(2) Retired employees' and retired public officials' home addresses, home telephone numbers and other financial and nonfinancial membership records; active and inactive member financial and membership records and mortgage portfolio loan documents maintained by the public employee retirement system. Financial statements prepared by retirement system staff, funding agents and custodians concerning the investment of assets of the public employee retirement system of Idaho are not considered confidential under this chapter.

(3) Information and records submitted to the Idaho state lottery for the performance of background investigations of employees, lottery retailers and major procurement contractors; audit records of lottery retailers, vendors and major procurement contractors submitted to or performed by the Idaho state lottery; validation and security tests of the state lottery for lottery games; business records and information submitted pursuant to sections 67-7412(8) and (9) and 67-7421(8) and (9), Idaho Code, and such documents and information obtained and held for the purposes of lottery security and investigative action as determined by lottery rules unless the public interest in disclosure substantially outweighs the private need for protection from public disclosure.

(4) Records of a personal nature as follows:

(a) Records of personal debt filed with a public agency or independent public body corporate and politic pursuant to law;

(b) Personal bank records compiled by a public depositor for the purpose of public funds transactions conducted pursuant to law;

(c) Records of ownership of financial obligations and instruments of a public agency or independent public body corporate and politic, such as bonds, compiled by the public agency or independent public body corporate and politic pursuant to law;

(d) Records, with regard to the ownership of, or security interests in, registered public obligations;

(e) Vital statistics records; and

(f) Military records as described in and pursuant to section 65-301, Idaho Code.

(5) Information in an income or other tax return measured by items of income or sales, which is gathered by a public agency for the purpose of administering the tax, except such information to the extent disclosed in a written decision of the tax commission pursuant to a taxpayer protest of a deficiency determination by the tax commission, under the provisions of section 63-3045B, Idaho Code.

(6) Records of a personal nature related directly or indirectly to the application for and provision of statutory services rendered to persons applying for public care for the elderly, indigent, or mentally or physically handicapped, or participation in an environmental or a public health study, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(7) Employment security information and unemployment insurance benefit information, except that all interested parties may agree to waive the exemption.

(8) Any personal records, other than names, business addresses and business phone numbers, such as parentage, race, religion, sex, height, weight, tax identification and social security numbers, financial worth or medical condition submitted to any public agency or independent public body corporate and politic pursuant to a statutory requirement for licensing, certification, permit or bonding.

(9) Unless otherwise provided by agency rule, information obtained as part of an inquiry into a person's fitness to be granted or retain a license, certificate, permit, privilege, commission or position, private association peer review committee records authorized in title 54, Idaho Code. Any agency which has records exempt from disclosure under the provisions of this subsection shall annually make available a statistical summary of the number and types of matters considered and their disposition.

(10) The records, findings, determinations and decisions of any prelitigation screening panel formed under chapters 10 and 23, title 6, Idaho Code.

(11) Complaints received by the board of medicine and investigations and informal proceedings, including informal proceedings of any committee of the board of medicine, pursuant to chapter 18, title 54, Idaho Code, and rules adopted thereunder.

(12) Records of the department of health and welfare or a public health district that identify a person infected with a reportable disease.

(13) Records of hospital care, medical records, including prescriptions, drug orders, records or any other prescription information that specifically identifies an individual patient, prescription records maintained by the board of pharmacy under section 37-2730A, Idaho Code, records of psychiatric care or treatment and professional counseling records relating to an individual's condition, diagnosis, care or treatment, provided the provisions of this subsection making records exempt from disclosure shall not apply to the extent that such records or information contained in those records are necessary for a background check on an individual that is required by federal law regulating the sale of firearms, guns or ammunition.

(14) Information collected pursuant to the directory of new hires act, chapter 16, title 72, Idaho Code.

(15) Personal information contained in motor vehicle and driver records that is exempt from disclosure under the provisions of chapter 2, title 49, Idaho Code.

(16) Records of the financial status of prisoners pursuant to subsection (2) of section 20-607, Idaho Code.

(17) Records of the Idaho state police or department of correction received or maintained pursuant to section 19-5514, Idaho Code, relating to DNA databases and databanks.

(18) Records of the department of health and welfare relating to a survey, resurvey or complaint investigation of a licensed nursing facility shall be exempt from disclosure. Such records shall, however, be subject to disclosure as public records as soon as the facility in question has received the report, and no later than the fourteenth day following the date that department of health and welfare representatives officially exit the facility pursuant to federal regulations. Provided however, that for purposes of confidentiality, no record shall be released under this section which specifically identifies any nursing facility resident.

(19) Records and information contained in the registry of immunizations against childhood diseases maintained in the department of health and welfare, including information disseminated to others from the registry by the department of health and welfare.

(20) Records of the Idaho housing and finance association (IHFA) relating to the following:

(a) Records containing personal financial, family, health or similar personal information submitted to or otherwise obtained by the IHFA;

(b) Records submitted to or otherwise obtained by the IHFA with regard to obtaining and servicing mortgage loans and all records relating to the review, approval or rejection by the IHFA of said loans;

(c) Mortgage portfolio loan documents;

(d) Records of a current or former employee other than the employee's duration of employment with the association, position held and location of employment. This exemption from disclosure does not include the contracts of employment or any remuneration, including reimbursement of expenses, of the executive director, executive officers or commissioners of the association. All other personnel information relating to an association employee or applicant including, but not limited to, information regarding sex, race, marital status, birth date, home address and telephone number, applications, testing and scoring materials, grievances, correspondence, retirement plan information and performance evaluations, shall not be disclosed to the public without the employee's or applicant's written consent. An employee or authorized representative may inspect and copy that employee's personnel records, except for material used to screen and test for employment or material not subject to disclosure elsewhere in the Idaho public records act.

(21) Records of the department of health and welfare related to child support services in cases in which there is reasonable evidence of domestic violence, as defined in chapter 63, title 39, Idaho Code, that

can be used to locate any individuals in the child support case except in response to a court order.

(22) Records of the Idaho state bar lawyer's assistance program pursuant to chapter 49, title 54, Idaho Code, unless a participant in the program authorizes the release pursuant to subsection (4) of section 54-4901, Idaho Code.

(23) Records and information contained in the trauma registry created by chapter 20, title 57, Idaho Code, together with any reports, analyses and compilations created from such information and records.

(24) Records contained in the court files, or other records prepared as part of proceedings for judicial authorization of sterilization procedures pursuant to chapter 39, title 39, Idaho Code.

(25) The physical voter registration card on file in the county clerk's office; however, a redacted copy of said card shall be made available consistent with the requirements of this section. Information from the voter registration card maintained in the statewide voter registration database, including age, will be made available except for the voter's driver's license number, date of birth and, upon showing of good cause by the voter to the county clerk in consultation with the county prosecuting attorney, the physical residence address of the voter. For the purposes of this subsection good cause shall include the protection of life and property and protection of victims of domestic violence and similar crimes.

SECTION 4. That Section 67-5241, Idaho Code, be, and the same is hereby amended to read as follows:

67-5241. INFORMAL DISPOSITION. (1) Unless prohibited by other provisions of law:

(a) an agency or a presiding officer may decline to initiate a contested case;

(b) any part of the evidence in a contested case may be received in written form if doing so will expedite the case without substantially prejudicing the interests of any party;

(c) informal disposition may be made of any contested case by negotiation, stipulation, agreed settlement, or consent order. Informal settlement of matters is to be encouraged;

(d) the parties may stipulate as to the facts, reserving the right to appeal to a court of competent jurisdiction on issues of law.

(2) An agency or a presiding officer may request such additional information as required to decide whether to initiate or to decide a contested case as provided in subsection (1) of this section.

(3) If an agency or a presiding officer declines to initiate or decide a contested case under the provisions of this section, the agency or the officer shall furnish a brief statement of the reasons for the decision to all persons involved. This subsection does not apply to investigations or inquiries directed to or performed by law enforcement agencies defined in section 9-337(6~~7~~), Idaho Code.

(4) The agency may not abdicate its responsibility for any informal disposition of a contested case. Disposition of a contested case as provided in this section is a final agency action.

Approved April 7, 2006.

CHAPTER 353
(H.B. No. 655, As Amended in the Senate)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-2223, IDAHO CODE, TO PROVIDE THAT LARGE EMPLOYER CARRIERS MAY DISCONTINUE OFFERING PARTICULAR HEALTH BENEFIT PLANS AT THE TIME OF COVERAGE RENEWAL UNDER CERTAIN CONDITIONS; AMENDING SECTION 41-4707, IDAHO CODE, TO PROVIDE THAT SMALL EMPLOYER CARRIERS MAY DISCONTINUE OFFERING PARTICULAR HEALTH BENEFIT PLANS AT THE TIME OF COVERAGE RENEWAL UNDER CERTAIN CONDITIONS; AND AMENDING SECTION 41-5207, IDAHO CODE, TO PROVIDE THAT INDIVIDUAL CARRIERS MAY DISCONTINUE OFFERING PARTICULAR HEALTH BENEFIT PLANS AT THE TIME OF COVERAGE RENEWAL UNDER CERTAIN CONDITIONS.

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

SECTION 1. That Section 41-2223, Idaho Code, be, and the same is hereby amended to read as follows:

41-2223. RENEWABILITY OF COVERAGE. (1) A health benefit plan subject to the provisions of this chapter shall be renewable with respect to all eligible employees or dependents, at the option of the employer, except in any of the following cases:

(a) Nonpayment of the required premiums;

(b) Fraud or intentional misrepresentation of material fact by the employer;

(c) Noncompliance with the carrier's minimum participation requirements;

(d) Noncompliance with the carrier's employer contribution requirements;

(e) In the case of health benefit plans that are made available in the employer market only through one (1) or more associations, as defined in section 41-2202, Idaho Code, the membership of an employer in the association, on the basis of which the coverage is provided ceases, but only if the coverage is terminated under this paragraph uniformly without regard to any health status-related factor relating to any covered individual;

(f) The employer no longer meets the requirements of section 41-2221(2)(b), Idaho Code;

(g) The carrier elects, at the time of coverage renewal, to discontinue offering a particular health benefit plan delivered or issued for delivery to large employers in this state. Unless otherwise authorized in advance by the department of insurance, a carrier may discontinue a product only after the product has been in use for at least thirty-six (36) consecutive months, provided the carrier may not discontinue more than twenty percent (20%) of its total number of employees and dependents in all lines of business in a twelve (12) month period. The carrier shall:

(i) Provide advance written or electronic notice of its decision under this paragraph to the director;

(ii) Provide notice of the discontinuation to all affected employers and employees or dependents at least ninety (90) calendar days prior to the date the particular health benefit plan will be discontinued by the carrier, provided that notice to

the director under the provisions of this paragraph shall be provided at least fourteen (14) calendar days prior to the notice to the affected employers;

(iii) Offer to each affected employer, on a guaranteed issue basis, the option to purchase all other health benefit plans currently being offered by the carrier to large employers in this state; and

(iv) In exercising the option to discontinue the health benefit plan and in offering the option to purchase all other health benefit plans under the provisions of this paragraph, act uniformly without regard to:

1. The claims experience of an affected employer;

2. Any health status-related factor relating to any affected employee or dependent; or

3. Any health status-related factor relating to any new employee or dependent who may become eligible for the coverage.

(h) The carrier elects to nonrenew all of its health benefit plans delivered or issued for delivery to large employers in this state. In such a case the carrier shall:

(i) Provide advance notice of its decision under this paragraph to the director in each state in which it is licensed; and

(ii) Provide notice of the decision not to renew coverage to all affected employers and to the director at least one hundred eighty (180) calendar days prior to the nonrenewal of any health benefit plans by the carrier. Notice to the director under the provisions of this paragraph shall be provided at least three (3) working days prior to the notice to the affected employers; or

(~~h~~i) The director finds that the continuation of the coverage would:

(i) Not be in the best interests of the policyholders or certificate holders; or

(ii) Impair the carrier's ability to meet its contractual obligations.

In such instance the director shall assist affected employers in finding replacement coverage.

(2) A carrier that elects not to renew a health benefit plan under the provisions of subsection (1)(~~g~~h) of this section shall be prohibited from writing new business in the large employer market in this state for a period of five (5) years from the date of notice to the director.

(3) In the case of a carrier doing business in one (1) established geographic service area of the state, the provisions set forth in this section shall apply only to the carrier's operations in that service area.

SECTION 2. That Section 41-4707, Idaho Code, be, and the same is hereby amended to read as follows:

41-4707. RENEWABILITY OF COVERAGE. (1) A health benefit plan subject to the provisions of this chapter shall be renewable with respect to all eligible employees or dependents, at the option of the small employer, except in any of the following cases:

(a) Nonpayment of the required premiums;
(b) Fraud or intentional misrepresentation of material fact by the small employer;
(c) Noncompliance with the carrier's minimum participation requirements;
(d) Noncompliance with the carrier's employer contribution requirements;
(e) In the case of health benefit plans that are made available in the small employer market only through one (1) or more associations as defined in section 41-2202, Idaho Code, the membership of an employer in the association, on the basis of which the coverage is provided ceases, but only if the coverage is terminated under this paragraph uniformly without regard to any health status-related factor relating to any covered individual;
(f) The small employer no longer meets the requirements of section 41-4703(28), Idaho Code;
(g) The small employer carrier elects, at the time of coverage renewal, to discontinue offering a particular health benefit plan delivered or issued for delivery to small employers in this state. Unless otherwise authorized in advance by the department of insurance. a carrier may discontinue a product only after the product has been in use for at least thirty-six (36) consecutive months, provided the carrier may not discontinue more than fifteen percent (15%) of its total number of employees and dependents in all lines of business regulated by this chapter in a twelve (12) month period. The carrier shall:
(i) Provide advance written or electronic notice of its decision under this paragraph to the director;
(ii) Provide notice of the discontinuation to all affected employers and employees or dependents at least ninety (90) calendar days prior to the date the particular health benefit plan will be discontinued by the carrier, provided that notice to the director under the provisions of this paragraph shall be provided at least fourteen (14) calendar days prior to the notice to the affected employers;
(iii) Offer to each affected employer, on a guaranteed issue basis, the option to purchase all other health benefit plans currently being offered by the carrier to small employers in this state;
(iv) In exercising the option to discontinue the health benefit plan and in offering the option to purchase all other health benefit plans under the provisions of this paragraph, act uniformly without regard to:
1. The claims experience of an affected employer;
2. Any health status-related factor relating to any affected employee or dependent; or
3. Any health status-related factor relating to any new employee or dependent who may become eligible for the coverage; and
(v) Offer the new products at rates that comply with section 41-4706(1)(c), Idaho Code.
(h) The small employer carrier elects to nonrenew all of its health benefit plans delivered or issued for delivery to small employers in this state. In such a case the carrier shall:

(i) Provide advance notice of its decision under this paragraph to the director in each state in which it is licensed; and

(ii) Provide notice of the decision not to renew coverage to all affected small employers and to the director at least one hundred eighty (180) calendar days prior to the nonrenewal of any health benefit plans by the carrier. Notice to the director under the provisions of this paragraph shall be provided at least three (3) working days prior to the notice to the affected small employers; or

(hi) The director finds that the continuation of the coverage would:

(i) Not be in the best interests of the policyholders or certificate holders; or

(ii) Impair the carrier's ability to meet its contractual obligations.

In such instance the director shall assist affected small employers in finding replacement coverage.

(2) A small employer carrier that elects not to renew a health benefit plan under the provisions of subsection (1)(gh) of this section shall be prohibited from writing new business in the small employer market in this state for a period of five (5) years from the date of notice to the director.

(3) In the case of a small employer carrier doing business in one (1) established geographic service area of the state, the rules set forth in this subsection shall apply only to the carrier's operations in that service area.

SECTION 3. That Section 41-5207, Idaho Code, be, and the same is hereby amended to read as follows:

41-5207. RENEWABILITY OF COVERAGE. (1) A health benefit plan subject to the provisions of this chapter shall be renewable with respect to the individual or dependents, at the option of the individual, except in any of the following cases:

(a) Nonpayment of the required premiums;

(b) Fraud or intentional misrepresentation of material fact by the individual insured or his representatives. An individual whose coverage is terminated for fraud or misrepresentation shall not be deemed to be an "eligible individual" for a period of twelve (12) months from the effective date of the termination of the individual's coverage and shall not be deemed to have "qualifying previous coverage" under chapter 22, 47 or 52, title 41, Idaho Code;

(c) The individual ceases to be an eligible individual as defined in section 41-5203(10), Idaho Code;

(d) In the case of health benefit plans that are made available in the individual market only through one (1) or more associations, as defined in section 41-2202, Idaho Code, the membership of an individual in the association, on the basis of which the coverage is provided ceases, but only if the coverage is terminated under this paragraph uniformly without regard to any health status-related factor relating to any covered individual;

(e) The individual carrier elects, at the time of coverage renewal, to discontinue offering a particular health benefit plan delivered

or issued for delivery to individuals in this state. Unless otherwise authorized in advance by the department of insurance, a carrier may discontinue a product only after the product has been in use for at least thirty-six (36) consecutive months, provided the carrier may not discontinue more than fifteen percent (15%) of its total number of individuals and dependents in all lines of business regulated by this chapter in a twelve (12) month period. The carrier shall:

(i) Provide advance written or electronic notice of its decision under this paragraph to the director;

(ii) Provide notice of the discontinuation to all affected individuals at least ninety (90) calendar days prior to the date the particular health benefit plan will be discontinued by the carrier, provided that notice to the director under the provisions of this paragraph shall be provided at least fourteen (14) calendar days prior to the notice to the affected individuals;

(iii) Offer to each affected individual, on a guaranteed issue basis, the option to purchase all other health benefit plans currently being offered by the carrier to individuals in this state;

(iv) Act uniformly without regard to any health status-related factor of an affected individual or dependent of an affected individual who may become eligible for the coverage; and

(v) Offer the new products at rates that comply with section 41-5206(1)(b), Idaho Code.

(f) The individual carrier elects to nonrenew all of its health benefit plans delivered or issued for delivery to individuals in this state. In such a case the carrier shall:

(i) Provide advance notice of its decision under this paragraph to the director; and

(ii) Provide notice of the decision not to renew coverage to all affected individuals and to the director at least one hundred eighty (180) calendar days prior to the nonrenewal of any health benefit plans by the carrier. Notice to the director under the provisions of this paragraph shall be provided at least three (3) working days prior to the notice to the affected individuals; or

(~~f~~g) The director finds that the continuation of the coverage would:

(i) Not be in the best interests of the policyholders or certificate holders; or

(ii) Impair the carrier's ability to meet its contractual obligations.

In such instance, the director shall assist affected individuals in finding replacement coverage.

(2) An individual carrier that elects not to renew a health benefit plan under the provisions of subsection (1)(~~e~~f) of this section shall be prohibited from writing new business in the individual market in this state for a period of five (5) years from the date of notice to the director.

(3) In the case of an individual carrier doing business in one (1) established geographic service area of the state, the rules set forth in this subsection shall apply only to the carrier's operations in that service area.

Approved April 7, 2006.

CHAPTER 354
(H.B. No. 713, As Amended, As Amended in the Senate)

AN ACT

RELATING TO ADULT CRIMINAL SEX OFFENDERS; AMENDING CHAPTER 83, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-8329, IDAHO CODE, TO PROHIBIT ACCESS TO SCHOOL CHILDREN BY ANY PERSON CURRENTLY REGISTERED OR REQUIRED TO REGISTER UNDER THE IDAHO SEX OFFENDER REGISTRATION ACT, TO PROVIDE EXCEPTIONS, TO PROVIDE A PENALTY AND TO ALLOW MORE STRINGENT SAFETY AND SECURITY REQUIREMENTS BY SCHOOL DISTRICTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 83, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-8329, Idaho Code, and to read as follows:

18-8329. ADULT CRIMINAL SEX OFFENDERS -- PROHIBITED ACCESS TO SCHOOL CHILDREN -- EXCEPTIONS. (1) If a person is currently registered or is required to register under the sex offender registration act as provided in chapter 83, title 18, Idaho Code, it is a misdemeanor for such person to:

(a) Be upon or to remain on the premises of any school building or school grounds in this state when the person has reason to believe children under the age of eighteen (18) years are present.

(b) Knowingly loiter on a public way within five hundred (500) feet of a school building or school grounds in this state when children under the age of eighteen (18) years are present.

(c) Be in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when children under the age of eighteen (18) years are present in the conveyance.

(d) Reside within five hundred (500) feet of the property on which a school is located, provided however, that this paragraph (d) shall not apply if such person's residence was established prior to July 1, 2006.

(2) The provisions of subsections (1)(a) and (1)(b) of this section shall not apply when the person:

(a) Is a student in attendance at the school; or

(b) Is attending an academic conference or other scheduled school event with school officials as a parent or legal guardian of a child who is enrolled in the school and is participating in the conference or event; or

(c) Resides at a state licensed or certified facility for incarceration, health or convalescent care; or

(d) Is dropping off or picking up a child or children and the person is the child or children's parent or legal guardian; or

(e) Is temporarily on school grounds, during school hours, for the purpose of making a mail, food or other delivery.

(3) Nothing in this section shall prevent a school district from adopting more stringent safety and security requirements for employees and nonemployees while they are in district facilities and/or on district properties.

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 7, 2006.

CHAPTER 355
(H.B. No. 736, As Amended)

AN ACT

RELATING TO GROUND WATER DISTRICTS; AMENDING SECTION 42-5214, IDAHO CODE, TO CLARIFY AN EXCEPTION RELATING TO THOSE DEEMED INCLUDED WITHIN AND SUBJECT TO ASSESSMENT BY GROUND WATER DISTRICTS; AMENDING SECTION 42-5232, IDAHO CODE, TO PROVIDE FOR ASSESSMENT CREDITS RELATING TO GROUND WATER DISTRICT MITIGATION OBLIGATIONS BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES BASED ON MITIGATION PLANS OF CERTAIN NONIRRIGATORS; AMENDING SECTION 42-5244, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES MAY REQUIRE CERTAIN ACCOUNTINGS BY GROUND WATER DISTRICTS RELATING TO NONMEMBER PARTICIPANTS; AMENDING SECTION 42-5251, IDAHO CODE, TO CLARIFY PROVISIONS RELATING TO PETITIONS FOR EXCLUSION OF GROUND WATER IRRIGATED LANDS FROM GROUND WATER DISTRICTS, TO PROVIDE FOR PETITIONS FOR EXCLUSION OF LANDS OF NONIRRIGATORS FROM GROUND WATER DISTRICTS AND TO MAKE A TECHNICAL CORRECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-5214, Idaho Code, be, and the same is hereby amended to read as follows:

42-5214. GROUND WATER USERS INCLUDED WITHIN THE DISTRICT -- NOTICE AND HEARING FOR MEMBERS INCLUDED IN DISTRICT AFTER MARCH 31, 2005 -- ORDER -- APPEAL AND CONCLUSIVENESS. (1) All ground water irrigators within the boundaries of the district shall be members of the district and subject to assessments, rights and responsibilities established by the district as set forth in this chapter, notwithstanding any change in the ownership or control of the property of the water user, whether by way of transfer, exchange, conveyance, assignment, lease, or otherwise, to which the water right or rights used to determine assessments are appurtenant, unless excluded from the district pursuant to sections 42-5251 through 42-5257, Idaho Code. Except as provided in section 42-5276, Idaho Code, any ground water irrigator who previously was not a

member as of March 31, 2005, shall be included as a member effective upon order of the board finding and confirming that inclusion of such ground water irrigator is in the best interests of the district and that such ground water irrigator shall receive benefits from such inclusion as a member. Such order may be made only after the board shall have caused a notice of such hearing to be published in the manner of notices of elections, which notice shall state that all persons interested in or that may be affected by such inclusion as a member shall appear at the time and place named in the notice and show cause in writing why they should not be included as a member. The board, at the time mentioned in said notice shall hear any objections to inclusion. The failure of any person to file with the district office an objection to inclusion as a member prior to the noticed hearing shall be taken as an assent on his part to such inclusion as a member of the district. Any order confirming the inclusion of ground water irrigators as members of the district shall be certified by the board president and secretary and filed for record in the recorder's office of each county within which are situated any lands of the district and notice of the order shall be published in the manner of notices of elections. Any person who properly has filed an objection to inclusion as a member shall have the right to appeal to the district court of the county in which such person's ground water right is situated, provided such appeal shall be made within thirty (30) days from the date of publication of the order confirming such inclusion. After said thirty (30) day appeal period, no one shall have any cause or right of action to contest the legality, formality or regularity of said order of inclusion for any reason whatsoever, and thereafter, said inclusion and the constitution and validity of the district shall be considered valid and incontestable without limitation. Any ground water irrigator who previously was not a member of the district as of March 31, 2005, that is included as a member upon order of the board shall be liable for his proportionate share of all costs of the district incurred after such date, including his proportionate share of all bonded, warrant or other indebtedness incurred prior to March 31, 2005, but only the proportionate share of such prior indebtedness applicable to the period after March 31, 2005.

(2) All nonirrigators within the boundaries of the district who voted according to notice as provided in section 42-5210(3), Idaho Code, are members of the district as specified in such notice.

(3) A nonirrigator also may become a member of a district by providing, within sixty (60) days after the date on which the district is formed, written notice to the district board that the nonirrigator wishes to join the district either as a member for all purposes or as a member for mitigation purposes only. Upon providing such notice, the nonirrigator shall be either a member for all purposes or a member for mitigation purposes only, as specified in the notice, and shall be subject to assessment accordingly as provided in this chapter. After such sixty (60) day period, a nonirrigator may become a member of a district only through the annexation procedure described in sections 42-5245 through 42-5249, Idaho Code.

(4) Except as provided for ~~municipal, commercial, industrial, federal and tribal ground water users in subsection (1) of this section~~ nonirrigators as defined in subsection (11) of section 42-5201, Idaho Code, any person whose permit, license, or other entitlement to appropriate ground water was acquired after the formation of the district, or

who appropriates ground water for uses not requiring a permit after the formation of the district, but qualifies as a ground water user under subsection (8) of section 42-5201, Idaho Code, within the area of the district in all other respects, shall be deemed included within and subject to assessment by the district, if benefitted either directly or indirectly by the district as of the date the permit, license, or entitlement is acquired.

SECTION 2. That Section 42-5232, Idaho Code, be, and the same is hereby amended to read as follows:

42-5232. LEVY OF ASSESSMENTS. (1) The secretary of the board shall be the assessor of the district, and on or before August 1 of each year shall prepare an assessment book containing a full and accurate list of all lands within the district that are subject to assessment under this chapter.

(2) At a regular meeting of the board between August 1 and November 1 of each year, the board of directors shall determine the amount necessary to be raised for payment of the annual payment on any and all indebtedness of the district for the following year. Money received in payment of such assessments shall be deposited in a separate fund to be known as the debt retirement fund.

(3) The board shall, in addition, determine the assessments necessary to pay, without limitation, the expenses of developing, operating or maintaining any mitigation plan established by the district and the cost of contracts with any person for mitigation plans, or evaluation of proposed contracts. Money received in payment of such assessments shall be deposited in a separate fund to be known as the mitigation expense fund.

(4) The board shall, in addition, determine the assessments necessary to pay maintenance and operation of the district not related to mitigation plans or purposes. These operation and maintenance duties include making the assessment book, giving notice of assessments and making collections thereof, and other duties, programs or projects of the district to the extent such duties, programs or projects are not attributable to mitigation plans or purposes. Money received in payment of such assessments shall be deposited in a separate fund of the district to be known as the operating expense fund.

(5) Any ground water user who becomes a member of a district for mitigation purposes shall be subject to no assessment beyond his proportional share of the costs, including administrative costs and other reasonable expenses, of any mitigation plan or actions or activities in furtherance of the district's mitigation plans or purposes.

(6) No assessment made pursuant to this chapter shall be a lien against any municipal property.

(7) Except as otherwise provided in this chapter, each member shall pay a proportionate share of the total of all amounts to be assessed for the purposes aforementioned, which share shall be based on the ratio which the quantity of water the water user is authorized to appropriate under the member's ground water right(s) bears to the total quantity of water authorized for appropriation under the ground water rights of all water users in the district, provided, that the board shall be entitled to levy assessments that adjust a member's proportionate share to take into consideration priority dates, consumptive use under the members'

respective ground water rights, other attributes of the ground water rights appurtenant to the assessed lands, and/or the benefits the member derives from a mitigation plan or other activity of the district. Any nonirrigator who is a member of a ground water district, or whose ground water rights are appurtenant to property located within a ground water district, and who has adopted and implemented a mitigation plan that has been approved by the director and that is not inconsistent with such a plan approved by the director and adopted and implemented by the ground water district, shall be entitled to an assessment credit for the contribution made by that nonirrigator's mitigation plan towards the district's mitigation obligation as determined by the director.

SECTION 3. That Section 42-5244, Idaho Code, be, and the same is hereby amended to read as follows:

42-5244. PROHIBITION AGAINST PARTICIPATION IN MITIGATION PLAN WHEN SUBJECT TO DELINQUENT ASSESSMENT OR FOR NONPAYMENT OF OTHER MITIGATION COSTS. A ground water user who is delinquent in the payment of any assessment against his water use under this chapter, or who has failed to pay other mitigation costs owed to the district when due, is prohibited from being a participant in any mitigation plan until such delinquent assessment, or other past due amount owed for mitigation costs, is paid in full. The district shall provide the director a report of such delinquent assessments, or other past due mitigation costs, at the first of each month for purposes of enforcement. Prior to undertaking enforcement, the director may require from the district an accounting of the basis for the assessment and other mitigation costs and the apportionment of those assessments and costs among district members and nonmember participants. The district shall inform the director immediately upon the payment of any such delinquent assessment, or other past due mitigation costs. This section shall be enforced by the watermaster within water districts established under chapter 6 of this title, and by the director pursuant to sections 42-351 and 42-1701B, Idaho Code, in areas outside of such water district.

SECTION 4. That Section 42-5251, Idaho Code, be, and the same is hereby amended to read as follows:

42-5251. PETITION FOR EXCLUSION OF LANDS -- GROUND WATER IRRIGATED LANDS -- LANDS OF NONIRRIGATOR -- LANDS MAY REMAIN IN THE DISTRICT FOR MITIGATION PURPOSES. (1) Any district member who is an irrigator may file with the district board a petition requesting that the member's irrigated lands be excluded from the district. The petition may request that the lands either be excluded for all purposes or be excluded for all purposes except mitigation. The petition shall be signed by each petitioner, and shall state that continued inclusion of the irrigated lands in the district is inappropriate or unwarranted:

(~~1~~a) Because the diversions of ground water under the ground water ~~users~~ irrigator's water right have no depletive effect on any water source, either individually or cumulatively when considered in conjunction with other similar diversions;

(~~2~~b) Because the only ground water use associated with the lands sought to be excluded by the petition is a domestic or stock water use as defined by sections 42-111 and 42-1401A, Idaho Code;

(~~3~~c) Because the exclusion of the lands will not impair the district's ability to repay debt or carry out mitigation plans;

(~~4~~d) Because the exclusion is in the best interests of the district and its members; or

(~~5~~e) For other compelling reasons.

The board shall consider the petition and, based on findings concerning such factors, the board shall grant or deny the petition within ninety (90) days of the date it is filed, unless the board, in its sole discretion, grants a hearing on the petition within such time period, in which case the board shall issue a final decision within sixty (60) days after the conclusion of the hearing.

(2) Any district member who is a nonirrigator, may file with the district board a petition requesting that the member's lands be excluded from the district. The petition may request that the lands either be excluded for all purposes or be excluded for all purposes except mitigation. The petition shall be signed by each petitioner, but need not be acknowledged. The board shall consider the petition and grant or deny the petition within ninety (90) days of the date it is filed, unless the board, in its sole discretion, grants a hearing on the petition within such time period, in which case the board shall issue a final decision within sixty (60) days after the conclusion of the hearing.

(3) All costs incurred by the district in carrying out ~~the~~ an exclusion proceeding shall be assessed as provided in section 42-5253, Idaho Code. A person purchasing land under a written contract shall be deemed to be the owner of that land for purposes of this section.

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 7, 2006.

CHAPTER 356
(H.B. No. 737, As Amended)

AN ACT

RELATING TO THE ADMINISTRATION OF GROUND WATER RIGHTS WITHIN THE EASTERN SNAKE RIVER PLAIN; AMENDING SECTION 3, CHAPTER 352, LAWS OF 2004, TO STRIKE A DATE, TO PROVIDE FOR NOTICE BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES TO HOLDERS OF CERTAIN JUNIOR GROUND WATER RIGHTS RELATING TO JOINING AND PARTICIPATING IN GROUND WATER DISTRICTS FOR MITIGATION PURPOSES AND TO AUTHORIZE THE DIRECTOR TO TAKE CERTAIN ACTION IN THE EVENT ANY OF THE JUNIOR PRIORITY GROUND WATER RIGHT HOLDERS ELECT NOT TO JOIN GROUND WATER DISTRICTS OR DO NOT HAVE APPROVED MITIGATION PLANS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 3, Chapter 352, Laws of 2004, is hereby amended to read as follows:

SECTION 3. It is the intent of the Legislature to ensure that the burden of providing mitigation for junior ground water diversions from the Eastern Snake River Plain Aquifer causing material injury to senior priority water rights is equitably shared by the holders of all such junior ground water rights subject to administration within water districts created pursuant to Chapter 6, Title 42, Idaho Code. It is, therefore, hereby provided that ~~beginning April 1, 2004,~~ all holders of such ground water rights not otherwise covered by a mitigation plan and that are not members or applicants for membership of a ground water district created pursuant to Chapter 52, Title 42, Idaho Code, with a mitigation plan approved by the Director of the Department of Water Resources, shall be ~~deemed a nonmember participant solely for mitigation purposes and shall be required to pay for mitigation, pursuant to Section 42-5259, Idaho Code~~ given notice by the Director of the Department of Water Resources that such holder shall have fifteen (15) days to join, solely for mitigation purposes, in the ground water district situated nearest the lands to which the water right is appurtenant, as determined by the Director of the Department of Water Resources in case of dispute, and participate in the district pursuant to Section 42-5259, Idaho Code. If any holder of such a junior priority ground water right elects not to join the ground water district or does not have an approved mitigation plan, the Director of the Department of Water Resources may proceed with any appropriate remedy or take any other action within his authority that he deems appropriate.

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 7, 2006.

CHAPTER 357
(H.B. No. 739)

AN ACT

RELATING TO PUBLIC SCHOOLS; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1618, IDAHO CODE, TO PROVIDE FOR AN EXCEPTION TO PARTICIPATION IN THE DIRECT WRITING AND THE DIRECT MATHEMATICS ASSESSMENTS.

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

SECTION 1. 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 33-1618, Idaho Code, and to read as follows:

33-1618. ASSESSMENT EXCEPTION. A student who has not been enrolled for two (2) full school years in an elementary or secondary school in the United States and who scores less than a level four (4) on the state assessment used to determine English language proficiency may be excluded from requirements to participate in Idaho's direct writing

assessment and in Idaho's direct mathematics assessment if the parent or guardian of such student and the student's teacher agree that such an exclusion is educationally appropriate for the student.

Approved April 7, 2006.

CHAPTER 358
(H.B. No. 742, As Amended)

AN ACT

RELATING TO THE IDAHO DIGITAL LEARNING ACADEMY; AMENDING CHAPTER 55, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5509, IDAHO CODE, TO CLARIFY THAT THE IDAHO DIGITAL LEARNING ACADEMY IS A STATE DEPARTMENT FOR RISK MANAGEMENT PURPOSES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 55, 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 33-5509, Idaho Code, and to read as follows:

33-5509. DIGITAL LEARNING ACADEMY A STATE DEPARTMENT FOR PURPOSES OF RISK MANAGEMENT. For risk management purposes, the Idaho digital learning academy shall be considered a state department for purposes of risk management pursuant to chapter 57, title 67, Idaho Code, and the department of administration shall treat it as such.

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 7, 2006.

CHAPTER 359
(H.B. No. 753, As Amended)

AN ACT

RELATING TO STANDARD FIRE POLICIES; AMENDING SECTION 41-2401, IDAHO CODE, TO SET FORTH NOTICE PROVISIONS APPLICABLE TO POLICY CANCELLATION BASED UPON NONPAYMENT OF PREMIUM; AND AMENDING SECTION 41-1842, IDAHO CODE, TO PROVIDE WHEN THE NOTIFICATION PERIOD SHALL BEGIN AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 41-2401, Idaho Code, be, and the same is hereby amended to read as follows:

41-2401. STANDARD FIRE POLICY. (1) No fire insurer shall issue any fire insurance policy covering on property or interest therein in this state, other than on the form known as the New York standard as revised in 1943, except as follows:

(a) An insurer may print on or in its policy its name, location, date of incorporation, plan of operation, whether stock, mutual, reciprocal or organized under special charter provisions, and if mutual or reciprocal whether on cash premium or assessment plan; and if it be a stock company, the amount of its paid up capital stock, the names of its officers and agents, the number and date of the policy, and, if it is issued by an agent, the words, "this policy shall not be valid until countersigned by the duly authorized agent of the company at ...."; and, if a mutual or reciprocal insurer, the policy must state the contingent liability, if any, of its policyholders, members, or subscribers for payment of losses and expenses not provided for by its cash funds.

(b) An insurer may print or use in its policies printed forms of description and specifications of the property insured.

(c) An insurer insuring against damage by lightning may print in the clause enumerating the perils insured against the additional words, "also any damage by lightning whether fire ensues or not," and in the clause providing for an apportionment of loss in case of other insurance the words, "whether by fire, lightning or both."

(d) A domestic insurer may print in its policies any provisions which it is authorized or required by the law to insert therein, and any foreign insurer may, with the approval of the director, so print any provision required by its charter or deed of settlement, or by the laws of its own state or country, not contrary to the laws of this state; but the director shall require any provision which, in his opinion modifies the contract of insurance in such a way as to affect the question of loss, to be appended to the policy by an endorsement or rider as hereinafter provided.

(e) The blanks in the standard form may be completed in print or in writing.

(f) An insurer may print upon policies issued in compliance with the preceding provisions of this section the words, "Idaho standard policy."

(g) An insurer may write upon the margin or across the face of the policy, or write or print in type not smaller than nonpareil upon a slip, slips, rider or riders to be attached thereto, provisions adding to or relating to those contained in the standard form; and all such slips, riders, endorsements and provisions must be signed by the officers or agents of the insurer so using them.

(h) If the policy be made by a mutual, reciprocal or other insurer having special regulations lawfully applicable to its organization, membership, policies or contracts of insurance such regulations shall apply to and form a part of the policy as the same may be written or printed upon, attached or appended thereto.

(i) Every policy shall have legibly inscribed upon its face and filing back suitable words to designate whether the insurer making such insurance be a stock, mutual or reciprocal insurer, provided, that any insurer organized under special charter provisions may so indicate upon its policy and may add a statement of the plan under which it operates in this state.

(j) Every fire policy shall contain language that provides for a thirty (30) day written notice to the insured prior to cancellation of the policy, provided however, that where cancellation is for the nonpayment of premium, at least ten (10) days' notice of such cancellation, accompanied by the reason for the cancellation, shall be given. If delivered via United States mail, such ten (10) day notification period shall begin to run five (5) days following the date of postmark. Proof of mailing of notice of cancellation, or of intention not to renew, or of reasons for cancellation or nonrenewal to the named insured at his address shall be sufficient proof of notice.

(k) Every fire policy shall provide that it becomes effective at 12:01 a.m. of the standard time of the place where the property covered by the insurance is located, on the effective date of the policy.

(2) An insurer issuing the standard fire policy is authorized to affix thereto or include therein a written statement that the policy does not cover loss or damage caused by nuclear reaction, nuclear radiation or radioactive contamination, all whether directly or indirectly resulting from an insured peril under the policy; but nothing herein contained shall be construed to prohibit the attachment to any such policy of an endorsement or endorsements specifically assuming coverage for loss or damage caused by nuclear reaction, nuclear radiation or radioactive contamination.

(3) The standard fire policy is not mandatory for vehicle insurance, or for marine insurance, or inland marine insurance as the same is defined pursuant to section 41-1401(2), Idaho Code, or for insurance on growing crops.

(4) Any policy or contract otherwise subject to the provisions of subsection (1) hereof, which includes either on an unspecified basis as to the coverage or for a single premium coverage against the peril of fire and substantial coverage against other perils need not comply with the provisions of subsection (1) hereof, provided:

(a) Such policy or contract shall afford coverage, with respect to the peril of fire, not less than the coverage afforded by such standard fire policy,

(b) The provisions in relation to mortgagee interests and obligations in such standard fire policy shall be incorporated therein without change,

(c) Such policy or contract is complete as to all of its terms without reference to the standard form of fire insurance policy or any other policy, and

(d) The director is satisfied that such policy or contract complies with the provisions hereof.

(5) With respect to a commercial insurance policy, such standard fire insurance policy may exclude coverage for loss by fire or other perils insured against if the fire or other perils are caused directly or indirectly by terrorism. As used in this section, the term "terrorism" means a violent act or an act that:

(a) Is dangerous to human life, property or infrastructure;

(b) Results in damage within the United States, or outside of the United States in the case of an air carrier or vessel or the premises of a United States mission; and

(c) Is committed by an individual or individuals acting on behalf

of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States government by coercion.

SECTION 2. That Section 41-1842, Idaho Code, be, and the same is hereby amended to read as follows:

41-1842. COMMERCIAL INSURANCE -- CANCELLATION -- NONRENEWAL. (1) Applicability. The provisions of this section apply only to:

(a) Commercial property insurance policies;

(b) Commercial liability insurance policies other than aviation and employer's liability insurance policies;

(c) Commercial multiperil insurance policies.

The provisions of this section do not apply to: block cancellations or block nonrenewals as provided in section 41-1841, Idaho Code, reinsurance, excess and surplus lines insurance, residual market risks, worker's compensation insurance, multistate location risks, policies subject to retrospective rating plans, excess or umbrella policies and such other policies that are exempted by the director of the department of insurance.

(2) Definitions. For the purposes of this section:

(a) "Cancellation" means termination of a policy at a date other than its expiration date.

(b) "Expiration date" means the date upon which coverage under a policy ends. It also means, for a policy written for a term longer than one (1) year or with no fixed expiration date, each annual anniversary date of such policy.

(c) "Nonpayment of premium" means the failure or inability of the named insured to discharge any obligation in connection with the payment of premiums on a policy of insurance subject to this section, whether such payments are payable directly to the insurer or its agent or indirectly payable under a premium finance plan or extension of credit.

(d) "Nonrenewal" or "not to renew" means termination of a policy at its expiration date.

(e) "Renewal" or "to renew" means the issuance, or the offer so to issue, by an insurer of a policy succeeding a policy previously issued and delivered by the same insurer or an insurer within the same group of insurers, or the issuance of a certificate or notice extending the term of an existing policy for a specified period beyond its expiration date.

(3) Notice of cancellation.

(a) Permissible cancellations. If coverage under a policy has not been in effect for sixty (60) days and the policy is not a renewal, cancellation of such policy shall be effected by mailing or delivering a written notice to the first-named insured at the last known mailing address shown on the policy at least thirty (30) days before the effective date of the cancellation, provided however, if such cancellation is for the reason stated in subsection (3)(a)(i) of this section, the time such cancellation may be effective following notice shall be as provided in subsection (3)(b)(i) of this section. A cancellation requested by the insured shall be effective on the later of the date requested by the insured or the date it is

received by the insurer. After coverage has been in effect for more than sixty (60) days or after the effective date of a renewal policy, whichever is earlier, no insurer shall cancel a policy unless the cancellation is based on at least one (1) of the following reasons:

(i) Nonpayment of premium.

(ii) Fraud or material misrepresentation made by or with the knowledge of the named insured in obtaining the policy, continuing the policy, or in presenting a claim under the policy.

(iii) Activities or omissions on the part of the named insured which increase any hazard insured against, including a failure to comply with loss control recommendations.

(iv) Change in the risk which materially increases the risk of loss after insurance coverage has been issued or renewed including, but not limited to, an increase in exposure to regulation, legislation or court decision.

(v) Loss or decrease of the insurer's reinsurance covering all or part of the risk or exposure by the policy.

(vi) Determination by the director that the continuation of the policy would jeopardize an insurer's solvency or would place the insurer in violation of the insurance laws of this state or any other state.

(vii) Violation or breach by the insured of any policy terms or conditions other than nonpayment of premium.

(b) Notification of cancellation.

(i) A notice of cancellation of insurance coverage by an insurer shall be in writing and shall be mailed or delivered to the first-named insured at the last known mailing address as shown on the policy. Notices of cancellation based on subsections (3)(a)(ii) through (a)(vii) of this section shall be mailed or delivered at least thirty (30) days prior to the effective date of the cancellation. Notices of cancellation for the reason stated in subsection (3)(a)(i) of this section without regard to when such cancellation shall be effected shall be mailed or delivered at least ten (10) days prior to the effective date of cancellation. If delivered via United States mail, the ten (10) day notification period shall begin to run five (5) days following the date of postmark. The notice shall state the effective date of the cancellation.

(ii) The insurer shall provide the first-named insured with a written statement setting forth the reason(s) for the cancellation if: (1) the insured requests such a statement in writing; and (2) the named insured agrees in writing to hold the insurer harmless from liability for any communication giving notice of or specifying the reasons for a cancellation or for any statement made in connection with an attempt to discover or verify the existence of conditions which would be a reason for a cancellation under this section.

(4) Notice of nonrenewal.

(a) An insurer may decline to renew a policy if the insurer delivers or mails to the first-named insured, at the last known mailing address, written notice that the insurer will not renew the policy. Such notice shall be mailed or delivered at least forty-five (45) days before the expiration date. If the notice is mailed less than

forty-five (45) days before expiration, coverage shall remain in effect until forty-five (45) days after notice is mailed or delivered. Earned premium for any period of coverage that extends beyond the expiration date shall be considered pro rata based upon the previous year's rate. For purposes of this section, the transfer of a policyholder between companies within the same insurance group is not a nonrenewal or a refusal to renew. In addition, changes in deductibles, changes in premium, and changes in the amount of insurance or reductions in policy limits or coverage shall not be deemed to be nonrenewals or refusals to renew. Notice of nonrenewal is not required if:

(i) The insurer or a company within the same insurance group has offered to issue a renewal policy; or

(ii) Where the named insured has obtained replacement coverage or has agreed in writing to obtain replacement coverage.

(b) If an insurer provides the notice described in subsection (4) of this section and thereafter the insurer extends the policy for ninety (90) days or less, an additional notice of nonrenewal is not required with respect to the extension.

(5) Notice of premium or coverage changes. An insurer shall mail or deliver to the named insured, at the last known mailing address, written notice of a total premium increase greater than ten percent (10%) which is the result of a comparable increase in premium rates, changes in deductibles, reductions in limits, or reductions in coverages at least thirty (30) days prior to the expiration date of the policy. If the insurer fails to provide such thirty (30) day notice, the coverage provided to the named insured shall remain in effect until thirty (30) days after such notice is given or until the effective date of replacement coverage obtained by the named insured, whichever first occurs. For the purposes of this section, notice is considered given thirty (30) days following date of mailing or delivery of the notice to the named insured. If the insured elects not to renew, any earned premium for the period of extension of the terminated policy shall be calculated pro rata at the lower of the current or previous year's rate. If the insured accepts the renewal, the premium increase, if any, and other changes shall be effective on and after the first day of the renewal term.

(6) Proof of notice. Proof of mailing of notice of cancellation, or of nonrenewal or of premium or coverage changes, to the named insured at the last known mailing address showing on the policy, shall be sufficient proof of notice.

(7) Application, effective date and termination. The provisions of this section shall apply only to policies with coverage effective dates after the effective date of this section.

(8) ~~Regulations~~ Rules. The director may promulgate rules ~~and--regulations~~ to implement the provisions of this section. Every rule ~~and-regulation~~ promulgated within the authority conferred by this act shall be of temporary effect and shall become permanent only by enactment by statute at the regular session of the legislature first following adoption of the rule. ~~or-regulation.~~ Rules ~~and-regulations~~ not approved in the above manner shall be rejected, null, void and of no force and effect on July 1, following submission of the rules ~~and--regulations~~ to the legislature.

Approved April 7, 2006.

CHAPTER 360
(H.B. No. 760, As Amended)

AN ACT
RELATING TO MOTOR VEHICLE LAW DEFINITIONS; AMENDING SECTION 49-114, IDAHO CODE, TO REVISE THE DEFINITION OF "MOPED."

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

SECTION 1. That Section 49-114, Idaho Code, be, and the same is hereby amended to read as follows:

49-114. DEFINITIONS -- M. (1) "Major component part" means a rear clip, cowl, frame or inner structure forward of the cowl, body, cab, front end assembly, front clip or such other part which is critical to the safety of the vehicle.

(2) "Manifest" means a form used for identifying the quantity, composition, origin, routing, waste or material identification code and destination of hazardous material or hazardous waste during any transportation within, through, or to any destination in this state.

(3) "Manufactured home." (See section 39-4105, Idaho Code)

(4) "Manufacturer" means every person engaged in the business of constructing or assembling vehicles of a type required to be registered at an established place of business in this state. The term, for purposes of sections 49-1613 through 49-1615, 49-1617, 49-1622 and 49-1623, Idaho Code, shall include a distributor and other factory representatives.

(5) "Manufacturer's year designation" means the model year designated by the vehicle manufacturer, and not the year in which the vehicle is, in fact, manufactured.

(6) "Maximum gross weight" means the scale weight of a vehicle, equipped for operation, to which shall be added the maximum load to be carried as declared by the owner in making application for registration. When a vehicle against which a registration fee is assessed is a combination of vehicles, the term "maximum gross weight" means the combined maximum gross weights of all vehicles in the combination.

(7) "Metal tire." (See "Tires," section 49-121, Idaho Code)

(8) "Mileage" means actual distance that a vehicle has traveled.

(9) "Moped" means a limited-speed motor-driven cycle having:

(a) Bboth motorized and pedal propulsion that is not capable of propelling the vehicle at a speed in excess of thirty (30) miles per hour on level ground, whether two (2) or three (3) wheels are in contact with the ground during operation. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged~~.~~; or

(b) Two (2) wheels or three (3) wheels with no pedals, which is powered solely by electrical energy, has an automatic transmission, a motor which produces less than two (2) gross brake horsepower, is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground and as originally manufactured, meets federal motor vehicle safety standards for motor-driven cycles.

(10) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor and moped.

(11) "Motor carrier" means an individual, partnership, corporation or other legal entity engaged in the transportation by motor vehicle of persons or property in the furtherance of a business or for hire.

(12) "Motor home" means a vehicular unit designed to provide temporary living quarters, built into an integral part or permanently attached to a self-propelled motor vehicle chassis. The vehicle must contain permanently installed independent life support systems which meet the American National Standards Institute (ANSI) A119.7 Standard for Recreational Vehicles, and provide at least four (4) of the following facilities: cooking, refrigeration or ice box, self-contained toilet, heating and/or air conditioning, a potable water supply system, including a faucet and sink, separate 110-125 volt electrical power supply and/or LP-gas supply.

(13) "Motorized wheelchair" means a motor vehicle with a speed not in excess of eight (8) miles per hour, designed for and used by a handicapped person.

(14) "Motor number." (See "Identifying number," section 49-110, Idaho Code)

(15) "Motor vehicle." (See "Vehicle," section 49-123, Idaho Code)

(16) "Motor vehicle liability policy" means an owner's or operator's policy of liability insurance, certified as provided in section 49-1210, Idaho Code, as proof of financial responsibility, and issued by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(17) "Motor vehicle record" means any record that pertains to a motor vehicle registration, motor vehicle title or identification documents or other similar credentials issued by the department or other state or local agency.

Approved April 7, 2006.

CHAPTER 361
(H.B. No. 771)

AN ACT

RELATING TO THE ALFALFA AND CLOVER SEED COMMISSION; AMENDING SECTION 22-4215, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISBURSEMENT OF MONEYS FROM THE ACCOUNTS OF THE IDAHO ALFALFA AND CLOVER SEED COMMISSION AND TO PROVIDE FOR A SYSTEM OF INTERNAL ACCOUNTING CONTROLS.

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

SECTION 1. That Section 22-4215, Idaho Code, be, and the same is hereby amended to read as follows:

22-4215. DEPOSIT OF ASSESSMENTS -- WITHDRAWAL METHOD -- EXPENSES -- BOND REQUIRED -- AUDIT. (1) All receipts for the commission will be deposited within five (5) working days of being received, all moneys

received by the commission from the assessment levied under section 22-4210, Idaho Code, and all other moneys received by the commission shall be deposited in one (1) or more separate accounts in the name of the commission in one (1) or more banks or trust companies approved under chapter 27, title 67, Idaho Code, as state depositories. The commission shall designate such accounts at such banks or trust companies.

(2) (a) No moneys shall be withdrawn or paid out of such accounts except upon order of the commission and upon checks or other orders upon such accounts signed by such member of the commission as the commission designates. ~~and countersigned by such other member, officer or employee of the commission as the commission designates~~ The commission shall establish and maintain an adequate and reasonable system of internal accounting controls. The internal accounting controls shall be written, approved and periodically reviewed by the commission. A receipt, voucher or other written record, showing clearly the nature and items covered by each check or other order, shall be kept.

(b) All moneys referred to in subsection (1) of this section shall be used by the commission only for the payment of expenses of the commission in carrying out the powers conferred on the commission.

(c) The commission may require any commission member or agent or employee appointed by the commission to give a bond payable to the commission in the amount and with the security and containing the terms and conditions the commission may prescribe. The cost of such bond is an administrative cost under this act.

(3) All moneys received or expended by the commission shall be audited every second year, but shall address each year separately, by a certified public accountant designated by the commission, who shall furnish a copy of such audit to the director of legislative services and to the senate agricultural affairs committee and the house agricultural affairs committee. The audit shall be completed within ninety (90) days following the close of the fiscal year. The right is reserved to the state of Idaho to audit all funds of the commission at any time.

Approved April 7, 2006.

CHAPTER 362
(H.B. No. 772)

AN ACT

RELATING TO THE IDAHO MINT COMMISSION; AMENDING SECTION 22-3811, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISBURSEMENT OF MONEYS FROM THE ACCOUNTS OF THE IDAHO MINT COMMISSION, TO PROVIDE FOR A SYSTEM OF INTERNAL ACCOUNTING CONTROLS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 22-3811, Idaho Code, be, and the same is hereby amended to read as follows:

22-3811. DISPOSITION OF RECEIPTS AND USE OF MONEYS COLLECTED. (1) As soon as possible after receipt, all moneys received by the commission from the assessment levied under section 22-3806, ~~of this act~~ Idaho Code, and all other moneys received by the commission shall be deposited in one (1) or more separate accounts in the name of the commission in one (1) or more banks or trust companies approved under chapter 27, title 67, Idaho Code, as state depositories. The commission shall designate such accounts at such banks or trust companies.

(2) (a) No moneys shall be withdrawn from or paid out of such accounts except upon order of the commission, and upon checks or other orders upon such accounts signed by such member of the commission as the commission designates. ~~and countersigned by such other member, officer or employee of the commission as the commission designates~~ The commission shall establish and maintain an adequate and reasonable system of internal accounting controls. The internal accounting controls shall be written, approved and periodically reviewed by the commission. A receipt, voucher or other written record, showing clearly the nature and items covered by each check or other order, shall be kept.

(b) All moneys referred to in subsection (1) of this section shall be used by the commission only for the payment of expenses of the commission in carrying out the powers conferred on the commission.

(c) The commission may require any commission member or agent or employee appointed by the commission, to give a bond payable to the commission in the amount, and with the security and containing the terms and conditions the commission prescribes. The cost of such bond is an administrative cost under this ~~act~~ chapter.

(3) The right is reserved to the state of Idaho to audit all funds of the commission at any time.

Approved April 7, 2006.

CHAPTER 363
(H.B. No. 773)

AN ACT

RELATING TO THE IDAHO CANOLA AND RAPESEED COMMISSION; AMENDING SECTION 22-4720, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISBURSEMENT OF FUNDS FROM ACCOUNTS OF THE IDAHO CANOLA AND RAPESEED COMMISSION, TO PROVIDE FOR A SYSTEM OF INTERNAL ACCOUNTING CONTROLS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 22-4720, Idaho Code, be, and the same is hereby amended to read as follows:

22-4720. DEPOSITS AND DISBURSEMENT OF FUNDS. (1) Immediately upon receipt, all moneys received by the commission shall be deposited in one (1) or more separate accounts in the name of the commission in one (1) or more banks or trust companies approved under chapter 27, title 67, Idaho Code, as state depositories. The commission shall designate the

banks or trust companies. All funds so deposited are hereby continuously appropriated for the purpose of carrying out the provisions of this chapter.

(2) ~~Funds--can~~ No moneys shall be withdrawn or paid out of such accounts ~~only~~ except upon order of the commission and upon checks or other orders upon such accounts signed by ~~two (2) officers designated by the~~ such member of the commission as the commission designates. The commission shall establish and maintain an adequate and reasonable system of internal accounting controls. The internal accounting controls shall be written, approved and periodically reviewed by the commission.

(3) On or before January 15 of each year, the commission shall file with the senate agricultural affairs committee, the house of representatives agricultural affairs committee, the legislative council, the state controller, and the division of financial management, a report showing the annual income and expenses by standard classification of the commission during the preceding fiscal year. The report shall also include an estimate of income to the commission for the current and next fiscal year. From and after January 15, 1999, the report shall also include a reconciliation between the estimated income and expenses projected and the actual income and expenses of the preceding fiscal year.

(4) All moneys received or expended by the commission shall be audited every second year, but shall address each year separately, by a certified public accountant designated by the commission, who shall furnish a copy of the audit to the director of legislative services and to the senate agricultural affairs committee and the house of representatives agricultural affairs committee. The audit shall be completed within ninety (90) days following the close of the fiscal year. The right is reserved to the state of Idaho to audit the funds of the commission at any time.

(5) The expenditures of the commission are expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code.

Approved April 7, 2006.

CHAPTER 364
(H.B. No. 774)

AN ACT

RELATING TO THE IDAHO BEAN COMMISSION; AMENDING SECTION 22-2919, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DISBURSEMENT OF MONEYS FROM THE ACCOUNTS OF THE IDAHO BEAN COMMISSION, TO PROVIDE FOR A SYSTEM OF INTERNAL ACCOUNTING CONTROLS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 22-2919, Idaho Code, be, and the same is hereby amended to read as follows:

22-2919. DEPOSIT AND DISBURSEMENT OF FUNDS. (1) Immediately upon receipt, all moneys received by the commission shall be deposited in one (1) or more separate accounts in the name of the commission in one (1)

or more banks or trust companies approved under chapter 27, title 67, Idaho Code, as state depositories. The commission shall designate such banks or trust companies. All funds so deposited are hereby continuously appropriated for the purpose of carrying out the provisions of this chapter.

(2) ~~Funds can~~ No moneys shall be withdrawn or paid out of such accounts ~~only~~ except upon order of the commission and upon checks or other orders upon such accounts signed by ~~two (2) officers designated by the~~ such member of the commission as the commission designates. The commission shall establish and maintain an adequate and reasonable system of internal accounting controls. The internal accounting controls shall be written, approved and periodically reviewed by the commission.

(3) The right is reserved to the state of Idaho to audit the funds of the commission at any time.

(4) On or before January 15 of each year, the commission shall file with the senate agricultural affairs committee, the house of representatives agricultural affairs committee, the legislative services office, the state controller, and the division of financial management, a report showing the annual income and expenses by standard classification of the commission during the preceding fiscal year. The report shall also include an estimate of income to the commission for the current and next fiscal year and a projection of anticipated expenses by category for the current and next fiscal year. From and after January 15, 1989, the report shall also include a reconciliation between the estimated income and expenses projected and the actual income and expenses of the preceding fiscal year.

(5) All moneys received or expended by the commission shall be audited biennially by a certified public accountant designated by the commission, who shall furnish a copy of such audit to the director of legislative services and to the senate agricultural affairs committee and the house of representatives agricultural affairs committee. The audit shall be completed within ninety (90) days following the close of the fiscal year.

(6) The expenditures of the commission are expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code.

Approved April 7, 2006.

CHAPTER 365
(H.B. No. 775)

AN ACT

RELATING TO THE ALFALFA AND CLOVER SEED COMMISSION; AMENDING SECTION 22-4203, IDAHO CODE, TO DELETE DEFINITIONS RELATING TO DISTRICTS; AND AMENDING SECTION 22-4205, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COMPOSITION OF GROWER NOMINATING COMMITTEES APPOINTED BY THE DEPARTMENT OF AGRICULTURE.

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

SECTION 1. That Section 22-4203, Idaho Code, be, and the same is hereby amended to read as follows:

22-4203. DEFINITIONS. Wherever used or referred to in this act, unless the context requires otherwise:

(1) "Commission" means the Idaho alfalfa and clover commission.

(2) "Grower" means any landowner personally engaged in growing alfalfa seed or clover seed, a tenant personally engaged in growing alfalfa seed or clover seed, or both the owner and the tenant jointly, and includes a person, partnership, association, corporation, cooperative organization, trust, sharecropper or any and all other business units, devices and arrangements that grow alfalfa seed or clover seed.

(3) "Dealer" means any person, partnership, association, corporation, cooperative or other business unit or device that first handles, packs, ships, buys and sells alfalfa seed or clover seed, or who acts as sales or purchasing agent, broker or factor of alfalfa seed or clover seed.

(4) "Handled in the primary channels of trade" means the time when any alfalfa seed or clover seed is delivered under a sales contract, sold, or delivered for shipment and sale.

(5) "Ship" means to load alfalfa seed or clover seed into any mode of conveyance for transport in the channels of trade or to market.

(6) "Processor" and "processing plant" mean every person, partnership, association, corporation, cooperative or other business unit or device to whom and every place to which alfalfa seed or clover seed is delivered for cleaning, packing and blending.

~~(7)--"District--No.-1" shall consist of the following counties: Ada, Owyhee, Elmore, Camas, Blaine, Gooding, Lincoln, Minidoka, Jerome, Twin Falls, Cassia, Power, Franklin, Oneida, Bannock, Bear Lake, Caribou, Bonneville, Madison, Teton, Jefferson, Fremont, Butte, Clark and Bingham.~~

~~(8)--"District--No.--2"--shall--consist--of--the following counties: Boundary, Bonner, Benewah, Shoshone, Kootenai, Nez Perce, Lewis, Latah, Clearwater, Idaho, Valley, Adams, Boise, Gem, Payette, Washington, Canyon, Lemhi and Custer.~~

SECTION 2. That Section 22-4205, Idaho Code, be, and the same is hereby amended to read as follows:

22-4205. APPOINTMENT OF NOMINATING COMMITTEE -- PRESENTATION OF NOMINEES TO ANNUAL MEETING -- TIME AND PLACE OF ANNUAL MEETING. (1) The director of the department of agriculture shall appoint a grower nominating committee of three (3) growers, ~~from each district,~~ whose responsibility shall be to select a slate of nominees for vacancies occurring on the commission either by expiration of term or for other reasons a vacancy may occur. Two (2) grower members shall be nominated by the nominating committee for each vacancy occurring on the commission membership. The nominations of the nominating committee shall be presented to the annual meeting of alfalfa seed and clover seed growers for concurrence in the list of nominees, or for such substitutions to the list as the annual meeting may make by majority vote. Each member nominated for the commission shall be a resident citizen of the state of Idaho for a period of four (4) years prior to his election or selection, shall have active experience in growing alfalfa seed or clover seed and shall be now actually engaged in growing alfalfa seed or clover seed in Idaho and shall derive a substantial portion of his income from growing alfalfa seed or clover seed or be the directing or managing head of a corpora-

tion, firm, partnership, or other business unit which derives a substantial portion of its income from growing alfalfa seed or clover seed. To continue holding office, each member must remain qualified. The governor may remove any member who becomes disqualified during his term of office or who is unable to carry out his duties. The term of office of each member of the commission shall terminate on the last day of June of the year in which the term for which the member was elected ends, but each member of the commission shall serve until his respective successor is elected and has qualified. From such list of nominees, the governor shall designate and appoint one (1) as a member of the commission. Said annual meeting shall be held at a time and place designated by the alfalfa and clover seed growers association with notification mailed to all alfalfa seed and clover seed growers in Idaho.

(2) A general meeting of the Idaho Eastern Oregon Seed Association shall nominate two (2) dealers, one (1) of whom shall be appointed as provided for in this act by June 30 of each year, and one (1) of whom shall be designated as alternate.

Approved April 7, 2006.

CHAPTER 366
(H.B. No. 778, As Amended)

AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602E, IDAHO CODE, TO PROVIDE FOR VALUATION OF PROPERTY USED PRIMARILY FOR NONPROFIT SCHOOL PURPOSES AND FOR BUSINESS PURPOSES FROM WHICH A REVENUE IS DERIVED; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-602E, Idaho Code, be, and the same is hereby amended to read as follows:

63-602E. PROPERTY EXEMPT FROM TAXATION -- PROPERTY USED FOR SCHOOL OR EDUCATIONAL PURPOSES. (1) The following property is exempt from taxation: all property used exclusively for nonprofit school or educational purposes, property used for charter school purposes, and all property from which no profit is derived and which is held or used exclusively for endowment, building or maintenance purposes of schools or educational institutions.

(2) If property is used primarily for nonprofit school purposes or charter school purposes and for business purposes from which a revenue is derived, which revenue is not related to the educational purpose for which the nonprofit school or charter school exists, the assessor shall determine the value of the entire property, of the part used for nonprofit school purposes or charter school purposes, and of the part used for such unrelated business purposes. The portion of the building used for nonprofit school purposes or charter school purposes and for business and administration of the nonprofit school or charter school shall be exempt from taxation.

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, 2006.

Approved April 7, 2006.

CHAPTER 367
(H.B. No. 791)

AN ACT

RELATING TO A MORATORIUM ON CERTAIN COAL FIRED POWER PLANTS; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 39-124 AND 39-125, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT AND TO PROVIDE A TWO YEAR MORATORIUM ON ISSUING ANY VARIANCES, LICENSES OR PERMITS FOR CONSTRUCTION OF CERTAIN COAL FIRED POWER PLANTS OR APPLYING FOR VARIANCES, LICENSES OR LOCAL CONDITIONAL USE, OR BUILDING OR AIR PERMITS; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

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

SECTION 1. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 39-124 and 39-125, Idaho Code, and to read as follows:

39-124. LEGISLATIVE FINDINGS -- INTENT. The legislature finds that it is in the public interest to adopt an integrated energy plan for the state of Idaho 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. The legislature has determined that there is a need for information and study on matters such as air and water quality impacts, effects on existing industries, and allocation of water resources, with regard to energy development. The legislature further finds that certain coal fired power plants may have a significant negative impact upon the health, safety and welfare of the population, the quality and financial security of existing agricultural businesses and industries, economic growth of the state of Idaho, and the environmental quality and natural resources of this state. To better understand the environmental and economic effects of certain coal fired power plants, the legislature believes it is desirable and in the public interest to place a two (2) year moratorium from the effective date of this act on certain coal fired power plants.

39-125. MORATORIUM ON CONSTRUCTION OF CERTAIN COAL FIRED POWER PLANTS -- REPORT. For two (2) years from the effective date of this act, municipalities, counties and the department of environmental quality are prohibited from issuing any variances, licenses or permits for the construction or operation of coal fired power plants and no persons or entities shall apply for such variances, licenses or local conditional use, or building or air permits; provided however, that the provisions

of this act do not apply to power plants utilizing the integrated gasification combined cycle technology where coal is not burned but oxidized as a power source. The provisions of this act do not apply to coal fired power plants owned or constructed by a public utility regulated by the public utilities commission pursuant to title 61, Idaho Code, or by a cooperative or a municipality, nor do the provisions of this act apply to the operations of the Idaho national laboratory.

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 shall be null, void and of no force and effect on and after two (2) calendar years from the effective date of this act.

Approved April 7, 2006.

CHAPTER 368
(H.B. No. 795)

AN ACT

RELATING TO SALARIES OF MEMBERS OF THE PUBLIC UTILITIES COMMISSION, THE STATE TAX COMMISSION AND THE INDUSTRIAL COMMISSION; AMENDING SECTION 61-215, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE PUBLIC UTILITIES COMMISSION; AMENDING SECTION 63-102, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE STATE TAX COMMISSION; AND AMENDING SECTION 72-503, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN SALARY FOR MEMBERS OF THE INDUSTRIAL COMMISSION.

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

SECTION 1. That Section 61-215, Idaho Code, be, and the same is hereby amended to read as follows:

61-215. SALARIES OF PUBLIC UTILITIES COMMISSIONERS. Each member of the public utilities commission shall devote full time to the performance of his/her duties. Commencing on July 1, 20~~0~~46, the annual salary of members of the public utilities commission shall be eighty-~~two~~five thousand ~~seven~~ two hundred ~~forty~~ twenty-two dollars ($~~82,740~~85,222) and shall be paid from sources set by the legislature.

SECTION 2. That Section 63-102, Idaho Code, be, and the same is hereby amended to read as follows:

63-102. ORGANIZATION -- CHAIRMAN -- COMPENSATION -- QUORUM -- HEARINGS. (1) A member of the state tax commission shall be appointed by the governor, to serve at his pleasure, as chairman. Each member of the state tax commission shall devote full time to the performance of duties. Commencing on July 1, 20~~0~~46, the annual salary for members of the state tax commission shall be seventy-~~one~~nine thousand ~~seven-hundred eight~~ nine dollars ($~~71,700~~79,009).

(2) A majority of the state tax commission shall constitute a quorum for the transaction of business. The state tax commission may dele-

gate to any member of the commission or to its employees, the power to make investigations and hold hearings at any place it may deem proper, and such other matters as will facilitate the operations of the commission.

(3) The chairman of the state tax commission shall delegate to each commissioner the responsibility for policy management and oversight of one (1) or more of the taxes collected and/or activities supervised or administered by the commission. The state tax commission shall perform the duties imposed upon it by law and shall adopt all rules by majority decision.

In any case in which the state tax commission sits as an appellate body upon an appeal from a tax decision from one (1) of the various administrative units subject to its supervision, the state tax commissioner charged with responsibility for policy management and oversight of the tax in controversy shall not vote upon the appeal but may advise the remaining members of the commission on the technical aspects of the problems before them.

(4) The chairman shall be the chief executive officer and administrative head of the state tax commission and shall be responsible for, or may assign responsibility for, all personnel, budgetary and/or fiscal matters of the state tax commission.

SECTION 3. That Section 72-503, Idaho Code, be, and the same is hereby amended to read as follows:

72-503. SALARY. Commencing July 1, 200~~4~~6, the annual salary of each member of the industrial commission shall be eighty-two thousand ~~five~~ nine hundred ~~thirty-five~~ fifty-one dollars (~~$80,535~~82,951). Industrial commissioner salaries shall be paid from sources set by the legislature. Each member of the industrial commission shall devote full time to the performance of his duties.

Approved April 7, 2006.

CHAPTER 369
(H.B. No. 814, As Amended)

AN ACT

RELATING TO JUDGES; AMENDING SECTION 59-502, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO SALARIES OF JUDGES AND TO MAKE TECHNICAL CHANGES.

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

SECTION 1. That Section 59-502, Idaho Code, be, and the same is hereby amended to read as follows:

59-502. SALARIES OF JUDGES. (1) Commencing on July 1, ~~1998~~ 2006, the salary of the justices of the supreme court shall be ~~ninety~~ one hundred ten thousand ~~seven~~ five hundred ~~ninety-one~~ dollars (~~$90,791~~110,500) per annum, and the salary of the judges of the district courts shall be

~~eighty-five~~ one hundred three thousand ~~ninety-five~~ six hundred dollars ($~~85,095~~103,600) per annum. ~~Commencing on July 1, 1999, the annual salaries of the justices of the supreme court and the annual salaries of judges of the district courts shall be increased by four percent (4%), and again commencing on July 1, 2000, the annual salary of the justices of the supreme court and the annual salaries of judges of the district courts shall be increased by three and one-half percent (3-1/2%), and again commencing on July 1, 2001, the annual salary of the justices of the supreme court and the annual salaries of judges of the district courts shall be increased by four and one-half percent (4-1/2%), and again commencing on July 1, 2004, the annual salary of the justices of the supreme court and the annual salaries of the judges of the district courts shall be increased by two percent (2%).~~

(2) Salaries of magistrates shall be as prescribed by chapter 22, title 1, Idaho Code.

(3) Salaries shall be paid on regular pay periods not less frequently than monthly as determined by order of the supreme court as due out of the state treasury, but no justice of the supreme court or judge of the district court or magistrate shall be paid his salary, or any part thereof, unless he shall first take and subscribe an oath that there is not in his hands any matter in controversy not decided by him, which has been finally submitted for his consideration and determination thirty (30) days prior to his taking and subscribing said oath.

~~(2) For the fiscal year commencing July 1, 2005, and ending June 30, 2006, only, the salaries of the chief justice of the supreme court, justices of the supreme court, court of appeals judges, administrative district judges and district judges shall be temporarily increased by one percent (1%) if the state controller certifies to the secretary of state that the unexpended and unencumbered balance of the general fund on June 30, 2005, exceeded $124,000,000.~~

Approved April 7, 2006.

CHAPTER 370
(H.B. No. 834)

AN ACT

RELATING TO THE IDAHO GUARD AND RESERVE FAMILY SUPPORT FUND; AMENDING SECTION 57-820, IDAHO CODE, TO PROVIDE FOR INVESTMENT OF IDLE MONEYS IN THE FUND AND FOR RETURN OF INTEREST EARNED ON SUCH INVESTMENTS TO THE FUND.

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

SECTION 1. That Section 57-820, Idaho Code, be, and the same is hereby amended to read as follows:

57-820. THE IDAHO GUARD AND RESERVE FAMILY SUPPORT FUND. There is hereby created in the state treasury, the Idaho guard and reserve family support fund. Moneys in the fund shall be continuously appropriated to the "Idaho Guard and Reserve Family Support Fund, Inc." for support of

members and families of members of the national guard and reserve who are residents of the state of Idaho or members of national guard or reserve units located in Idaho. The state treasurer shall invest idle moneys in the fund and interest earned from such investments shall be returned to the fund.

Approved April 7, 2006.

CHAPTER 371
(H.B. No. 836)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MENTAL HEALTH SERVICES IN THE CHILDREN'S MENTAL HEALTH PROGRAM FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE CHILDREN'S MENTAL HEALTH PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MENTAL HEALTH SERVICES IN THE COMMUNITY MENTAL HEALTH SERVICES PROGRAM; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE COMMUNITY MENTAL HEALTH SERVICES PROGRAM; 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; PROVIDING LEGISLATIVE INTENT FOR OVERSIGHT BY THE IDAHO COUNCIL FOR CHILDREN'S MENTAL HEALTH; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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 in the Children's Mental Health Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund	$2,154,900	$ 732,300	$ 9,971,500	$12,858,700
Cooperative Welfare Fund (Federal)	3,106,800	1,910,100	1,458,000	6,474,900
Cooperative Welfare Fund (Dedicated)			164,500	164,500
TOTAL	$5,261,700	$2,642,400	$11,594,000	$19,498,100

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-two and two-tenths (92.2) full-time equivalent positions for the Children's Mental Health Program during the period July 1, 2006, through June 30, 2007. 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. There is hereby appropriated to the Department of Health and Welfare for mental health services in the Community Mental Health Services Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 8,461,900	$2,195,500		$1,757,600	$12,415,000
Cooperative Welfare Fund (Federal)	3,027,800	1,105,500	$ 47,300	404,400	4,585,000
Drug Court, Mental Health Court & Family Court Services Fund	168,700	98,000			266,700
Economic Recovery Reserve Fund		3,800	158,800		162,600
Cooperative Welfare Fund (Dedicated)	2,281,400				2,281,400
TOTAL	$13,939,800	$3,402,800	$206,100	$2,162,000	$19,710,700

SECTION 4. 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 fifty-two and one-tenth (252.1) full-time equivalent positions for the Community Mental Health Services Program during the period July 1, 2006, through June 30, 2007. 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 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 of 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. OVERSIGHT BY THE IDAHO COUNCIL ON CHILDREN'S MENTAL HEALTH. The Idaho Council on Children's Mental Health shall have the authority to oversee the "Building on Each Other's Strengths Initiative," a grant from the federal government through the Department of Health and Human Services. The Idaho Council on Children's Mental Health was established through Executive Order to oversee the implementation of the plan and the legislative policy for the provision of access to treatment, prevention, and rehabilitation services for children with serious emotional disturbances. The plan was formulated from the recommendations of "The Needs Assessment of Idaho's Children with Serious Emotional Disturbances and Their Families."

SECTION 8. SALARY SAVINGS. The Department of Health and Welfare is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 7, 2006.

CHAPTER 372
(H.B. No. 837)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE COMMUNITY HOSPITALIZATION PROGRAM FOR FISCAL YEAR 2007; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE STATE HOSPITAL NORTH PROGRAM FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE STATE HOSPITAL NORTH PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE STATE HOSPITAL SOUTH PROGRAM FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE STATE HOSPITAL SOUTH PROGRAM; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THE DEPARTMENT TO PURSUE CONTRACTS FOR COMMUNITY HOSPITALIZATION; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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 Community Hospitalization Program the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2006, through June 30, 2007:

COMMUNITY HOSPITALIZATION:

FROM:	
General Fund	$2,160,400
FOR:	
Trustee and Benefit Payments	$2,160,400

SECTION 2. There is hereby appropriated to the Department of Health and Welfare for psychiatric hospitalization in the State Hospital North Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$5,289,500	$ 913,700	$104,000	$ 16,500	$6,323,700
Economic Recovery Reserve Fund		134,300	9,500		143,800
State Hospital North Endowment Income Fund	177,600	408,900		43,200	629,700
Cooperative Welfare Fund (Dedicated)	143,100				143,100
TOTAL	$5,610,200	$1,456,900	$113,500	$59,700	$7,240,300

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 one hundred nine and thirty-nine hundredths (109.39) full-time equivalent positions for the State Hospital North Program during the period July 1, 2006, through June 30, 2007. 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. There is hereby appropriated to the Department of Health and Welfare for psychiatric hospitalization in the State Hospital South Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 9,304,800	$1,267,000		$253,200	$10,825,000
Mental Hospital Endowment Income Fund	985,500	66,000			1,051,500
Economic Recovery Reserve Fund		153,600	$24,100		177,700
Cooperative Welfare Fund (Federal)	2,684,900	1,330,400	4,600	12,700	4,032,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare Fund (Dedicated)	1,324,000	136,100		800	1,460,900
TOTAL	$14,299,200	$2,953,100	$28,700	$266,700	$17,547,700

SECTION 5. 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 fifty-nine and twenty-two hundredths (259.22) full-time equivalent positions for the State Hospital South Program during the period July 1, 2006, through June 30, 2007. 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 6. 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 7. CONTRACT FOR COMMUNITY HOSPITALIZATION. The Department of Health and Welfare is hereby directed to pursue statewide or regional contracts for mental health hospitalization services. The current daily rates for hospitalization vary significantly regionally and from hospital to hospital. The Department of Health and Welfare is encouraged to actively manage the quality and cost of these services.

SECTION 8. The Department of Health and Welfare is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 7, 2006.

CHAPTER 373
(H.B. No. 838)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE PHYSICAL HEALTH SERVICES PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE

EMERGENCY MEDICAL SERVICES PROGRAM FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE EMERGENCY MEDICAL SERVICES PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE LABORATORY SERVICES PROGRAM FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE LABORATORY SERVICES PROGRAM; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE SUBSTANCE ABUSE SERVICES PROGRAM FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE SUBSTANCE ABUSE SERVICES PROGRAM; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO SPECIAL HEALTH PROGRAMS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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 in the Physical Health Services Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
Economic Recovery Reserve Fund			$ 7,400		$ 7,400
General Fund	$1,399,500	$ 3,495,600		$ 1,287,700	$ 6,182,800
Cancer Control Fund	50,100	153,200		198,400	401,700
Central Tumor Registry Fund				182,700	182,700
Food Safety Fund				638,000	638,000
Cooperative Welfare Fund (Federal)	4,803,100	8,381,200	7,700	39,635,100	52,827,100
Cooperative Welfare Fund (Dedicated)	1,408,700	769,300		7,969,000	10,147,000
TOTAL	$7,661,400	$12,799,300	$15,100	$49,910,900	$70,386,700

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-four and thirty-three hundredths (134.33) full-time equivalent positions for the Physical Health Services Program during the period July 1, 2006, through June 30, 2007. 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. There is hereby appropriated to the Department of Health and Welfare for public health services in the Emergency Medical Services Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 175,900	$ 12,000		$ 64,300	$ 252,200
Economic Recovery Reserve Fund			$ 8,900		8,900
Emergency Medical Services Fund I & II	1,201,400	1,156,800	75,200	270,200	2,703,600
Emergency Medical Services Fund III				1,400,000	1,400,000
Cooperative Welfare Fund (Dedicated)	172,400	33,500		150,000	355,900
Cooperative Welfare Fund (Federal)	283,200	1,075,100	6,400	462,300	1,827,000
TOTAL	$1,832,900	$2,277,400	$90,500	$2,346,800	$6,547,600

SECTION 4. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, 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 during the period July 1, 2006, through June 30, 2007. 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 5. There is hereby appropriated to the Department of Health and Welfare for public health services in the Laboratory Services Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	$1,259,900	$ 863,000		$2,122,900
Cooperative Welfare Fund (Dedicated)	400,800	199,300		600,100
Economic Recovery Reserve Fund			$ 7,200	7,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Cooperative Welfare Fund (Federal)	650,100	1,643,400	5,800	2,299,300
TOTAL	$2,310,800	$2,705,700	$13,000	$5,029,500

SECTION 6. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than forty-two and fifty-four hundredths (42.54) full-time equivalent positions for the Laboratory Services Program during the period July 1, 2006, through June 30, 2007. 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 7. There is hereby appropriated to the Department of Health and Welfare for public health services in the Substance Abuse Services Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 63,200	$ 415,500		$ 1,349,600	$ 1,828,300
Prevention of Minors' Access to Tobacco Fund	24,700	46,800			71,500
Alcohol Intoxication Treatment Fund	228,200	531,300		1,573,400	2,332,900
Economic Recovery Reserve Fund			$ 100		100
Cooperative Welfare Fund (Dedicated)	38,400	638,300			676,700
Substance Abuse Treatment Fund				9,000	9,000
Liquor Control Fund				650,000	650,000
Cooperative Welfare Fund (Federal)	417,900	3,605,500	1,000	15,145,700	19,170,100
TOTAL	$772,400	$5,237,400	$1,100	$18,727,700	$24,738,600

SECTION 8. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than twelve and sixty-four hundredths (12.64) full-time equivalent positions for the Substance Abuse Services Program during the period July 1, 2006, through June 30, 2007. 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 9. 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 10. SPECIAL HEALTH PROGRAMS. It is the intent of the Legislature that all funds appropriated in this bill for the treatment of persons with Cystic Fibrosis, AIDS/HIV, and Adult PKU formula shall be used solely for those purposes.

SECTION 11. SALARY SAVINGS. The Department of Health and Welfare is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 7, 2006.

CHAPTER 374
(H.B. No. 839)

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; DIRECTING THE TRANSFER OF MONEYS FROM THE GENERAL FUND TO THE PERMANENT BUILDING FUND FOR FISCAL YEAR 2007; PROVIDING FOR THE TRANSFER OF MONEYS FROM THE MISCELLANEOUS REVENUE FUND IN THE DIVISION OF VETERANS SERVICES TO THE PERMANENT BUILDING FUND FOR FISCAL YEAR 2006; 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 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:	$25,101,000
(1) Alterations and Repairs	
(2) Asbestos Abatement	
(3) Underground Storage Tank Program	
(4) Statewide ADA Compliance	
(5) Building Demolition	
(6) Capitol Mall Maintenance	
B. IDAHO STATE POLICE:	
(1) Combined Office Space for Agency Functions, Meridian	$ 3,861,300
C. OFFICE OF THE GOVERNOR--MILITARY DIVISION:	
(1) Armory Renovation--Pocatello	$ 693,000
D. DEPARTMENT OF COMMERCE AND LABOR:	
(1) Canyon County Office	$ 2,079,000
E. DEPARTMENT OF JUVENILE CORRECTIONS:	
(1) Mental Health Unit	$ 4,392,000
F. DEPARTMENT OF SELF-GOVERNING AGENCIES--DIVISION OF VETERANS SERVICES:	
(1) Vehicle Parking Garage	$ 302,000
G. DEPARTMENT OF CORRECTION:	
(1) 300-bed Expansion, Idaho Correctional Center, Boise	$16,000,000
GRAND TOTAL	$52,428,300

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 allotment 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. The State Controller is hereby directed to transfer on July 1, 2006, or as soon thereafter as is practicable, $21,000,000 from the state General Fund to the Permanent Building Fund.

SECTION 6. On or before June 30, 2006, the State Controller, at the request of the Director of the Division of Veterans Services, shall transfer $302,000 from the Miscellaneous Revenue Fund in the Division of Veterans Services to the Permanent Building Fund. These funds shall be used to construct an enclosed parking garage at the Pocatello Veterans Home after July 1, 2006.

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 7, 2006.

CHAPTER 375
(H.B. No. 844)

AN ACT

RELATING TO APPROPRIATIONS; STATING INTENT OF THE LEGISLATURE; DIRECTING THE DEPARTMENT OF ADMINISTRATION TO PAY ESTIMATED FISCAL YEAR 2007 INCREASES IN GROUP MEDICAL INSURANCE PREMIUMS, TO PAY ONE MONTH OF GROUP MEDICAL INSURANCE PREMIUMS AND TO PAY BASIC LIFE AND DISABILITY PREMIUMS FOR THE EMPLOYER FOR SEVEN MONTHS; APPROPRIATING ADDITIONAL MONEYS FOR FISCAL YEAR 2007 TO STATE AGENCIES AND STATE INSTITUTIONS FOR PERSONNEL COSTS; APPROPRIATING ADDITIONAL MONEYS TO STATE AGENCIES FOR FISCAL YEAR 2007 FOR PERSONNEL COSTS OF TARGETED JOB CLASSIFICATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE ATTORNEY GENERAL FOR SPECIFIED PERSONNEL COSTS; APPROPRIATING ADDITIONAL MONEYS TO THE SCHOOL FOR THE DEAF AND THE BLIND FOR SPECIFIED PERSONNEL COSTS; DIRECTING STATE AGENCIES AND INSTITUTIONS REGARDING THE USE AND REPORTING OF SALARY SAVINGS; APPROPRIATING ADDITIONAL MONEYS FOR FISCAL YEAR 2007 TO STATE AGENCIES AND STATE INSTITUTIONS FOR PERSONNEL COSTS; AND EXPRESSING LEGISLATIVE INTENT THAT THE DEPARTMENT OF ADMINISTRATION USE RESERVES TO COVER THE COSTS OF MENTAL HEALTH INSURANCE PARITY FOR STATE EMPLOYEES FOR FISCAL YEAR 2007.

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

SECTION 1. LEGISLATIVE INTENT. (1) Pursuant to the recommendations of the Legislative Change in Employee Compensation Committee, it is the policy of the state of Idaho to provide a total compensation system that attracts, retains and recognizes state employees for their valuable service. The foundation of this system is to pay competitive job market average salaries, provide a quality benefits package, and reward performance with a merit based compensation philosophy.

(2) Notwithstanding any other provision of law to the contrary, the Division of Human Resources is hereby directed to revise the current salary and pay grade structure to increase the number of pay grades and

decrease the distance between pay grade midpoints. The fiscal impact of such changes shall not exceed the total amount appropriated for salary increases for fiscal year 2007. The Division of Human Resources is further directed to assign classifications to the revised salary structure using Hay points and market data. Such assignments shall be made in a manner that minimizes salary compression. Employees who do not have satisfactory performance are not eligible for salary increases due to pay grade assignment changes, even if this results in being paid outside the pay grade.

(3) Pay for performance shall provide faster salary advancement for higher performers based on a merit increase matrix developed by the Division of Human Resources. Such matrix shall be based upon the employee's proximity to the state midpoint market average and the employee's relative performance. Such matrix may be adapted by each agency to meet their specific needs when approved by the Division of Human Resources.

(4) The Division of Human Resources shall approve all compensation and distribution plans to ensure that they are consistent with the policies contained herein. The Division of Financial Management shall ensure that each agency and higher education institution compensation plan is implemented consistent with their respective appropriation and the intent of this act.

(5) Furthermore, nonclassified employees of the executive branch, as well as employees of the legislative and judicial branches, shall be treated in a manner consistent with the intent of this act.

SECTION 2. The change in state employee group medical insurance providers has created a one (1) time opportunity to use unexpended reserves from the previous contract to pay for the fiscal year 2007 estimated increase in group medical insurance premiums, as well as a one (1) month premium holiday for group medical insurance. As a result, the Department of Administration is directed to pay from reserves from the previous medical insurance contract the estimated fiscal year 2007 increases in group medical insurance premiums for the employer and for state employees and state retirees participating in the state's group medical insurance plan. In addition, the Department of Administration is directed to pay from reserves one (1) month of group medical insurance premiums for the employer and for state employees and retirees participating in the state's group medical insurance plan. The Legislature also finds that reserves in the basic life and disability insurance plan have created a one (1) time opportunity to use the unexpended reserves to pay for seven (7) months of premiums for the employer. As a result, the Department of Administration is directed to pay the employer's basic life and disability insurance premiums from reserves from the basic life and disability insurance contract for a seven (7) month period during fiscal year 2007.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the following state agencies and state institutions the following amounts to be expended for the designated programs for personnel costs only from the listed funds for the period July 1, 2006, through June 30, 2007:

		TOTAL
(1) STATE BOARD OF EDUCATION		
AGRICULTURAL RESEARCH AND EXTENSION SERVICE:		
FROM:		
General Fund		$ 428,400
(2) STATE BOARD OF EDUCATION		
COLLEGE AND UNIVERSITIES:		
FROM:		
General Fund	$4,019,400	
Normal School Endowment Income Fund	19,800	
Unrestricted Fund	469,300	
TOTAL		$ 4,508,500
(3) STATE BOARD OF EDUCATION		
COMMUNITY COLLEGE SUPPORT:		
FROM:		
General Fund		$ 245,400
(4) STATE BOARD OF EDUCATION		
IDAHO SCHOOL FOR THE DEAF AND THE BLIND		
I. CAMPUS OPERATIONS:		
FROM:		
General Fund	$ 75,300	
II. OUTREACH SERVICES:		
FROM:		
General Fund	$ 30,000	
TOTAL		$ 105,300
(5) STATE BOARD OF EDUCATION		
OFFICE OF THE STATE BOARD OF EDUCATION:		
FROM:		
General Fund	$ 20,900	
Federal Grant Fund	5,000	
TOTAL		$ 25,900
(6) STATE BOARD OF EDUCATION		
HEALTH EDUCATION PROGRAMS		
I. WOI VETERINARY EDUCATION:		
FROM:		
General Fund	$ 8,300	
II. WWAMI MEDICAL EDUCATION:		
FROM:		
General Fund	$ 11,500	
III. IDEP DENTAL EDUCATION:		
FROM:		
General Fund	$ 5,700	
IV. FAMILY MEDICINE RESIDENCIES:		
FROM:		
General Fund	$ 7,400	
TOTAL		$ 32,900
(7) STATE BOARD OF EDUCATION		
IDAHO STATE HISTORICAL SOCIETY		
I. HISTORIC PRESERVATION AND EDUCATION:		
FROM:		
General Fund	$ 21,400	
Miscellaneous Revenue Fund	2,200	
Federal Grant Fund	13,300	
SUBTOTAL	$ 36,900	

		TOTAL
II. HISTORIC SITE MAINTENANCE AND INTERPRETATION:		
FROM:		
General Fund	$ 2,800	
Miscellaneous Revenue Fund	2,700	
SUBTOTAL	$ 5,500	
TOTAL		$ 42,400
(8) STATE BOARD OF EDUCATION		
STATE LIBRARY BOARD:		
FROM:		
General Fund	$ 28,800	
Federal Grant Fund	3,000	
TOTAL		$ 31,800
(9) STATE BOARD OF EDUCATION		
DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION		
I. STATE LEADERSHIP AND TECHNICAL ASSISTANCE:		
FROM:		
General Fund	$ 24,600	
Federal Grant Fund	5,800	
SUBTOTAL	$ 30,400	
II. GENERAL PROGRAMS:		
FROM:		
General Fund	$ 3,300	
Federal Grant Fund	2,900	
SUBTOTAL	$ 6,200	
III. POSTSECONDARY PROGRAMS:		
FROM:		
General Fund	$ 505,400	
IV. CAREER INFORMATION SYSTEM:		
FROM:		
General Fund	$ 2,800	
Miscellaneous Revenue Fund	6,700	
SUBTOTAL	$ 9,500	
TOTAL		$ 551,500
(10) STATE BOARD OF EDUCATION		
IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM:		
FROM:		
General Fund	$ 11,800	
Miscellaneous Revenue Fund	11,400	
TOTAL		$ 23,200
(11) STATE BOARD OF EDUCATION		
SPECIAL PROGRAMS		
I. FOREST UTILIZATION RESEARCH:		
FROM:		
General Fund	$ 8,300	
II. GEOLOGICAL SURVEY:		
FROM:		
General Fund	$ 12,900	
III. MUSEUM OF NATURAL HISTORY:		
FROM:		
General Fund	$ 8,100	
IV. SMALL BUSINESS DEVELOPMENT CENTERS:		
FROM:		
General Fund	$ 5,000	

		TOTAL
V. IDAHO COUNCIL FOR ECONOMIC EDUCATION:		
FROM:		
General Fund	$ 900	
VI. TECHHELP:		
FROM:		
General Fund	$ 3,000	
TOTAL		$ 38,200
(12) SUPERINTENDENT OF PUBLIC INSTRUCTION		
STATE DEPARTMENT OF EDUCATION:		
FROM:		
General Fund	$ 47,600	
Indirect Cost Recovery Fund	8,500	
Driver's Education Fund	2,400	
Public Instruction Fund	9,100	
Miscellaneous Revenue Fund	2,400	
Federal Grant Fund	58,100	
TOTAL		$ 128,100
(13) STATE BOARD OF EDUCATION		
VOCATIONAL REHABILITATION		
I. COMMUNITY SUPPORTED EMPLOYMENT:		
FROM:		
General Fund	$ 1,800	
II. VOCATIONAL REHABILITATION:		
FROM:		
Federal Grant Fund	$ 116,800	
TOTAL		$ 118,600
(14) DEPARTMENT OF HEALTH AND WELFARE		
CHILD WELFARE:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 232,900	
Cooperative Welfare Fund (Federal)	41,100	
TOTAL		$ 274,000
(15) DEPARTMENT OF HEALTH AND WELFARE		
SERVICES FOR THE DEVELOPMENTALLY DISABLED		
I. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 115,500	
Cooperative Welfare Fund (Federal)	22,900	
SUBTOTAL	$ 138,400	
II. IDAHO STATE SCHOOL AND HOSPITAL:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 84,500	
Cooperative Welfare Fund (Federal)	198,300	
SUBTOTAL	$ 282,800	
TOTAL		$ 421,200

		TOTAL
(16) DEPARTMENT OF HEALTH AND WELFARE		
INDEPENDENT COUNCILS		
I. COUNCIL FOR THE DEAF AND HARD OF HEARING:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 2,600	
II. DEVELOPMENTAL DISABILITIES COUNCIL:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 1,300	
Cooperative Welfare Fund (Federal)	4,800	
SUBTOTAL	$ 6,100	
III. DOMESTIC VIOLENCE COUNCIL:		
FROM:		
Domestic Violence Project Fund	$ 4,200	
TOTAL		$ 12,900
(17) DEPARTMENT OF HEALTH AND WELFARE		
INDIRECT SUPPORT SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 171,400	
Cooperative Welfare Fund (Federal)	140,200	
TOTAL		$ 311,600
(18) DEPARTMENT OF HEALTH AND WELFARE		
MEDICAL ASSISTANCE SERVICES		
MEDICAID ADMINISTRATION & MEDICAL MGMT:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 94,600	
Cooperative Welfare Fund (Federal)	175,500	
TOTAL		$ 270,100
(19) DEPARTMENT OF HEALTH AND WELFARE		
PSYCHIATRIC HOSPITALIZATION		
I. STATE HOSPITAL NORTH:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 75,800	
II. STATE HOSPITAL SOUTH:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 227,200	
TOTAL		$ 303,000
(20) DEPARTMENT OF HEALTH AND WELFARE		
MENTAL HEALTH SERVICES		
I. CHILDRENS MENTAL HEALTH:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 84,100	
Cooperative Welfare Fund (Federal)	14,900	
SUBTOTAL	$ 99,000	

		TOTAL
II. COMMUNITY MENTAL HEALTH SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 176,200	
Cooperative Welfare Fund (Federal)	31,800	
SUBTOTAL	$ 208,000	
TOTAL		$ 307,000
(21) DEPARTMENT OF HEALTH AND WELFARE		
PUBLIC HEALTH SERVICES		
I. PHYSICAL HEALTH SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 48,900	
Cooperative Welfare Fund (Federal)	76,400	
SUBTOTAL	$ 125,300	
II. EMERGENCY MEDICAL SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 7,200	
Emergency Medical Services Fund	19,500	
SUBTOTAL	$ 26,700	
III. LABORATORY SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 37,700	
IV. SUBSTANCE ABUSE SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 1,900	
Cooperative Welfare Fund (Federal)	11,200	
SUBTOTAL	$ 13,100	
TOTAL		$ 202,800
(22) DEPARTMENT OF HEALTH AND WELFARE		
DIVISION OF WELFARE		
SELF-RELIANCE OPERATIONS:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 246,300	
Cooperative Welfare Fund (Federal)	246,700	
TOTAL		$ 493,000
(23) STATE INDEPENDENT LIVING COUNCIL:		
To be deposited into the State Independent Living Council Fund.		
FROM:		
General Fund		$ 3,500
(24) PUBLIC HEALTH DISTRICTS:		
To be deposited into the Public Health District Fund.		
FROM:		
Public Health Trust Fund (General)		$ 130,400

		TOTAL
(25) DEPARTMENT OF CORRECTION		
SUPPORT DIVISION		
SUPPORT SERVICES:		
FROM:		
General Fund	$ 80,600	
Inmate Labor Fund	400	
Parolee Supervision Fund	2,000	
Miscellaneous Revenue Fund	2,000	
Federal Grant Fund	900	
TOTAL		$ 85,900
(26) DEPARTMENT OF CORRECTION		
OPERATIONS DIVISION		
I. OPERATIONS ADMINISTRATION:		
FROM:		
General Fund	$ 10,500	
II. OFFENDER PROGRAMS:		
FROM:		
General Fund	$ 9,200	
Federal Grant Fund	8,500	
SUBTOTAL	$ 17,700	
III. COMMUNITY SUPERVISION:		
FROM:		
General Fund	$ 162,200	
Parolee Supervision Fund	51,800	
Federal Grant Fund	900	
SUBTOTAL	$ 214,900	
IV. COMMUNITY WORK CENTERS:		
FROM:		
General Fund	$ 40,200	
Inmate Labor Fund	2,800	
SUBTOTAL	$ 43,000	
V. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:		
FROM:		
General Fund	$ 248,200	
Miscellaneous Revenue Fund	5,200	
Federal Grant Fund	700	
SUBTOTAL	$ 254,100	
VI. IDAHO CORRECTIONAL INSTITUTION - OROFINO:		
FROM:		
General Fund	$ 91,000	
Inmate Labor Fund	7,900	
Miscellaneous Revenue Fund	1,700	
SUBTOTAL	$ 100,600	
VII. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:		
FROM:		
General Fund	$ 47,400	
Miscellaneous Revenue Fund	400	
SUBTOTAL	$ 47,800	
VIII. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:		
FROM:		
General Fund	$ 86,300	
Inmate Labor Fund	11,400	

		TOTAL
Miscellaneous Revenue Fund	400	
Federal Grant Fund	2,200	
SUBTOTAL	$ 100,300	
IX. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:		
FROM:		
General Fund	$ 112,400	
Miscellaneous Revenue Fund	1,300	
SUBTOTAL	$ 113,700	
X. ST. ANTHONY WORK CAMP:		
FROM:		
General Fund	$ 26,800	
Inmate Labor Fund	6,800	
SUBTOTAL	$ 33,600	
XI. POCATELLO WOMEN'S CORRECTIONAL CENTER:		
FROM:		
General Fund	$ 59,200	
Inmate Labor Fund	3,000	
Miscellaneous Revenue Fund	3,000	
SUBTOTAL	$ 65,200	
XII. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:		
FROM:		
General Fund	$ 36,500	
TOTAL		$ 1,037,900
(27) DEPARTMENT OF CORRECTION		
COMMISSION FOR PARDONS AND PAROLE:		
FROM:		
General Fund		$ 22,000
(28) JUDICIAL BRANCH		
I. SUPREME COURT:		
FROM:		
General Fund	$ 44,100	
Federal Grant Fund	900	
SUBTOTAL	$ 45,000	
II. LAW LIBRARY:		
FROM:		
General Fund	$ 4,800	
III. DISTRICT COURTS:		
FROM:		
General Fund	$ 51,700	
ISTARS Technology Fund	2,200	
SUBTOTAL	$ 53,900	
IV. COURT OF APPEALS:		
FROM:		
General Fund	$ 10,100	
V. SNAKE RIVER BASIN ADJUDICATION:		
FROM:		
General Fund	$ 11,300	
TOTAL		$ 125,100

		TOTAL
(29) DEPARTMENT OF JUVENILE CORRECTIONS		
I. ADMINISTRATION:		
FROM:		
General Fund	$ 31,000	
Miscellaneous Revenue Fund	900	
SUBTOTAL	$ 31,900	
II. COMMUNITY SERVICES:		
FROM:		
General Fund	$ 10,700	
Juvenile Corrections Fund	700	
Federal Grant Fund	700	
SUBTOTAL	$ 12,100	
III. INSTITUTIONS:		
FROM:		
General Fund	$ 219,600	
Federal Grant Fund	2,200	
SUBTOTAL	$ 221,800	
IV. JUVENILE JUSTICE COMMISSION:		
FROM:		
General Fund	$ 1,800	
Federal Grant Fund	3,700	
SUBTOTAL	$ 5,500	
TOTAL		$ 271,300
(30) IDAHO STATE POLICE		
BRAND INSPECTION:		
FROM:		
State Brand Board Fund		$ 32,300
(31) IDAHO STATE POLICE		
DIVISION OF IDAHO STATE POLICE		
I. DIRECTOR'S OFFICE:		
FROM:		
General Fund	$ 30,000	
Idaho Law Enforcement Fund	1,300	
Miscellaneous Revenue Fund	1,300	
Federal Grant Fund	11,300	
SUBTOTAL	$ 43,900	
II. EXECUTIVE PROTECTION:		
FROM:		
General Fund	$ 3,200	
III. INVESTIGATIONS:		
FROM:		
General Fund	$ 83,500	
Drug Donation Fund	1,800	
Federal Grant Fund	2,000	
SUBTOTAL	$ 87,300	
IV. PATROL:		
FROM:		
General Fund	$ 32,100	
Idaho Law Enforcement Fund	213,000	
Hazardous Materials/Waste Enforcement Fund	2,200	
Federal Grant Fund	16,100	
SUBTOTAL	$ 263,400	

		TOTAL
V. LAW ENFORCEMENT PROGRAMS:		
FROM:		
General Fund	$ 7,800	
Miscellaneous Revenue Fund	1,100	
SUBTOTAL	$ 8,900	
VI. SUPPORT SERVICES:		
FROM:		
General Fund	$ 22,700	
Idaho Law Enforcement Fund	8,100	
Idaho Law Enforcement Telecommunications Fund	5,400	
Miscellaneous Revenue Fund	11,700	
SUBTOTAL	$ 47,900	
VII. FORENSIC SERVICES:		
FROM:		
General Fund	$ 32,100	
Miscellaneous Revenue Fund	1,100	
SUBTOTAL	$ 33,200	
TOTAL		$ 487,800
(32) IDAHO STATE POLICE		
POST ACADEMY		
PEACE OFFICER STANDARDS AND TRAINING ACADEMY:		
FROM:		
Peace Officers Fund	$ 25,400	
Federal Grant Fund	1,100	
TOTAL		$ 26,500
(33) IDAHO STATE POLICE		
RACING COMMISSION:		
FROM:		
Idaho State Racing Commission Fund		$ 3,700
(34) DEPARTMENT OF ENVIRONMENTAL QUALITY		
I. ADMINISTRATION AND SUPPORT SERVICES:		
FROM:		
General Fund	$ 25,500	
Air Quality Permitting Fund	3,000	
Public Water System Supervision Fund	4,800	
Department of Environmental Quality Fund (Receipts)	1,900	
Department of Environmental Quality Fund (Federal)	31,800	
SUBTOTAL	$ 67,000	
II. AIR QUALITY:		
FROM:		
General Fund	$ 30,800	
Air Quality Permitting Fund	19,000	
Department of Environmental Quality Fund (Receipts)	1,300	
Department of Environmental Quality Fund (Federal)	23,100	
SUBTOTAL	$ 74,200	
III. WATER QUALITY:		
FROM:		
General Fund	$ 75,700	
Public Water System Supervision Fund	14,200	

		TOTAL
Department of Environmental Quality Fund (Receipts)	5,400	
Department of Environmental Quality Fund (Federal)	67,900	
SUBTOTAL	$ 163,200	
IV. COEUR D'ALENE BASIN COMMISSION:		
FROM:		
Environmental Remediation Fund (Basin)	$ 900	
Department of Environmental Quality Fund (Federal)	2,600	
SUBTOTAL	$ 3,500	
V. WASTE MANAGEMENT AND REMEDIATION:		
FROM:		
General Fund	$ 35,900	
Environmental Remediation Fund (Box)	400	
Environmental Remediation Fund (Basin)	1,700	
Department of Environmental Quality Fund (Receipts)	6,500	
Department of Environmental Quality Fund (Federal)	43,000	
SUBTOTAL	$ 87,500	
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:		
FROM:		
General Fund	$ 3,100	
Department of Environmental Quality Fund (Federal)	16,000	
SUBTOTAL	$ 19,100	
TOTAL		$ 414,500
(35) DEPARTMENT OF FISH AND GAME		
I. ADMINISTRATION:		
FROM:		
Fish and Game Fund (Licenses)	$ 42,800	
Fish and Game Fund (Federal)	44,300	
SUBTOTAL	$ 87,100	
II. ENFORCEMENT:		
FROM:		
Fish and Game Fund (Licenses)	$ 109,400	
Fish and Game Fund (Other)	2,000	
SUBTOTAL	$ 111,400	
III. FISHERIES:		
FROM:		
Fish and Game Fund (Licenses)	$ 50,700	
Fish and Game Fund (Other)	21,600	
Fish and Game Set-aside Fund (Licenses)	2,800	
Fish and Game Set-aside Fund (Other)	2,400	
Fish and Game Expendable Trust Fund	1,300	
Fish and Game Fund (Federal)	174,200	
SUBTOTAL	$ 253,000	
IV. WILDLIFE:		
FROM:		
Fish and Game Fund (Licenses)	$ 57,600	
Fish and Game Fund (Other)	4,900	
Fish and Game Set-aside Fund (Other)	14,900	

		TOTAL
Fish and Game Expendable Trust Fund	5,900	
Non-Expendable Trust Fund	200	
Fish and Game Fund (Federal)	56,000	
SUBTOTAL	$ 139,500	
V. COMMUNICATIONS:		
FROM:		
Fish and Game Fund (Licenses)	$ 23,300	
Fish and Game Fund (Other)	1,100	
Fish and Game Set-aside Fund (Other)	2,900	
Fish and Game Expendable Trust Fund	200	
Fish and Game Fund (Federal)	11,100	
SUBTOTAL	$ 38,600	
VI. ENGINEERING:		
FROM:		
Fish and Game Fund (Licenses)	$ 13,100	
VII. NATURAL RESOURCE POLICY:		
FROM:		
Fish and Game Fund (Licenses)	$ 10,800	
Fish and Game Fund (Other)	3,100	
Fish and Game Set-aside Fund (Other)	2,200	
Fish and Game Fund (Federal)	23,400	
SUBTOTAL	$ 39,500	
VIII. WINTER FEEDING AND HABITAT IMPROVEMENT:		
FROM:		
Fish and Game Fund (Licenses)	$ 8,300	
Fish and Game Set-aside Fund (Licenses)	1,100	
SUBTOTAL	$ 9,400	
TOTAL		$ 691,600
(36) BOARD OF LAND COMMISSIONERS		
ENDOWMENT FUND INVESTMENT BOARD:		
FROM:		
Miscellaneous Revenue Fund	$ 1,700	
Endowment Administrative Fund	3,900	
TOTAL		$ 5,600
(37) BOARD OF LAND COMMISSIONERS		
DEPARTMENT OF LANDS		
I. SUPPORT SERVICES:		
FROM:		
General Fund	$ 7,200	
Department of Lands Fund	6,800	
Endowment Administrative Fund	28,300	
SUBTOTAL	$ 42,300	
II. FOREST RESOURCES MANAGEMENT:		
FROM:		
General Fund	$ 16,400	
Department of Lands Fund	20,100	
Indirect Cost Recovery Fund	900	
Endowment Administrative Fund	102,600	
Federal Grant Fund	10,000	
SUBTOTAL	$ 150,000	

		TOTAL
III. LAND, RANGE, AND MINERAL RESOURCE MANAGEMENT:		
FROM:		
General Fund	$ 11,100	
Department of Lands Fund	400	
Endowment Administrative Fund	29,200	
SUBTOTAL	$ 40,700	
IV. FOREST AND RANGE FIRE PROTECTION:		
FROM:		
General Fund	$ 13,700	
Department of Lands Fund	33,400	
Federal Grant Fund	12,200	
SUBTOTAL	$ 59,300	
V. SCALING PRACTICES:		
FROM:		
Department of Lands Fund	$ 3,000	
TOTAL		$ 295,300
(38) DEPARTMENT OF PARKS AND RECREATION		
I. MANAGEMENT SERVICES:		
FROM:		
General Fund	$ 27,500	
Indirect Cost Recovery Fund	4,400	
Parks and Recreation Fund	10,200	
Recreational Fuels Fund	4,800	
Parks and Recreation Registration Fund	1,800	
SUBTOTAL	$ 48,700	
II. PARK OPERATIONS:		
FROM:		
General Fund	$ 67,300	
Indirect Cost Recovery Fund	400	
Parks and Recreation Fund	28,100	
Recreational Fuels Fund	3,800	
Parks and Recreation Registration Fund	6,100	
Miscellaneous Revenue Fund	200	
Public Recreation Enterprise Fund	6,100	
Parks and Recreation Expendable Trust Fund	4,600	
SUBTOTAL	$ 116,600	
TOTAL		$ 165,300
(39) DEPARTMENT OF PARKS AND RECREATION		
LAVA HOT SPRINGS FOUNDATION:		
FROM:		
Public Recreation Enterprise - Lava Hot Springs Fund		$ 8,800
(40) DEPARTMENT OF WATER RESOURCES		
I. MANAGEMENT AND SUPPORT SERVICES:		
FROM:		
General Fund	$ 14,600	
Indirect Cost Recovery Fund	4,400	
Water Administration Fund	700	
SUBTOTAL	$ 19,700	

		TOTAL
II. PLANNING AND TECHNICAL SERVICES:		
FROM:		
General Fund	$ 34,000	
Indirect Cost Recovery Fund	1,100	
Federal Grant Fund	5,000	
SUBTOTAL	$ 40,100	
III. ENERGY RESOURCES:		
FROM:		
General Fund	$ 700	
Indirect Cost Recovery Fund	900	
Miscellaneous Revenue Fund	2,200	
Petroleum Price Violation Fund	9,100	
Federal Grant Fund	7,900	
SUBTOTAL	$ 20,800	
IV. SNAKE RIVER BASIN ADJUDICATION:		
FROM:		
General Fund	$ 30,300	
V. WATER MANAGEMENT:		
FROM:		
General Fund	$ 47,400	
Indirect Cost Recovery Fund	900	
Water Administration Fund	17,000	
Miscellaneous Revenue Fund	9,900	
Federal Grant Fund	4,000	
SUBTOTAL	$ 79,200	
TOTAL		$ 190,100
(41) DEPARTMENT OF AGRICULTURE		
I. ADMINISTRATION:		
FROM:		
General Fund	$ 7,900	
Administration and Accounting Services Fund	9,800	
Facilities Maintenance Fund	900	
SUBTOTAL	$ 18,600	
II. ANIMAL INDUSTRIES:		
FROM:		
General Fund	$ 23,400	
Agricultural Fees - Livestock Disease Control Fund	8,500	
Agricultural Fees - Dairy Inspection Fund	13,700	
Agricultural Fees - Egg Inspection Fund	1,300	
Federal Grant Fund	8,100	
SUBTOTAL	$ 55,000	
III. AGRICULTURAL RESOURCES:		
FROM:		
General Fund	$ 7,900	
Agricultural Smoke Management Fund	900	
Agricultural Fees - Pesticides Fund	21,600	
Federal Grant Fund	3,100	
SUBTOTAL	$ 33,500	
IV. PLANT INDUSTRIES:		
FROM:		
General Fund	$ 7,700	
Agricultural Inspection Fund	14,900	

		TOTAL
Agricultural Fees - Commercial Feed and Fertilizer Fund	11,100	
Agricultural Fees - Organic Food Products Fund	900	
Quality Assurance Laboratory Services Fund	3,700	
Federal Grant Fund	5,200	
SUBTOTAL	$ 43,500	
V. AGRICULTURAL INSPECTIONS:		
FROM:		
General Fund	$ 9,800	
Agricultural Inspection Fund	1,300	
Weights and Measures Inspection Fund	3,300	
Agricultural Fees - Fresh Fruit and Vegetable Inspection Fund	78,000	
SUBTOTAL	$ 92,400	
VI. MARKETING AND DEVELOPMENT:		
FROM:		
General Fund	$ 5,000	
Federal Grant Fund	200	
SUBTOTAL	$ 5,200	
VII. SHEEP COMMISSION:		
FROM:		
General Fund	$ 700	
Agricultural Fees - Sheep Industry Regulation Fund	400	
SUBTOTAL	$ 1,100	
TOTAL		$ 249,300
(42) DEPARTMENT OF AGRICULTURE		
SOIL CONSERVATION COMMISSION:		
FROM:		
General Fund	$ 19,600	
Federal Grant Fund	2,600	
TOTAL		$ 22,200
(43) DEPARTMENT OF COMMERCE AND LABOR		
I. COMMERCE:		
FROM:		
General Fund	$ 35,700	
Tourism and Promotion Fund	8,300	
Miscellaneous Revenue Fund	1,500	
Federal Grant Fund	6,500	
SUBTOTAL	$ 52,000	
II. IDAHO RURAL PARTNERSHIP:		
FROM:		
Federal Grant Fund	$ 1,700	
III. WAGE AND HOUR:		
FROM:		
General Fund	$ 6,700	
TOTAL		$ 60,400
(44) DEPARTMENT OF FINANCE:		
FROM:		
State Regulatory Fund		$ 55,200

		TOTAL
(45) INDUSTRIAL COMMISSION		
I. COMPENSATION:		
FROM:		
Industrial Administration Fund	$ 41,100	
II. REHABILITATION:		
FROM:		
Industrial Administration Fund	$ 42,400	
III. CRIME VICTIMS COMPENSATION:		
FROM:		
Crime Victims Compensation Fund	$ 8,700	
IV. ADJUDICATION:		
FROM:		
Industrial Administration Fund	$ 17,200	
TOTAL		$ 109,400
(46) DEPARTMENT OF INSURANCE		
I. INSURANCE REGULATION:		
FROM:		
Self-Governing Operating Fund	$ 52,400	
Miscellaneous Revenue Fund	1,300	
Federal Grant Fund	2,200	
SUBTOTAL	$ 55,900	
II. STATE FIRE MARSHAL:		
FROM:		
Self-Governing State Fire Marshal Fund	$ 10,100	
TOTAL		$ 66,000
(47) PUBLIC UTILITIES COMMISSION		
UTILITIES REGULATION:		
FROM:		
Public Utilities Commission Fund	$ 44,800	
Federal Grant Fund	700	
TOTAL		$ 45,500
(48) SELF-GOVERNING AGENCIES		
DIVISION OF BUILDING SAFETY		
BUILDING SAFETY:		
FROM:		
Electrical Fund	$ 57,200	
Building Fund	12,300	
Plumbing Fund	35,300	
Manufactured Housing Fund	1,200	
Public Works Contractors Licensing Fund	2,800	
Heating, Ventilation, and Air Conditioning Board Fund	14,800	
Elevator Safety Fund	3,300	
Miscellaneous Revenue/Industrial Safety Fund	7,000	
Miscellaneous Revenue/Logging Fund	5,100	
Building Bureau NCSBCS Fund	200	
Miscellaneous Revenue/Energy Program Fund	600	
Federal Grant Fund	400	
TOTAL		$ 140,200

		TOTAL
(49) SELF-GOVERNING AGENCIES		
GENERAL BOARDS		
COMMISSION ON HISPANIC AFFAIRS:		
FROM:		
General Fund	$ 1,300	
Federal Grant Fund	700	
TOTAL		$ 2,000
(50) SELF-GOVERNING AGENCIES		
STATE LOTTERY:		
FROM:		
State Lottery Fund		$ 39,300
(51) SELF-GOVERNING AGENCIES		
MEDICAL BOARDS		
I. BOARD OF DENTISTRY:		
FROM:		
State Regulatory Fund	$ 2,800	
II. BOARD OF MEDICINE:		
FROM:		
State Regulatory Fund	$ 10,100	
III. BOARD OF NURSING:		
FROM:		
State Regulatory Fund	$ 7,400	
IV. BOARD OF PHARMACY:		
FROM:		
State Regulatory Fund	$ 9,400	
V. BOARD OF VETERINARY MEDICINE:		
FROM:		
State Regulatory Fund	$ 1,300	
TOTAL		$ 31,000
(52) SELF-GOVERNING AGENCIES		
REGULATORY BOARDS		
I. BOARD OF ACCOUNTANCY:		
FROM:		
State Regulatory Fund	$ 3,300	
II. BOARD OF PROF. ENGINEERS & LAND SURVEYORS:		
FROM:		
State Regulatory Fund	$ 3,000	
III. BOARD OF PROFESSIONAL GEOLOGISTS:		
FROM:		
State Regulatory Fund	$ 400	
IV. BUREAU OF OCCUPATIONAL LICENSES:		
FROM:		
State Regulatory Fund	$ 19,200	
V. CERTIFIED SHORTHAND REPORTERS BOARD:		
FROM:		
State Regulatory Fund	$ 200	
VI. OUTFITTERS AND GUIDES LICENSING BOARD:		
FROM:		
State Regulatory Fund	$ 4,100	
VII. REAL ESTATE COMMISSION:		
FROM:		
State Regulatory Fund	$ 10,000	
TOTAL		$ 40,200

		TOTAL
(53) SELF-GOVERNING AGENCIES		
OFFICE OF STATE APPELLATE PUBLIC DEFENDER:		
FROM:		
General Fund		$ 23,400
(54) SELF-GOVERNING AGENCIES		
DIVISION OF VETERANS SERVICES:		
FROM:		
General Fund	$ 23,300	
Miscellaneous Revenue Fund	129,400	
Federal Grant Fund	51,800	
TOTAL		$ 204,500
(55) IDAHO TRANSPORTATION DEPARTMENT		
I. MANAGEMENT AND ADMINISTRATIVE SERVICES:		
FROM:		
State Highway Fund (Dedicated)	$ 198,600	
State Highway Fund (Billing)	400	
State Highway Fund (Federal)	1,700	
SUBTOTAL	$ 200,700	
II. PLANNING:		
FROM:		
State Highway Fund (Dedicated)	$ 9,500	
State Highway Fund (Federal)	37,400	
SUBTOTAL	$ 46,900	
III. MOTOR VEHICLES:		
FROM:		
State Highway Fund (Dedicated)	$ 172,700	
IV. HIGHWAY OPERATIONS:		
FROM:		
State Highway Fund (Dedicated)	$ 997,600	
State Highway Fund (Local)	3,000	
State Highway Fund (Federal)	156,300	
SUBTOTAL	$1,156,900	
V. AERONAUTICS:		
FROM:		
State Aeronautics Fund (Dedicated)	$ 14,300	
State Aeronautics Fund (Billing)	1,500	
State Aeronautics Fund (Federal)	200	
SUBTOTAL	$ 16,000	
VI. PUBLIC TRANSPORTATION:		
FROM:		
State Highway Fund (Dedicated)	$ 2,800	
State Highway Fund (Federal)	7,200	
SUBTOTAL	$ 10,000	
TOTAL		$ 1,603,200
(56) DEPARTMENT OF ADMINISTRATION		
I. ADMINISTRATIVE RULES:		
FROM:		
Administrative Code Fund	$ 3,500	
II. DIRECTOR'S OFFICE:		
FROM:		
General Fund	$ 3,500	
Indirect Cost Recovery Fund	7,600	

		TOTAL
Administration and Accounting Services Fund	400	
Industrial Special Indemnity Fund	2,800	
SUBTOTAL	$ 14,300	
III. INFORMATION TECHNOLOGY & COMMUNICATIONS:		
FROM:		
General Fund	$ 9,400	
Indirect Cost Recovery Fund	5,500	
Administration and Accounting Services Fund	28,800	
SUBTOTAL	$ 43,700	
IV. INFORMATION TECHNOLOGY RESOURCE MGMT COUNCIL:		
FROM:		
General Fund	$ 1,100	
Administration and Accounting Services Fund	5,500	
SUBTOTAL	$ 6,600	
V. OFFICE OF INSURANCE MANAGEMENT:		
FROM:		
Employee Group Insurance Fund	$ 4,200	
Retained Risk Fund	6,600	
SUBTOTAL	$ 10,800	
VI. PUBLIC WORKS:		
FROM:		
Permanent Building Fund	$ 24,900	
Administration and Accounting Services Fund	18,300	
SUBTOTAL	$ 43,200	
VII. PURCHASING:		
FROM:		
General Fund	$ 12,000	
Administration and Accounting Services Fund	7,600	
Federal Surplus Property Revolving Fund	2,800	
SUBTOTAL	$ 22,400	
TOTAL		$ 144,500
(57) ATTORNEY GENERAL		
STATE LEGAL SERVICES:		
FROM:		
General Fund	$ 227,200	
Consumer Protection Fund	1,100	
TOTAL		$ 228,300
(58) STATE CONTROLLER		
I. ADMINISTRATION:		
FROM:		
General Fund	$ 3,900	
II. STATEWIDE ACCOUNTING:		
FROM:		
General Fund	$ 23,100	
III. STATEWIDE PAYROLL:		
FROM:		
General Fund	$ 19,400	

		TOTAL
IV. COMPUTER CENTER:		
FROM:		
Data Processing Services Fund	$ 61,300	
TOTAL		$ 107,700
(59) OFFICE OF THE GOVERNOR		
COMMISSION ON AGING:		
FROM:		
General Fund	$ 8,700	
Federal Grant Fund	7,000	
TOTAL		$ 15,700
(60) OFFICE OF THE GOVERNOR		
COMMISSION ON THE ARTS:		
FROM:		
General Fund	$ 5,000	
Federal Grant Fund	3,900	
TOTAL		$ 8,900
(61) OFFICE OF THE GOVERNOR		
COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED:		
FROM:		
General Fund	$ 10,300	
Federal Grant Fund	20,000	
TOTAL		$ 30,300
(62) OFFICE OF THE GOVERNOR		
DIVISION OF FINANCIAL MANAGEMENT:		
FROM:		
General Fund	$ 31,400	
Miscellaneous Revenue Fund	400	
TOTAL		$ 31,800
(63) OFFICE OF THE GOVERNOR		
EXECUTIVE OFFICE OF THE GOVERNOR		
I. ADMINISTRATION - GOVERNOR'S OFFICE:		
FROM:		
General Fund	$ 16,800	
II. SOCIAL SERVICES:		
FROM:		
Federal Grant Fund	$ 2,600	
TOTAL		$ 19,400
(64) OFFICE OF THE GOVERNOR		
DIVISION OF HUMAN RESOURCES:		
FROM:		
Division of Human Resources Fund		$ 34,700
(65) OFFICE OF THE GOVERNOR		
HUMAN RIGHTS COMMISSION:		
FROM:		
General Fund	$ 7,900	
Federal Grant Fund	1,800	
TOTAL		$ 9,700
(66) OFFICE OF THE GOVERNOR		
STATE LIQUOR DISPENSARY		
DISPENSARY OPERATIONS:		
FROM:		
Liquor Control Fund		$ 120,300

		TOTAL
(67) OFFICE OF THE GOVERNOR		
MILITARY DIVISION		
I. MILITARY MANAGEMENT:		
FROM:		
General Fund	$ 42,600	
Indirect Cost Recovery Fund	2,100	
SUBTOTAL	$ 44,700	
II. FEDERAL/STATE AGREEMENTS:		
FROM:		
General Fund	$ 15,300	
Federal Grant Fund	196,200	
SUBTOTAL	$ 211,500	
III. BUREAU OF HOMELAND SECURITY:		
FROM:		
General Fund	$ 29,300	
Federal Grant Fund	37,300	
SUBTOTAL	$ 66,600	
TOTAL		$ 322,800
(68) OFFICE OF THE GOVERNOR		
PUBLIC EMPLOYEE RETIREMENT SYSTEM		
I. RETIREMENT ADMINISTRATION:		
FROM:		
PERSI Administrative Fund	$ 47,600	
II. PORTFOLIO INVESTMENT:		
FROM:		
PERSI Special Fund	$ 7,800	
TOTAL		$ 55,400
(69) OFFICE OF THE GOVERNOR		
OFFICE OF SPECIES CONSERVATION:		
FROM:		
General Fund		$ 7,400
(70) OFFICE OF THE GOVERNOR		
WOMEN'S COMMISSION:		
FROM:		
General Fund		$ 400
(71) LEGISLATIVE BRANCH		
LEGISLATIVE SERVICES OFFICE:		
FROM:		
General Fund	$ 58,000	
Professional Services Fund	15,900	
TOTAL		$ 73,900
(72) LEGISLATIVE BRANCH		
LEGISLATIVE TECHNOLOGY:		
FROM:		
General Fund		$ 2,600
(73) LEGISLATIVE BRANCH		
OFFICE OF PERFORMANCE EVALUATIONS:		
FROM:		
General Fund		$ 9,100
(74) LIEUTENANT GOVERNOR		
ADMINISTRATION - LIEUTENANT GOVERNOR:		
FROM:		
General Fund		$ 700

		TOTAL
(75) DEPARTMENT OF REVENUE AND TAXATION		
BOARD OF TAX APPEALS:		
FROM:		
General Fund		$ 4,100
(76) DEPARTMENT OF REVENUE AND TAXATION		
STATE TAX COMMISSION		
I. GENERAL SERVICES:		
FROM:		
General Fund	$ 57,400	
Administration Services for Transportation Fund	6,300	
SUBTOTAL	$ 63,700	
II. AUDIT AND COLLECTIONS:		
FROM:		
General Fund	$ 148,300	
Multistate Tax Compact Fund	19,200	
Administration Services for Transportation Fund	22,000	
Abandoned Property Trust - Unclaimed Property Fund	7,400	
SUBTOTAL	$ 196,900	
III. REVENUE OPERATIONS:		
FROM:		
General Fund	$ 42,800	
Administration and Accounting Fund	900	
Administration Services for Transportation Fund	7,400	
Abandoned Property Trust - Unclaimed Property Fund	1,500	
SUBTOTAL	$ 52,600	
IV. COUNTY SUPPORT:		
FROM:		
General Fund	$ 39,000	
TOTAL		$ 352,200
(77) SECRETARY OF STATE		
ADMINISTRATION:		
FROM:		
General Fund		$ 25,400
(78) STATE TREASURER		
TREASURY - ADMINISTRATION:		
FROM:		
General Fund	$ 12,900	
State Treasurer LGIP Fund	3,100	
Treasurer's Office - Professional Services Fund	3,100	
TOTAL		$ 19,100
GRAND TOTAL		$17,189,600

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the following state agencies the following amounts to be expended for personnel costs, based on performance, for those employees whose salaries are below the midpoint of their pay

grade within the specified job classifications only, without regard to probationary status, from the listed funds for the period July 1, 2006, through June 30, 2007:

		TOTAL
(1) STATE BOARD OF EDUCATION		
VOCATIONAL REHABILITATION:		
Class codes: 38103 Rehab Counselor I; 38104 Rehab Counselor II; 38105 Rehab Counselor III; 38106 Rehab Counselor IV.		
FROM:		
General Fund	$ 49,100	
Federal Grant Fund	181,300	
TOTAL		$ 230,400
(2) DEPARTMENT OF HEALTH AND WELFARE		
CHILD WELFARE:		
Class codes: 06820 Clinician; 09423 Social Worker.		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 127,500	
Cooperative Welfare Fund (Federal)	283,200	
TOTAL		$ 410,700
(3) DEPARTMENT OF HEALTH AND WELFARE		
SERVICES FOR THE DEVELOPMENTALLY DISABLED:		
Class codes: 06820 Clinician; 07574 Reg Nurse Sr.; 07606 Reg Nurse; 09423 Social Worker; 07676 Licensed Practical Nurse; 07798 Dev Dis Tech, ISSH.		
I. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 52,600	
Cooperative Welfare Fund (Federal)	9,300	
SUBTOTAL	$ 61,900	
II. IDAHO STATE SCHOOL AND HOSPITAL:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 160,600	
Cooperative Welfare Fund (Federal)	374,600	
SUBTOTAL	$ 535,200	
TOTAL		$ 597,100
(4) DEPARTMENT OF HEALTH AND WELFARE		
MEDICAL ASSISTANCE SERVICES		
MEDICAID ADMINISTRATION & MEDICAL MGMT:		
Class codes: 06820 Clinician; 07000 Self-reliance Specialist; 07574 Reg Nurse Sr.; 09423 Social Worker.		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 43,600	
Cooperative Welfare Fund (Federal)	43,600	
TOTAL		$ 87,200

		TOTAL
(5) DEPARTMENT OF HEALTH AND WELFARE		
PSYCHIATRIC HOSPITALIZATION:		
Class codes: 06820 Clinician; 07574 Reg Nurse Sr.; 07606 Reg Nurse; 09423 Social Worker; 07676 Licensed Practical Nurse.		
I. STATE HOSPITAL NORTH:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 3,900	
II. STATE HOSPITAL SOUTH:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 40,100	
TOTAL		$ 44,000
(6) DEPARTMENT OF HEALTH AND WELFARE		
MENTAL HEALTH SERVICES:		
Class codes: 06820 Clinician; 07574 Reg Nurse Sr.; 07606 Reg Nurse; 09423 Social Worker; 07676 Licensed Practical Nurse.		
I. CHILDRENS MENTAL HEALTH:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 148,200	
Cooperative Welfare Fund (Federal)	26,200	
SUBTOTAL	$ 174,400	
II. COMMUNITY MENTAL HEALTH SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 232,100	
Cooperative Welfare Fund (Federal)	41,000	
SUBTOTAL	$ 273,100	
TOTAL		$ 447,500
(7) DEPARTMENT OF HEALTH AND WELFARE		
DIVISION OF WELFARE		
SELF-RELIANCE OPERATIONS:		
Class code: 07000 Self-reliance Specialist.		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 828,200	
Cooperative Welfare Fund (Federal)	828,200	
TOTAL		$1,656,400
(8) PUBLIC HEALTH DISTRICTS:		
Class codes: 07574 Reg Nurse Sr.; 07606 Reg Nurse; 09423 Social Worker; 07676 Licensed Practical Nurse.		
To be deposited into the Public Health District Fund.		
FROM:		
General Fund		$ 44,800
(9) DEPARTMENT OF CORRECTION		
SUPPORT DIVISION:		
Class codes: 06820 Clinician; 09212 Corr Officer.		
SUPPORT SERVICES:		
FROM:		
General Fund		$ 7,700

		TOTAL
(10) DEPARTMENT OF CORRECTION		
OPERATIONS DIVISION:		
Class codes: 06820 Clinician; 09212 Corr Officer.		
I. COMMUNITY WORK CENTERS:		
FROM:		
General Fund	$ 90,200	
II. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:		
FROM:		
General Fund	$ 952,100	
III. IDAHO CORRECTIONAL INSTITUTION - OROFINO:		
FROM:		
General Fund	$ 291,000	
IV. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:		
FROM:		
General Fund	$ 111,500	
V. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:		
FROM:		
General Fund	$ 265,300	
VI. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:		
FROM:		
General Fund	$ 448,100	
VII. ST. ANTHONY WORK CAMP:		
FROM:		
General Fund	$ 93,300	
VIII. POCATELLO WOMEN'S CORRECTIONAL CENTER:		
FROM:		
General Fund	$ 214,500	
IX. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:		
FROM:		
General Fund	$ 96,800	
TOTAL		$2,562,800
(11) DEPARTMENT OF JUVENILE CORRECTIONS:		
Class codes: 06820 Clinician; 07574 Reg Nurse Sr.; 07606 Reg Nurse; 09423 Social Worker; 07676 Licensed Practical Nurse.		
INSTITUTIONS:		
FROM:		
General Fund		$ 103,200
(12) IDAHO STATE POLICE:		
Class code: 08016 ISP Trooper.		
DIVISION OF IDAHO STATE POLICE PATROL		
FROM:		
General Fund		$ 233,200
(13) DEPARTMENT OF ENVIRONMENTAL QUALITY:		
Class code: 03704 Staff Engineer.		
I. AIR QUALITY:		
FROM:		
General Fund	$ 300	
Department of Environmental Quality Fund (Federal)	300	
SUBTOTAL	$ 600	

		TOTAL
II. WATER QUALITY:		
FROM:		
General Fund	$ 7,800	
Department of Environmental Quality Fund (Federal)	7,800	
SUBTOTAL	$ 15,600	
TOTAL		$ 16,200
(14) DEPARTMENT OF WATER RESOURCES:		
Class codes: 03712 Engineer Manager 2; 03074 Staff Engineer; 03332 Technical Hydrologist; 03310 Technical Hydrogeologist.		
I. PLANNING AND TECHNICAL SERVICES:		
FROM:		
General Fund	$ 28,200	
II. WATER MANAGEMENT:		
FROM:		
General Fund	$ 21,100	
TOTAL		$ 49,300
(15) DEPARTMENT OF AGRICULTURE:		
Class code: 00150 Agriculture Trade Specialist.		
MARKETING AND DEVELOPMENT:		
FROM:		
General Fund		$ 30,000
(16) SELF-GOVERNING AGENCIES		
MEDICAL BOARDS:		
I. BOARD OF MEDICINE:		
Class code: 20904 Quality Assurance Specialist.		
FROM:		
State Regulatory Fund	$ 13,700	
II. BOARD OF NURSING:		
Class codes: 09233 Investigator; 20923 Assoc Dir-Nursing Brd.		
FROM:		
State Regulatory Fund	$ 5,100	
TOTAL		$ 18,800
GRAND TOTAL		$6,539,300

SECTION 5. In addition to any other appropriation provided by law, there is hereby appropriated to the Attorney General the following amount to be expended for the following program for personnel costs, for those attorneys with less than ten (10) years of service or those with expertise in specialized areas of the law where there are particular difficulties in recruitment and retention, from the listed fund for the period July 1, 2006, through June 30, 2007:

	TOTAL
I. STATE LEGAL SERVICES:	
FROM:	
General Fund	$ 250,000

SECTION 6. In addition to any other appropriation provided by law, there is hereby appropriated to the Office of the State Board of Education for the School for the Deaf and the Blind the following amount to be expended for the following programs only for personnel costs of cer-

tificated instructors in class code 30300 earning less than $30,000 per year, on a full-time equivalency basis, from the listed fund for the period July 1, 2006, through June 30, 2007:

		TOTAL
I. CAMPUS OPERATIONS:		
FROM:		
General Fund	$ 19,700	
II. OUTREACH SERVICES:		
FROM:		
General Fund	$ 5,300	
TOTAL		$ 25,000

SECTION 7. State agencies and institutions are hereby directed to allocate, based on performance, salary savings to provide for employee salary needs before other operational budget priorities are considered. One-time salary increases may be given if the salary savings are one-time in nature. Ongoing salary increases may be given if the salary savings are expected to be ongoing in nature. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions. State departments and institutions shall submit a report on a form developed by the Division of Financial Management and the Legislative Services Office, and included in the Budget Development Manual, by September 1, 2006, as a part of their budget submission regarding all one-time and ongoing salary savings reallocated or reverted in the preceding fiscal year.

SECTION 8. In addition to any other appropriation provided by law, there is hereby appropriated to the following state agencies and state institutions the following amounts to be expended for the designated programs for personnel costs only from the listed funds for the period July 1, 2006, through June 30, 2007:

		TOTAL
(1) STATE BOARD OF EDUCATION		
COLLEGE AND UNIVERSITIES:		
FROM:		
General Fund	$883,200	
Normal School Endowment Income Fund	19,800	
Unrestricted Fund	189,000	
TOTAL		$1,092,000
(2) STATE BOARD OF EDUCATION		
COMMUNITY COLLEGES		
COMMUNITY COLLEGE SUPPORT:		
FROM:		
General Fund		$ 69,800
(3) STATE BOARD OF EDUCATION		
IDAHO SCHOOL FOR THE DEAF AND THE BLIND		
I. CAMPUS OPERATIONS:		
FROM:		
General Fund	$ 38,400	

		TOTAL
II. OUTREACH SERVICES:		
FROM:		
General Fund	$ 5,200	
TOTAL		$ 43,600
(4) STATE BOARD OF EDUCATION		
OFFICE OF THE STATE BOARD OF EDUCATION:		
FROM:		
General Fund	$ 4,600	
Federal Grant Fund	1,600	
TOTAL		$ 6,200
(5) STATE BOARD OF EDUCATION		
HEALTH EDUCATION PROGRAMS		
I. IDEP DENTAL EDUCATION:		
FROM:		
General Fund	$ 1,400	
II. FAMILY MEDICINE RESIDENCIES:		
FROM:		
General Fund	$ 1,500	
TOTAL		$ 2,900
(6) STATE BOARD OF EDUCATION		
IDAHO STATE HISTORICAL SOCIETY		
I. HISTORIC PRESERVATION AND EDUCATION:		
FROM:		
General Fund	$ 5,000	
Miscellaneous Revenue Fund	200	
Federal Grant Fund	2,500	
SUBTOTAL	$ 7,700	
II. HISTORIC SITE MAINTENANCE AND INTERPRETATION:		
FROM:		
General Fund	$ 600	
Miscellaneous Revenue Fund	800	
SUBTOTAL	$ 1,400	
TOTAL		$ 9,100
(7) STATE BOARD OF EDUCATION		
IDAHO STATE LIBRARY:		
FROM:		
General Fund	$ 13,300	
Federal Grant Fund	1,600	
TOTAL		$ 14,900
(8) STATE BOARD OF EDUCATION		
DIVISION OF PROFESSIONAL-TECHNICAL EDUCATION		
I. STATE LEADERSHIP AND TECHNICAL ASSISTANCE:		
FROM:		
General Fund	$ 8,100	
Federal Grant Fund	2,100	
SUBTOTAL	$ 10,200	
II. GENERAL PROGRAMS:		
FROM:		
General Fund	$ 1,400	
Federal Grant Fund	800	
SUBTOTAL	$ 2,200	

		TOTAL
III. POSTSECONDARY PROGRAMS:		
FROM:		
General Fund	$ 59,500	
IV. CAREER INFORMATION SYSTEM:		
FROM:		
General Fund	$ 1,100	
Miscellaneous Revenue Fund	1,900	
SUBTOTAL	$ 3,000	
TOTAL		$ 74,900
(9) STATE BOARD OF EDUCATION		
EDUCATIONAL PUBLIC BROADCASTING SYSTEM:		
FROM:		
General Fund	$ 10,600	
Miscellaneous Revenue Fund	15,600	
TOTAL		$ 26,200
(10) STATE BOARD OF EDUCATION		
SPECIAL PROGRAMS		
I. MUSEUM OF NATURAL HISTORY:		
FROM:		
General Fund		$ 3,400
(11) SUPERINTENDENT OF PUBLIC INSTRUCTION		
STATE DEPARTMENT OF EDUCATION:		
FROM:		
General Fund	$ 14,000	
Indirect Cost Recovery Fund	1,600	
Driver's Education Fund	700	
Public Instruction Fund	1,900	
Miscellaneous Revenue Fund	4,900	
Federal Grant Fund	16,900	
TOTAL		$ 40,000
(12) STATE BOARD OF EDUCATION		
VOCATIONAL REHABILITATION		
I. COMMUNITY SUPPORTED EMPLOYMENT:		
FROM:		
General Fund	$ 700	
II. VOCATIONAL REHABILITATION:		
FROM:		
Federal Grant Fund	$ 50,200	
TOTAL		$ 50,900
(13) DEPARTMENT OF HEALTH AND WELFARE		
CHILD WELFARE:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$123,800	
Cooperative Welfare Fund (Federal)	21,800	
TOTAL		$ 145,600

		TOTAL
(14) DEPARTMENT OF HEALTH AND WELFARE		
SERVICES FOR THE DEVELOPMENTALLY DISABLED		
I. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 47,500	
Cooperative Welfare Fund (Federal)	9,400	
SUBTOTAL	$ 56,900	
II. IDAHO STATE SCHOOL AND HOSPITAL:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 34,600	
Cooperative Welfare Fund (Federal)	81,300	
SUBTOTAL	$115,900	
TOTAL		$ 172,800
(15) DEPARTMENT OF HEALTH AND WELFARE		
INDEPENDENT COUNCILS		
I. COUNCIL FOR THE DEAF AND HARD OF HEARING:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 700	
II. DEVELOPMENTAL DISABILITIES COUNCIL:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 300	
Cooperative Welfare Fund (Federal)	1,000	
SUBTOTAL	$ 1,300	
III. DOMESTIC VIOLENCE COUNCIL:		
FROM:		
Domestic Violence Project Fund	$ 1,300	
TOTAL		$ 3,300
(16) DEPARTMENT OF HEALTH AND WELFARE		
INDIRECT SUPPORT SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 88,800	
Cooperative Welfare Fund (Federal)	72,500	
TOTAL		$ 161,300
(17) DEPARTMENT OF HEALTH AND WELFARE		
MEDICAL ASSISTANCE SERVICES		
MEDICAID ADMINISTRATION & MEDICAL MGMT:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 7,100	
Cooperative Welfare Fund (Federal)	13,300	
TOTAL		$ 20,400
(18) DEPARTMENT OF HEALTH AND WELFARE		
PSYCHIATRIC HOSPITALIZATION		
I. STATE HOSPITAL NORTH:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 34,100	

		TOTAL
II. STATE HOSPITAL SOUTH:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 89,900	
TOTAL		$ 124,000
(19) DEPARTMENT OF HEALTH AND WELFARE		
MENTAL HEALTH SERVICES		
I. CHILDRENS MENTAL HEALTH:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 6,600	
Cooperative Welfare Fund (Federal)	1,200	
SUBTOTAL	$ 7,800	
II. COMMUNITY MENTAL HEALTH SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 68,200	
Cooperative Welfare Fund (Federal)	12,200	
SUBTOTAL	$ 80,400	
TOTAL		$ 88,200
(20) DEPARTMENT OF HEALTH AND WELFARE		
PUBLIC HEALTH SERVICES		
I. PHYSICAL HEALTH SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 19,000	
Cooperative Welfare Fund (Federal)	29,600	
SUBTOTAL	$ 48,600	
II. EMERGENCY MEDICAL SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 4,200	
Emergency Medical Services Fund	8,700	
SUBTOTAL	$ 12,900	
III. LABORATORY SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 15,000	
IV. SUBSTANCE ABUSE SERVICES:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 700	
Cooperative Welfare Fund (Federal)	4,800	
SUBTOTAL	$ 5,500	
TOTAL		$ 82,000
(21) DEPARTMENT OF HEALTH AND WELFARE		
DIVISION OF WELFARE		
SELF-RELIANCE OPERATIONS:		
To be deposited into the Cooperative Welfare Fund.		
FROM:		
Cooperative Welfare Fund (General)	$ 67,600	
Cooperative Welfare Fund (Federal)	101,600	
TOTAL		$ 169,200

		TOTAL
(22) STATE INDEPENDENT LIVING COUNCIL:		
To be deposited into the State Independent Living Council Fund.		
FROM:		
General Fund		$ 1,200
(23) PUBLIC HEALTH DISTRICTS:		
To be deposited into the Public Health District Fund.		
FROM:		
Public Health Trust Fund (General)		$ 46,700
(24) DEPARTMENT OF CORRECTION		
SUPPORT DIVISION		
SUPPORT SERVICES:		
FROM:		
General Fund	$ 32,000	
Parolee Supervision Fund	400	
Miscellaneous Revenue Fund	800	
Federal Grant Fund	400	
TOTAL		$ 33,600
(25) DEPARTMENT OF CORRECTION		
OPERATIONS DIVISION		
I. OPERATIONS ADMINISTRATION:		
FROM:		
General Fund	$ 2,000	
II. OFFENDER PROGRAMS:		
FROM:		
General Fund	$ 3,600	
Federal Grant Fund	2,000	
SUBTOTAL	$ 5,600	
III. COMMUNITY SUPERVISION:		
FROM:		
General Fund	$ 69,700	
Parolee Supervision Fund	15,400	
Federal Grant Fund	400	
SUBTOTAL	$ 85,500	
IV. COMMUNITY WORK CENTERS:		
FROM:		
General Fund	$ 17,400	
Inmate Labor Fund	1,100	
SUBTOTAL	$ 18,500	
V. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:		
FROM:		
General Fund	$101,600	
Miscellaneous Revenue Fund	2,500	
Federal Grant Fund	300	
SUBTOTAL	$104,400	
VI. IDAHO CORRECTIONAL INSTITUTION - OROFINO:		
FROM:		
General Fund	$ 39,600	
Inmate Labor Fund	4,500	
Miscellaneous Revenue Fund	600	
SUBTOTAL	$ 44,700	

		TOTAL
VII. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:		
FROM:		
General Fund	$ 20,600	
Miscellaneous Revenue Fund	300	
SUBTOTAL	$ 20,900	
VIII. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:		
FROM:		
General Fund	$ 37,500	
Inmate Labor Fund	5,800	
Miscellaneous Revenue Fund	300	
Federal Grant Fund	500	
SUBTOTAL	$ 44,100	
IX. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:		
FROM:		
General Fund	$ 49,400	
Miscellaneous Revenue Fund	600	
SUBTOTAL	$ 50,000	
X. ST. ANTHONY WORK CAMP:		
FROM:		
General Fund	$ 9,500	
Inmate Labor Fund	3,600	
SUBTOTAL	$ 13,100	
XI. POCATELLO WOMEN'S CORRECTIONAL CENTER:		
FROM:		
General Fund	$ 26,500	
Inmate Labor Fund	1,400	
Miscellaneous Revenue Fund	1,300	
SUBTOTAL	$ 29,200	
XII. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:		
FROM:		
General Fund	$ 500	
TOTAL		$ 418,500
(26) DEPARTMENT OF CORRECTION		
COMMISSION FOR PARDONS AND PAROLE:		
FROM:		
General Fund		$ 9,200
(27) JUDICIAL BRANCH		
I. SUPREME COURT:		
FROM:		
General Fund	$ 600	
Federal Grant Fund	200	
SUBTOTAL	$ 800	
II. DISTRICT COURTS:		
FROM:		
General Fund	$ 56,900	
III. MAGISTRATES DIVISION:		
FROM:		
General Fund	$ 6,900	
IV. COURT OF APPEALS:		
FROM:		
General Fund	$ 4,500	
TOTAL		$ 69,100

		TOTAL
(28) DEPARTMENT OF JUVENILE CORRECTIONS		
I. ADMINISTRATION:		
FROM:		
General Fund	$ 11,400	
Miscellaneous Revenue Fund	400	
SUBTOTAL	$ 11,800	
II. COMMUNITY SERVICES:		
FROM:		
General Fund	$ 3,300	
Juvenile Corrections Fund	100	
Federal Grant Fund	400	
SUBTOTAL	$ 3,800	
III. INSTITUTIONS:		
FROM:		
General Fund	$ 85,300	
Federal Grant Fund	2,400	
SUBTOTAL	$ 87,700	
IV. JUVENILE JUSTICE COMMISSION:		
FROM:		
General Fund	$ 400	
Federal Grant Fund	1,800	
SUBTOTAL	$ 2,200	
TOTAL		$ 105,500
(29) IDAHO STATE POLICE		
BRAND INSPECTION:		
FROM:		
State Brand Board Fund		$ 12,500
(30) IDAHO STATE POLICE		
DIVISION OF IDAHO STATE POLICE		
I. DIRECTOR'S OFFICE:		
FROM:		
General Fund	$ 10,100	
Idaho Law Enforcement Fund	500	
Federal Grant Fund	3,800	
SUBTOTAL	$ 14,400	
II. EXECUTIVE PROTECTION:		
FROM:		
General Fund	$ 1,100	
III. INVESTIGATIONS:		
FROM:		
General Fund	$ 26,800	
Drug Donation Fund	100	
Federal Grant Fund	100	
SUBTOTAL	$ 27,000	
IV. PATROL:		
FROM:		
General Fund	$ 10,700	
Idaho Law Enforcement Fund	73,000	
Hazardous Materials/Waste Enforcement Fund	700	
Federal Grant Fund	5,400	
SUBTOTAL	$ 89,800	

		TOTAL
V. LAW ENFORCEMENT PROGRAMS:		
FROM:		
General Fund	$ 2,600	
Miscellaneous Revenue Fund	300	
Federal Grant Fund	100	
SUBTOTAL	$ 3,000	
VI. SUPPORT SERVICES:		
FROM:		
General Fund	$ 7,500	
Idaho Law Enforcement Fund	2,500	
Idaho Law Enforcement Telecommunications Fund	1,800	
Miscellaneous Revenue Fund	2,700	
SUBTOTAL	$ 14,500	
VII. FORENSIC SERVICES:		
FROM:		
General Fund	$ 10,500	
Miscellaneous Revenue Fund	500	
SUBTOTAL	$ 11,000	
TOTAL		$ 160,800
(31) IDAHO STATE POLICE		
POST ACADEMY		
PEACE OFFICER STANDARDS AND TRAINING ACADEMY:		
FROM:		
Peace Officers Fund	$ 4,200	
Federal Grant Fund	300	
TOTAL		$ 4,500
(32) DEPARTMENT OF ENVIRONMENTAL QUALITY		
I. ADMINISTRATION AND SUPPORT SERVICES:		
FROM:		
General Fund	$ 8,300	
Air Quality Permitting Fund	1,000	
Public Water System Supervision Fund	1,700	
Department of Environmental Quality Fund (Receipts)	800	
Department of Environmental Quality Fund (Federal)	11,800	
SUBTOTAL	$ 23,600	
II. AIR QUALITY:		
FROM:		
General Fund	$ 10,000	
Air Quality Permitting Fund	6,100	
Department of Environmental Quality Fund (Receipts)	600	
Department of Environmental Quality Fund (Federal)	8,800	
SUBTOTAL	$ 25,500	
III. WATER QUALITY:		
FROM:		
General Fund	$ 28,200	
Public Water System Supervision Fund	5,000	

		TOTAL
Department of Environmental Quality Fund (Receipts)	1,800	
Department of Environmental Quality Fund (Federal)	19,700	
SUBTOTAL	$ 54,700	
IV. WASTE MANAGEMENT AND REMEDIATION:		
FROM:		
General Fund	$ 12,000	
Environmental Remediation Fund (Box)	100	
Environmental Remediation Fund (Basin)	500	
Department of Environmental Quality Fund (Receipts)	2,300	
Department of Environmental Quality Fund (Federal)	15,300	
SUBTOTAL	$ 30,200	
V. IDAHO NATIONAL LABORATORY OVERSIGHT:		
FROM:		
General Fund	$ 1,400	
Department of Environmental Quality Fund (Federal)	5,100	
SUBTOTAL	$ 6,500	
TOTAL		$ 140,500
(33) DEPARTMENT OF FISH AND GAME		
I. ADMINISTRATION:		
FROM:		
Fish and Game Fund (Licenses)	$ 16,000	
Fish and Game Fund (Federal)	17,400	
SUBTOTAL	$ 33,400	
II. ENFORCEMENT:		
FROM:		
Fish and Game Fund (Licenses)	$ 37,400	
Fish and Game Fund (Other)	1,000	
SUBTOTAL	$ 38,400	
III. FISHERIES:		
FROM:		
Fish and Game Fund (Licenses)	$ 22,700	
Fish and Game Fund (Other)	11,700	
Fish and Game Set-aside Fund (Licenses)	2,300	
Fish and Game Set-aside Fund (Other)	1,400	
Fish and Game Expendable Trust Fund	700	
Fish and Game Fund (Federal)	93,100	
SUBTOTAL	$131,900	
IV. WILDLIFE:		
FROM:		
Fish and Game Fund (Licenses)	$ 24,000	
Fish and Game Fund (Other)	3,100	
Fish and Game Set-aside Fund (Other)	10,000	
Fish and Game Expendable Trust Fund	2,600	
Non-Expendable Trust Fund	100	
Fish and Game Fund (Federal)	20,700	
SUBTOTAL	$ 60,500	

		TOTAL
V. COMMUNICATIONS:		
FROM:		
Fish and Game Fund (Licenses)	$ 10,000	
Fish and Game Fund (Other)	800	
Fish and Game Set-aside Fund (Other)	1,500	
Fish and Game Expendable Trust Fund	100	
Fish and Game Fund (Federal)	5,800	
SUBTOTAL	$ 18,200	
VI. ENGINEERING:		
FROM:		
Fish and Game Fund (Licenses)	$ 3,800	
VII. NATURAL RESOURCE POLICY:		
FROM:		
Fish and Game Fund (Licenses)	$ 3,800	
Fish and Game Fund (Other)	1,600	
Fish and Game Set-aside Fund (Other)	1,100	
Fish and Game Fund (Federal)	8,000	
SUBTOTAL	$ 14,500	
VIII. WINTER FEEDING AND HABITAT IMPROVEMENT:		
FROM:		
Fish and Game Fund (Licenses)	$ 3,400	
Fish and Game Set-aside Fund (Licenses)	500	
SUBTOTAL	$ 3,900	
TOTAL		$ 304,600
(34) BOARD OF LAND COMMISSIONERS		
ENDOWMENT FUND INVESTMENT BOARD:		
FROM:		
Miscellaneous Revenue Fund	$ 100	
Endowment Administrative Fund	200	
TOTAL		$ 300
(35) BOARD OF LAND COMMISSIONERS		
DEPARTMENT OF LANDS		
I. SUPPORT SERVICES:		
FROM:		
General Fund	$ 3,100	
Department of Lands Fund	3,200	
Endowment Administrative Fund	9,900	
SUBTOTAL	$ 16,200	
II. FOREST RESOURCES MANAGEMENT:		
FROM:		
General Fund	$ 9,000	
Department of Lands Fund	16,400	
Indirect Cost Recovery Fund	600	
Endowment Administrative Fund	35,500	
Federal Grant Fund	5,200	
SUBTOTAL	$ 66,700	
III. LAND, RANGE, AND MINERAL RESOURCE MANAGEMENT:		
FROM:		
General Fund	$ 5,100	
Department of Lands Fund	100	
Endowment Administrative Fund	11,800	
SUBTOTAL	$ 17,000	

		TOTAL
IV. FOREST AND RANGE FIRE PROTECTION:		
FROM:		
General Fund	$ 6,700	
Department of Lands Fund	18,700	
Fire Suppression Deficiency Fund	800	
Federal Grant Fund	5,600	
SUBTOTAL	$ 31,800	
V. SCALING PRACTICES:		
FROM:		
Department of Lands Fund	$ 2,000	
TOTAL		$ 133,700
(36) DEPARTMENT OF PARKS AND RECREATION		
I. MANAGEMENT SERVICES:		
FROM:		
General Fund	$ 9,900	
Indirect Cost Recovery Fund	1,000	
Parks and Recreation Fund	4,200	
Recreational Fuels Fund	1,800	
Parks and Recreation Registration Fund	500	
SUBTOTAL	$ 17,400	
II. PARK OPERATIONS:		
FROM:		
General Fund	$ 27,200	
Indirect Cost Recovery Fund	200	
Parks and Recreation Fund	8,200	
Recreational Fuels Fund	2,000	
Parks and Recreation Registration Fund	1,800	
Miscellaneous Revenue Fund	100	
Public Recreation Enterprise Fund	1,500	
Parks and Recreation Expendable Trust Fund	1,700	
SUBTOTAL	$ 42,700	
TOTAL		$ 60,100
(37) DEPARTMENT OF PARKS AND RECREATION		
LAVA HOT SPRINGS FOUNDATION:		
FROM:		
Public Recreation Enterprise - Lava Hot Springs Fund		$ 6,000
(38) DEPARTMENT OF WATER RESOURCES		
I. MANAGEMENT AND SUPPORT SERVICES:		
FROM:		
General Fund	$ 6,400	
Indirect Cost Recovery Fund	2,200	
Water Administration Fund	300	
SUBTOTAL	$ 8,900	
II. PLANNING AND TECHNICAL SERVICES:		
FROM:		
General Fund	$ 13,000	
Indirect Cost Recovery Fund	400	
Federal Grant Fund	3,200	
SUBTOTAL	$ 16,600	
III. ENERGY RESOURCES:		
FROM:		
General Fund	$ 400	
Indirect Cost Recovery Fund	400	

		TOTAL
Miscellaneous Revenue Fund	1,000	
Petroleum Price Violation Fund	4,100	
Federal Grant Fund	900	
SUBTOTAL	$ 6,800	
IV. SNAKE RIVER BASIN ADJUDICATION:		
FROM:		
General Fund	$ 13,200	
V. WATER MANAGEMENT:		
FROM:		
General Fund	$ 17,200	
Indirect Cost Recovery Fund	400	
Water Administration Fund	6,300	
Miscellaneous Revenue Fund	4,200	
Federal Grant Fund	1,000	
SUBTOTAL	$ 29,100	
TOTAL		$ 74,600
(39) DEPARTMENT OF AGRICULTURE		
I. ADMINISTRATION:		
FROM:		
General Fund	$ 2,700	
Administration and Accounting Services Fund	3,400	
Facilities Maintenance Fund	400	
SUBTOTAL	$ 6,500	
II. ANIMAL INDUSTRIES:		
FROM:		
General Fund	$ 7,800	
Agricultural Fees - Livestock Disease Control Fund	3,600	
Agricultural Fees - Dairy Inspection Fund	3,800	
Agricultural Fees - Egg Inspection Fund	400	
Federal Grant Fund	1,400	
SUBTOTAL	$ 17,000	
III. AGRICULTURAL RESOURCES:		
FROM:		
General Fund	$ 2,700	
Agricultural Smoke Management Fund	500	
Agricultural Fees - Pesticides Fund	7,900	
Federal Grant Fund	1,500	
SUBTOTAL	$ 12,600	
IV. PLANT INDUSTRIES:		
FROM:		
General Fund	$ 3,100	
Agricultural Inspection Fund	5,600	
Agricultural Fees - Commercial Feed and Fertilizer Fund	4,200	
Agricultural Fees - Organic Food Products Fund	600	
Quality Assurance Laboratory Services Fund	100	
Federal Grant Fund	11,000	
SUBTOTAL	$ 24,600	

		TOTAL
V. AGRICULTURAL INSPECTIONS:		
FROM:		
General Fund	$ 1,400	
Agricultural Inspection Fund	1,100	
Weights and Measures Inspection Fund	3,400	
Agricultural Fees - Fresh Fruit and Vegetable Inspection Fund	21,200	
SUBTOTAL	$ 27,100	
VI. MARKETING AND DEVELOPMENT:		
FROM:		
General Fund	$ 2,200	
Agricultural Inspection Fund	100	
Agricultural Loans Fund	100	
SUBTOTAL	$ 2,400	
VII. SHEEP COMMISSION:		
FROM:		
General Fund	$ 700	
Agricultural Fees - Sheep Industry Regulation Fund	300	
SUBTOTAL	$ 1,000	
TOTAL		$ 91,200
(40) DEPARTMENT OF AGRICULTURE		
SOIL CONSERVATION COMMISSION:		
FROM:		
General Fund	$ 6,300	
Federal Grant Fund	1,100	
TOTAL		$ 7,400
(41) DEPARTMENT OF COMMERCE AND LABOR		
I. COMMERCE:		
FROM:		
General Fund	$ 11,500	
Tourism and Promotion Fund	3,100	
Miscellaneous Revenue Fund	700	
Federal Grant Fund	2,500	
SUBTOTAL	$ 17,800	
II. IDAHO RURAL PARTNERSHIP:		
FROM:		
Federal Grant Fund	$ 700	
III. WAGE AND HOUR:		
FROM:		
General Fund	$ 1,900	
TOTAL		$ 20,400
(42) DEPARTMENT OF FINANCE:		
FROM:		
State Regulatory Fund		$ 15,700
(43) INDUSTRIAL COMMISSION		
I. COMPENSATION:		
FROM:		
Industrial Administration Fund	$ 15,800	
II. REHABILITATION:		
FROM:		
Industrial Administration Fund	$ 18,100	

		TOTAL
III. CRIME VICTIMS COMPENSATION:		
FROM:		
Crime Victims Compensation Fund	$ 3,200	
IV. ADJUDICATION:		
FROM:		
Industrial Administration Fund	$ 7,900	
TOTAL		$ 45,000
(44) DEPARTMENT OF INSURANCE		
I. INSURANCE REGULATION:		
FROM:		
Self-Governing Operating Fund	$ 19,400	
Miscellaneous Revenue Fund	500	
SUBTOTAL	$ 19,900	
II. STATE FIRE MARSHAL:		
FROM:		
Self-Governing State Fire Marshal Fund	$ 2,600	
TOTAL		$ 22,500
(45) PUBLIC UTILITIES COMMISSION		
UTILITIES REGULATION:		
FROM:		
Public Utilities Commission Fund	$ 15,400	
Federal Grant Fund	200	
TOTAL		$ 15,600
(46) SELF-GOVERNING AGENCIES		
DIVISION OF BUILDING SAFETY		
BUILDING SAFETY:		
FROM:		
Electrical Fund	$ 19,000	
Building Fund	4,300	
Plumbing Fund	12,700	
Manufactured Housing Fund	500	
Public Works Contractors Licensing Fund	900	
Elevator Safety Fund	100	
Miscellaneous Revenue/Industrial Safety Fund	4,400	
Miscellaneous Revenue/Logging Fund	1,700	
Building Bureau NCSBCS Fund	100	
Miscellaneous Revenue/Energy Program Fund	800	
Federal Grant Fund	600	
TOTAL		$ 45,100
(47) SELF-GOVERNING AGENCIES		
GENERAL BOARDS		
COMMISSION ON HISPANIC AFFAIRS:		
FROM:		
General Fund	$ 700	
Federal Grant Fund	500	
TOTAL		$ 1,200
(48) SELF-GOVERNING AGENCIES		
STATE LOTTERY:		
FROM:		
State Lottery Fund		$ 15,200

		TOTAL
(49) SELF-GOVERNING AGENCIES		
MEDICAL BOARDS		
I. BOARD OF DENTISTRY:		
FROM:		
State Regulatory Fund	$ 1,300	
II. BOARD OF MEDICINE:		
FROM:		
State Regulatory Fund	$ 6,100	
III. BOARD OF NURSING:		
FROM:		
State Regulatory Fund	$ 2,100	
IV. BOARD OF PHARMACY:		
FROM:		
State Regulatory Fund	$ 4,900	
V. BOARD OF VETERINARY MEDICINE:		
FROM:		
State Regulatory Fund	$ 200	
TOTAL		$ 14,600
(50) SELF-GOVERNING AGENCIES		
REGULATORY BOARDS		
I. BOARD OF ACCOUNTANCY:		
FROM:		
State Regulatory Fund	$ 1,600	
II. BOARD OF PROF. ENGINEERS & LAND SURVEYORS:		
FROM:		
State Regulatory Fund	$ 1,200	
III. BOARD OF PROFESSIONAL GEOLOGISTS:		
FROM:		
State Regulatory Fund	$ 500	
IV. BUREAU OF OCCUPATIONAL LICENSES:		
FROM:		
State Regulatory Fund	$ 4,900	
V. OUTFITTERS AND GUIDES LICENSING BOARD:		
FROM:		
State Regulatory Fund	$ 1,800	
VI. REAL ESTATE COMMISSION:		
FROM:		
State Regulatory Fund	$ 3,200	
TOTAL		$ 13,200
(51) SELF-GOVERNING AGENCIES		
OFFICE OF STATE APPELLATE PUBLIC DEFENDER:		
FROM:		
General Fund		$ 7,700
(52) SELF-GOVERNING AGENCIES		
DIVISION OF VETERANS SERVICES:		
FROM:		
General Fund	$ 17,000	
Miscellaneous Revenue Fund	74,700	
Federal Grant Fund	1,100	
TOTAL		$ 92,800

		TOTAL
(53) IDAHO TRANSPORTATION DEPARTMENT		
I. MANAGEMENT AND ADMINISTRATIVE SERVICES:		
FROM:		
State Highway Fund (Dedicated)	$ 82,000	
State Highway Fund (Billing)	200	
SUBTOTAL	$ 82,200	
II. PLANNING:		
FROM:		
State Highway Fund (Dedicated)	$ 3,500	
State Highway Fund (Federal)	15,100	
SUBTOTAL	$ 18,600	
III. MOTOR VEHICLES:		
FROM:		
State Highway Fund (Dedicated)	$ 75,300	
IV. HIGHWAY OPERATIONS:		
FROM:		
State Highway Fund (Dedicated)	$428,900	
State Highway Fund (Local)	900	
State Highway Fund (Federal)	53,500	
SUBTOTAL	$483,300	
V. AERONAUTICS:		
FROM:		
State Aeronautics Fund (Dedicated)	$ 5,000	
State Aeronautics Fund (Billing)	500	
State Aeronautics Fund (Federal)	200	
SUBTOTAL	$ 5,700	
VI. PUBLIC TRANSPORTATION:		
FROM:		
State Highway Fund (Dedicated)	$ 400	
State Highway Fund (Federal)	2,900	
SUBTOTAL	$ 3,300	
TOTAL		$ 668,400
(54) DEPARTMENT OF ADMINISTRATION		
I. ADMINISTRATIVE RULES:		
FROM:		
Administrative Code Fund	$ 1,100	
II. DIRECTOR'S OFFICE:		
FROM:		
General Fund	$ 1,000	
Indirect Cost Recovery Fund	2,400	
Administration and Accounting Services Fund	200	
Industrial Special Indemnity Fund	900	
SUBTOTAL	$ 4,500	
III. INFORMATION TECHNOLOGY & COMMUNICATIONS:		
FROM:		
General Fund	$ 3,100	
Indirect Cost Recovery Fund	2,300	
Administration and Accounting Services Fund	7,600	
SUBTOTAL	$ 13,000	

		TOTAL
IV. INFORMATION TECHNOLOGY RESOURCE MGMT COUNCIL:		
FROM:		
General Fund	$ 300	
Administration and Accounting Services Fund	1,700	
SUBTOTAL	$ 2,000	
V. OFFICE OF INSURANCE MANAGEMENT:		
FROM:		
Employee Group Insurance Fund	$ 1,200	
Retained Risk Fund	2,200	
SUBTOTAL	$ 3,400	
VI. PUBLIC WORKS:		
FROM:		
Permanent Building Fund	$ 6,800	
Administration and Accounting Services Fund	8,000	
SUBTOTAL	$ 14,800	
VII. PURCHASING:		
FROM:		
General Fund	$ 3,300	
Administration and Accounting Services Fund	3,000	
Federal Surplus Property Revolving Fund	1,000	
SUBTOTAL	$ 7,300	
TOTAL		$ 46,100
(55) ATTORNEY GENERAL		
STATE LEGAL SERVICES:		
FROM:		
General Fund	$ 66,700	
Consumer Protection Fund	300	
TOTAL		$ 67,000
(56) STATE CONTROLLER		
I. ADMINISTRATION:		
FROM:		
General Fund	$ 1,900	
II. STATEWIDE ACCOUNTING:		
FROM:		
General Fund	$ 5,800	
III. STATEWIDE PAYROLL:		
FROM:		
General Fund	$ 5,300	
IV. COMPUTER CENTER:		
FROM:		
Data Processing Services Fund	$ 14,700	
TOTAL		$ 27,700
(57) OFFICE OF THE GOVERNOR		
COMMISSION ON AGING:		
FROM:		
General Fund	$ 2,500	
Federal Grant Fund	2,100	
TOTAL		$ 4,600

		TOTAL
(58) OFFICE OF THE GOVERNOR		
COMMISSION ON THE ARTS:		
FROM:		
General Fund	$ 1,600	
Federal Grant Fund	1,400	
TOTAL		$ 3,000
(59) OFFICE OF THE GOVERNOR		
COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED:		
FROM:		
General Fund	$ 5,800	
Federal Grant Fund	10,300	
TOTAL		$ 16,100
(60) OFFICE OF THE GOVERNOR		
DIVISION OF FINANCIAL MANAGEMENT:		
FROM:		
General Fund	$ 6,200	
Miscellaneous Revenue Fund	200	
TOTAL		$ 6,400
(61) OFFICE OF THE GOVERNOR		
EXECUTIVE OFFICE OF THE GOVERNOR		
SOCIAL SERVICES:		
FROM:		
Federal Grant Fund		$ 1,000
(62) OFFICE OF THE GOVERNOR		
DIVISION OF HUMAN RESOURCES:		
FROM:		
Division of Human Resources Fund		$ 11,700
(63) OFFICE OF THE GOVERNOR		
HUMAN RIGHTS COMMISSION:		
FROM:		
General Fund	$ 3,600	
Federal Grant Fund	800	
TOTAL		$ 4,400
(64) OFFICE OF THE GOVERNOR		
STATE LIQUOR DISPENSARY		
DISPENSARY OPERATIONS:		
FROM:		
Liquor Control Fund		$ 51,400
(65) OFFICE OF THE GOVERNOR		
MILITARY DIVISION		
I. MILITARY MANAGEMENT:		
FROM:		
General Fund	$ 6,700	
Indirect Cost Recovery Fund	200	
SUBTOTAL	$ 6,900	
II. FEDERAL/STATE AGREEMENTS:		
FROM:		
General Fund	$ 3,400	
Federal Grant Fund	37,300	
SUBTOTAL	$ 40,700	

		TOTAL
III. BUREAU OF HOMELAND SECURITY:		
FROM:		
General Fund	$ 5,800	
Federal Grant Fund	6,600	
SUBTOTAL	$ 12,400	
TOTAL		$ 60,000
(66) OFFICE OF THE GOVERNOR		
PUBLIC EMPLOYEE RETIREMENT SYSTEM		
I. RETIREMENT ADMINISTRATION:		
FROM:		
PERSI Administrative Fund	$ 15,400	
II. PORTFOLIO INVESTMENT:		
FROM:		
PERSI Special Fund	$ 2,600	
TOTAL		$ 18,000
(67) OFFICE OF THE GOVERNOR		
OFFICE OF SPECIES CONSERVATION:		
FROM:		
General Fund		$ 300
(68) LEGISLATIVE BRANCH		
LEGISLATIVE SERVICES OFFICE:		
FROM:		
General Fund	$ 14,000	
Professional Services Fund	4,600	
TOTAL		$ 18,600
(69) LEGISLATIVE BRANCH		
LEGISLATIVE TECHNOLOGY:		
FROM:		
General Fund		$ 500
(70) LEGISLATIVE BRANCH		
OFFICE OF PERFORMANCE EVALUATIONS:		
FROM:		
General Fund		$ 2,200
(71) LIEUTENANT GOVERNOR		
ADMINISTRATION - LIEUTENANT GOVERNOR:		
FROM:		
General Fund		$ 800
(72) DEPARTMENT OF REVENUE AND TAXATION		
BOARD OF TAX APPEALS:		
FROM:		
General Fund		$ 1,600
(73) DEPARTMENT OF REVENUE AND TAXATION		
STATE TAX COMMISSION		
I. GENERAL SERVICES:		
FROM:		
General Fund	$ 26,200	
Administration Services for Transportation Fund	2,800	
SUBTOTAL	$ 29,000	
II. AUDIT AND COLLECTIONS:		
FROM:		
General Fund	$ 62,800	
Multistate Tax Compact Fund	8,000	

		TOTAL
Administration Services for Transportation Fund	9,700	
Abandoned Property Trust - Unclaimed Property Fund	3,100	
SUBTOTAL	$ 83,600	
III. REVENUE OPERATIONS:		
FROM:		
General Fund	$ 19,300	
Administration and Accounting Fund	100	
Administration Services for Transportation Fund	3,300	
Abandoned Property Trust - Unclaimed Property Fund	400	
SUBTOTAL	$ 23,100	
IV. COUNTY SUPPORT:		
FROM:		
General Fund	$ 16,100	
TOTAL		$ 151,800
(74) SECRETARY OF STATE		
ADMINISTRATION:		
FROM:		
General Fund		$ 9,100
(75) STATE TREASURER		
TREASURY - ADMINISTRATION:		
FROM:		
General Fund	$ 3,300	
State Treasurer LGIP Fund	400	
Treasurer's Office - Professional Services Fund	1,000	
TOTAL		$ 4,700
GRAND TOTAL		$5,565,100

SECTION 9. It is legislative intent that for the period July 1, 2006, through June 30, 2007, the Department of Administration use unexpended and unencumbered reserves from the previous state employee group medical insurance contract to cover the costs of mental health insurance parity as provided by House Bill No. 615, as enacted by the Second Regular Session of the Fifty-eighth Idaho Legislature.

Approved April 7, 2006.

CHAPTER 376
(H.B. No. 849)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR FISCAL YEAR 2007; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEY; AUTHORIZING THE EXPENDITURE OF ALL RECEIPTS COLLECTED; LIMITING THE NUM-

BER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING DIRECTION TO CONDUCT A MARKET ANALYSIS; DIRECTING THE DEPARTMENT OF HEALTH AND WELFARE TO STUDY PARENT-DIRECTED SERVICES FOR CHILDREN WITH DEVELOPMENTAL DISABILITIES; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND PROVIDING LEGISLATIVE INTENT REGARDING THE FISCAL IMPACT ON RESPITE CARE SERVICES.

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 expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MANAGEMENT:					
FROM:					
Economic Recovery Reserve Fund	$ 57,000	$ 1,042,500	$461,800		$ 1,561,300
General Fund	5,902,400	6,903,300		$ 887,000	13,692,700
Idaho Health Insurance Access Card Fund	136,200	152,000			288,200
Cooperative Welfare Fund (Dedicated)		1,383,800			1,383,800
Cooperative Welfare Fund (Federal)	11,466,300	22,412,900	458,400	2,062,600	36,400,200
TOTAL	$17,561,900	$31,894,500	$920,200	$ 2,949,600	$ 53,326,200
II. ELDERS:					
FROM:					
General Fund				$ 60,256,900	$ 60,256,900
Cooperative Welfare Fund (Dedicated)				9,677,500	9,677,500
Cooperative Welfare Fund (Federal)				127,987,900	127,987,900
TOTAL				$ 197,922,300	$ 197,922,300
III. INDIVIDUALS WITH DISABILITIES:					
FROM:					
General Fund				$ 157,220,900	$ 157,220,900
Idaho Health Insurance Access Card Fund				893,500	893,500
Medical Assistance Fund				2,500	2,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare Fund (Dedicated)				32,614,100	32,614,100
Cooperative Welfare Fund (Federal)				348,389,300	348,389,300
TOTAL				$ 539,120,300	$ 539,120,300
IV. LOW-INCOME CHILDREN AND WORKING-AGE ADULTS:					
FROM:					
General Fund				$ 125,953,100	$ 125,953,100
Idaho Health Insurance Access Card Fund				1,717,400	1,717,400
Cooperative Welfare Fund (Dedicated)				33,616,400	33,616,400
Cooperative Welfare Fund (Federal)				294,629,100	294,629,100
TOTAL				$ 455,916,000	$ 455,916,000
GRAND TOTAL	$17,561,900	$31,894,500	$920,200	$1,195,908,200	$1,246,284,800

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. REAPPROPRIATION OF THE COOPERATIVE WELFARE FUND. There is hereby reappropriated to the Department of Health and Welfare any unexpended and unencumbered balances in the Cooperative Welfare Fund as appropriated to the Medical Assistance Services Program for fiscal year 2006, to be used for trustee and benefit payments for the period July 1, 2006, through June 30, 2007. The reappropriation shall be computed by the Department of Health and Welfare and for budgeting purposes any General Fund portion of the balance in the Cooperative Welfare Fund shall be identified as part of the General Fund.

SECTION 4. 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 Medical Assistance Services Division, as noncognizable funds for the period July 1, 2006, through June 30, 2007.

SECTION 5. 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-seven and five-tenths (287.5) full-time equivalent positions for the Medical Assistance Services Program during the period July 1, 2006, through June 30, 2007. 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 6. MARKET ANALYSIS. The Department of Health and Welfare shall contract for independent actuarial services to conduct a market analysis of service providers referred to in Chapter 86, Laws of 2005. Beginning July 1, 2006, the Department of Health and Welfare is authorized to increase the rates paid to providers of developmental disability services for certain services not to exceed 1.9% for fiscal year 2007. These services include developmental therapy evaluation, developmental therapy for groups and individuals, supported living for groups and individuals, comprehensive community support/daily, and community-based services/daily.

SECTION 7. PARENT-DIRECTED SERVICES FOR CHILDREN. The Department of Health and Welfare shall enter into discussions with the Council on Developmental Disabilities, parents and guardians, and other stakeholders to study the feasibility of providing parent-directed and guardian-directed care for children with developmental disabilities similar to the effort made on behalf of adults with developmental disabilities for self-determination. The Department of Health and Welfare shall report the results of their review to the Legislature during the next legislative session along with recommendations for further legislative action if appropriate.

SECTION 8. SALARY SAVINGS. The Department of Health and Welfare is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

SECTION 9. CAP ON RESPITE CARE SERVICES. It is the intent of the Legislature that the fiscal impact of Senate Bill No. 1390, As Amended, as enacted by the Second Regular Session of the Fifty-eighth Idaho Legislature, for caregiver support shall be revenue neutral. The level of services provided under the category of Nursing Facilities and for the Aged and Disabled Waiver shall not exceed $201,695,000 in total funds as forecasted by the Department of Health and Welfare in their fiscal year 2007 budget submission. Services for caregiver support shall be capped if the Department determines that these services cannot be provided throughout the fiscal year 2007 at a level that does not exceed the forecast.

Approved April 7, 2006.

CHAPTER 377
(H.B. No. 852)

AN ACT

APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL TO DEVELOP AN INTEGRATED STATE ENERGY PLAN; STATING CERTAIN CONDITIONS REGARDING THE EXPENDITURE OF FUNDS; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated to the Legislative Council from the General Fund for deposit into the Legislative Fund the sum of $300,000 for the purpose of providing the Interim Committee on Energy, Environment and Technology the means to seek consulting services to develop an integrated state energy plan.

SECTION 2. Of the moneys appropriated in Section 1 of this act, one-half (1/2) shall be allocated to the House of Representatives and one-half (1/2) shall be allocated to the Senate. These funds, pursuant to Section 67-451, Idaho Code, are continuously appropriated, except that no moneys appropriated in Section 1 of this act shall be expended except with the approval of the Speaker of the House of Representatives and the President Pro Tempore of the Senate acting on behalf of the Legislative Council. Any unexpended and unencumbered balances of the moneys appropriated in Section 1 of this act shall revert to the General Fund on June 30, 2007.

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 April 7, 2006.

CHAPTER 378
(H.B. No. 853)

AN ACT

RELATING TO PERSONS UNDER TWENTY-ONE YEARS OF AGE ENTERING OR BEING IN PLACES WHERE ALCOHOLIC BEVERAGES ARE SERVED OR CONSUMED; AMENDING SECTION 23-944, IDAHO CODE, TO PROVIDE THAT IT SHALL NOT BE UNLAWFUL FOR, NOR SHALL SECTION 23-943, IDAHO CODE, BE CONSTRUED TO RESTRICT, ANY PERSON UNDER THE AGE OF TWENTY-ONE YEARS FROM ENTERING OR BEING IN ANY MOVIE THEATER THAT IS ALLOWED TO SELL BEER OR WINE FOR CONSUMPTION ON THE PREMISES PURSUANT TO A VALID LICENSE AND WHICH MOVIE THEATER HAD A LICENSE THAT WAS VALID AND NOT SUSPENDED OR REVOKED ON JANUARY 1, 2006, TO PROVIDE THAT STATE AND FEDERAL LAWS REGARDING PORNOGRAPHY, INDECENCY OR OBSCENITY SHALL APPLY TO THE PREMISES AND TO DEFINE THE TERM "MOVIE THEATER"; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 23-944, Idaho Code, be, and the same is hereby amended to read as follows:

23-944. EXCEPTIONS FROM RESTRICTION ON ENTERING OR REMAINING. It shall not be unlawful for, nor shall section 23-943, Idaho Code, be construed to restrict, any person under the age of twenty-one (21) years from entering or being:

(1) upon the premises of any restaurant, as herein defined, or in any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of liquor by the drink or for the sale of beer for consumption on the premises or that alcohol beverages, or beer, or both, are prepared, mixed or dispensed and served and consumed therein.

(2) in any building, a part or portion of which is used as a place, as herein defined, provided such place is separated or partitioned from the remainder of said building and access to such place through a doorway or doorways or other means of ingress can be controlled to prevent persons under the ages specified with respect thereto in section 23-943, Idaho Code, from entering therein.

(3) in any baseball park, sports arena, convention center, multipurpose arena, theater that is presenting live performances or fairgrounds, notwithstanding that such premises or any portion thereof may be licensed for the sale of liquor by the drink, wine or beer for consumption on the premises or that such products are dispensed and served and consumed therein; provided, that the person under the age of twenty-one (21) years is attending a lawful activity, show, exhibition, performance or event on the premises or is required to be present as a condition of his employment. It is lawful for persons under the age of twenty-one (21) years to enter and remain in a baseball park, sports arena, convention center, multipurpose arena, theater that is presenting live performances or fairgrounds so long as the activity, show, exhibition, performance or event is lawful and the person does not violate section 23-949, Idaho Code.

(4) upon the premises of any licensed winery notwithstanding that such premises or any portion thereof may also be licensed for the sale of beer or wine for consumption on the premises or that wine is dispensed and served and consumed therein.

(5) upon the licensed premises of a wine retailer, wholly owned and operated by a licensed winery which retails exclusively the products of that winery.

(6) at a location, other than a liquor, beer, or wine licensed premises, authorized to serve alcohol beverages under a valid alcohol beverage catering permit.

(7) in any movie theater that is allowed to sell beer or wine for consumption on the premises pursuant to a valid license and which movie theater had a license that was valid and not suspended or revoked on January 1, 2006. No films, still pictures, electronic reproductions or other visual reproductions which are in violation of chapter 41, title 18, Idaho Code (indecency and obscenity), or are in violation of federal law regarding pornography, indecency or obscenity shall be shown or displayed on the premises. As used in this subsection, "movie theater" means a motion picture theater that is being utilized solely for exhibition of a motion picture.

SECTION 2. SEVERABILITY. 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 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 April 7, 2006.

CHAPTER 379
(S.B. No. 1300, As Amended, As Amended in the House)

AN ACT
RELATING TO SEX OFFENDERS; AMENDING SECTION 18-8314, IDAHO CODE, TO REVISE THE POWERS AND DUTIES OF THE SEXUAL OFFENDER CLASSIFICATION BOARD TO PROVIDE FOR BOARD REVIEW OF CERTAIN CRIMES AND VIOLATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 18-8314, Idaho Code, be, and the same is hereby amended to read as follows:

18-8314. POWERS AND DUTIES OF THE SEXUAL OFFENDER CLASSIFICATION BOARD. (1) The board shall consider for review offenders scheduled for release from incarceration who are referred by the department of correction or parole commission to determine whether the offender should be designated as a violent sexual predator presenting a high risk of reoffense. Only offenders who were sentenced and convicted for one (1) or more of the crimes set forth in sections 18-1506, 18-1506A, 18-1507, 18-1508, 18-4003(d), 18-4502, 18-6101 (but excluding subsection 1. of such section when the offender is eighteen (18) years of age or younger), 18-6108, 18-6602, 18-6605 and 18-6608, Idaho Code, or any violation of the duty to register as provided in this chapter, or are recidivists as defined in this chapter, are eligible for review by the board.

(2) The board shall consider for review offenders who were sentenced and convicted for one (1) or more crimes enumerated in subsection (1) of this section, or any violation of the duty to register as provided in this chapter, or offenders who are recidivists as defined in this chapter, who have been released under supervision, for the purpose of determining whether the offender should be designated as a violent sexual predator presenting a high risk of reoffense. Such review shall be undertaken upon request of the district court having jurisdiction over the offender on probation or of the parole commission if the offender has been released on parole regardless of whether the offender has been reviewed by the board prior to release from incarceration. For purposes of seeking a board review pursuant to this subsection, the court or parole commission may consider all relevant evidence including,

but not limited to, the probation or parole official's observations and opinions of these offenders while under supervision, in light of the circumstances of the underlying offense.

(3) The board shall consider for review offenders living in Idaho who were sentenced and convicted for one (1) or more crimes enumerated in subsection (1) of this section, or substantially equivalent to those enumerated in subsection (1) of this section and committed in another state, territory, commonwealth or other jurisdiction of the United States, including tribal courts and military courts, and who have been released under federal or tribal court supervision. Such review shall be for the purpose of determining whether the offender should be designated as a violent sexual predator presenting a high risk of reoffense, and shall be undertaken upon request of the federal or tribal court having jurisdiction over the offender. For purposes of seeking a board review pursuant to this subsection, the federal or tribal court may consider all relevant evidence including, but not limited to, the probation official's observations and opinions of these offenders while under supervision, in light of the circumstances of the underlying offense.

(4) The board shall by rule:

(a) Establish standards for psychosexual evaluations and the qualifications for certified evaluators performing evaluations pursuant to sections 18-8316 and 18-8317, Idaho Code.

(b) Set forth procedures for the approval, certification and quality assurance of evaluators pursuant to this section.

(c) Establish a nonrefundable initial certification processing fee not to exceed one hundred fifty dollars ($150) and a nonrefundable annual recertification processing fee not to exceed one hundred fifty dollars ($150).

(5) The board shall establish guidelines to determine whether an offender who meets the criteria of this section is a violent sexual predator presenting a high risk of reoffense. The guidelines shall be established with the assistance of sexual offender treatment and law enforcement professionals who have, by education, experience or training, expertise in the assessment and treatment of sexual offenders.

(a) Factors to be used in establishment of the guidelines must be supported in the sexual offender assessment field as criteria reasonably related to the risk of reoffense and be objective criteria that can be gathered in a consistent and reliable manner.

(b) The guidelines shall include, but are not limited to, the following general categories for risk assessment: seriousness of the offense, offense history, whether the offense was predatory, characteristics of the offender, characteristics of the victim, the relationship of the offender to the victim, the number of victims and the number of violations of each victim.

(6) If the offender has indicated an intention to reoffend if released into the community and the available record reveals credible evidence to support this finding, then the offender shall be deemed a violent sexual predator regardless of application of the guidelines.

(7) Once the board has made its determination, it shall set forth written findings which shall include:

(a) The board's risk assessment and the reasons upon which the risk assessment was based; and

(b) The board's determination whether the offender should be designated as a violent sexual predator and the reasons upon which the determination was based.

(8) The board shall have authority to promulgate rules to carry out the provisions of this chapter.

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 7, 2006.

CHAPTER 380
(S.B. No. 1363, As Amended in the House)

AN ACT

RELATING TO THE STATE PERSONNEL SYSTEM AND NONCLASSIFIED STATE OFFICERS AND EMPLOYEES; AMENDING SECTION 33-2101A, IDAHO CODE, TO DELETE A CODE REFERENCE; AMENDING SECTION 33-2109A, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 59-1603, IDAHO CODE, TO DELETE A CODE REFERENCE, TO PROVIDE CORRECT TERMINOLOGY, TO INCREASE THE MAXIMUM AWARD THAT MAY BE GRANTED TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES FOR MERITORIOUS SERVICE AND FOR SUGGESTIONS RESULTING IN TAXPAYER SAVINGS, TO PROVIDE EXCEPTIONS TO THE MAXIMUM AWARD UNDER EXTRAORDINARY CIRCUMSTANCES, TO REQUIRE REPORTING OF ALL AWARDS GRANTED IN THE PRECEDING FISCAL YEAR AND REPORTING OF CHANGES MADE PURSUANT TO AN EMPLOYEE'S SUGGESTION AND RESULTING SAVINGS, TO PROVIDE FOR RECRUITMENT AND RETENTION AWARDS TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE FOR OTHER PAY TO CERTAIN NONCLASSIFIED OFFICERS AND EMPLOYEES AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE FOR NONMERIT PAY AND TO REQUIRE REPORTING OF SUCH AWARDS GRANTED IN THE PRECEDING FISCAL YEAR, TO PROVIDE CRITERIA FOR REIMBURSEMENT OF MOVING EXPENSES, TO REQUIRE REPORTING OF ALL MOVING REIMBURSEMENTS GRANTED IN THE PRECEDING FISCAL YEAR AND TO PROVIDE THAT THE STATE CONTROLLER'S OFFICE IS RESPONSIBLE FOR THE ESTABLISHMENT AND MAINTENANCE OF SPECIFIC PAY CODES; AMENDING SECTION 59-1606, IDAHO CODE, TO DELETE AN INCORRECT CODE REFERENCE; AMENDING SECTION 59-1607, IDAHO CODE, TO PROVIDE PROPER TERMINOLOGY AND TO CLARIFY COMPENSATORY TIME FOR CLASSIFIED AND NONCLASSIFIED EMPLOYEES WHO ARE DESIGNATED AS EXECUTIVE; AMENDING SECTION 67-3511, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE LIMITATION ON USE OF APPROPRIATIONS MADE FOR EXPENSES OTHER THAN PERSONNEL COSTS, TO PROVIDE FOR LIMITATIONS ON THE AMOUNT OF LEGISLATIVE APPROPRIATIONS FOR PERSONNEL COSTS WHICH CAN BE TRANSFERRED TO OTHER OBJECT CODES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-5302, IDAHO CODE, TO PROVIDE CORRECT REFERENCES AND TERMINOLOGY, TO REFORMAT THE SECTION AND TO EXPAND THE DEFINITION OF "HOLIDAY" TO DISTINGUISH NONEXECUTIVE EMPLOYEES FROM EMPLOYEES CLASSIFIED AS EXECUTIVE EXEMPT; AMENDING SECTION 67-5309, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO CLARIFY RULEMAKING AUTHORITY OF THE

DIVISION OF HUMAN RESOURCES REGARDING RULES FOR DISCIPLINARY DISMISSAL, DEMOTION, SUSPENSION OR OTHER DISCIPLINE FOR CAUSE AND FOR SHIFT DIFFERENTIAL PAY AND TO SPECIFY ADDITIONAL RULEMAKING AUTHORITY; REPEALING SECTION 67-5309A, IDAHO CODE, RELATING TO PERSONNEL BENEFITS; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309A, IDAHO CODE, TO PROVIDE A STATE EMPLOYEE COMPENSATION PHILOSOPHY; REPEALING SECTION 67-5309B, IDAHO CODE, RELATING TO ESTABLISHING SALARIES; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309B, IDAHO CODE, TO ESTABLISH THE IDAHO COMPENSATION PLAN; REPEALING SECTION 67-5309C, IDAHO CODE, RELATING TO PAY GRADES AND MERIT INCREASES; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309C, IDAHO CODE, TO PROVIDE FOR SPECIFIED ANNUAL SURVEYS, REPORTS AND RECOMMENDATIONS; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309D, IDAHO CODE, TO PROVIDE OTHER PAY DELIVERY OPTIONS; REPEALING SECTION 67-5326, IDAHO CODE, RELATING TO OVERTIME AND HOURS OF WORK; AMENDING SECTIONS 67-5328, 67-5329, 67-5330 AND 67-5331, IDAHO CODE, TO PROVIDE STATE OVERTIME POLICY, TO CLARIFY PROVISIONS RELATING TO CASH COMPENSATION AND COMPENSATORY TIME, TO REFORMAT SECTION 67-5328, IDAHO CODE, TO REDESIGNATE SECTIONS 67-5329, 67-5330 AND 67-5331, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 67-5333 AND 67-5339, IDAHO CODE, TO REFORMAT SECTION 67-5333, IDAHO CODE, TO REDESIGNATE SECTION 67-5339, IDAHO CODE, AND TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 67-5334, 67-5335 AND 67-5337, IDAHO CODE, TO CLARIFY COMPUTATION OF VACATION TIME FOR CLASSIFIED OFFICERS AND EMPLOYEES, TO MAKE TECHNICAL CORRECTIONS, TO REFORMAT SECTION 67-5334, IDAHO CODE, AND TO REDESIGNATE SECTIONS 67-5335 AND 67-5337, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5337, IDAHO CODE, TO PROVIDE FOR MOVING EXPENSE REIMBURSEMENT; AND AMENDING SECTION 67-5342, IDAHO CODE, TO REDEFINE "SEVERANCE PAY."

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

SECTION 1. That Section 33-2101A, Idaho Code, be, and the same is hereby amended to read as follows:

33-2101A. JUNIOR COLLEGE SHALL MEAN COMMUNITY COLLEGE. Notwithstanding any other provision of law, in sections 21-805, 21-806, 21-809, 23-404, 31-808, 33-101, 33-107, 33-107B, 33-601, 33-1252, 33-2101, 33-2102, 33-2103, 33-2104, 33-2105, 33-2106, 33-2107, 33-2107A, 33-2107B, 33-2107C, 33-2108, 33-2109A, 33-2110, 33-2110A, 33-2110B, 33-2111, 33-2112, 33-2113, 33-2114, 33-2115, 33-2116, 33-2117, 33-2118, 33-2119, 33-2121, 33-2122, 33-2123, 33-2124, 33-2125, 33-2126, 33-2130, 33-2135, 33-2137, 33-2138, 33-2139, 33-2141, 33-2142, 33-2143, 33-2144, 33-2211, 33-3716, 33-3717, 33-4001, 33-4003, 33-4004, 33-4006, 33-4201, 33-4306, 33-4315, 46-314, 50-1721, 57-1105A, 59-1324, 59-1371, 59-1374, 67-2320, 67-2322~~,~~ ~~67-5309C~~ and 67-5332, Idaho Code, the term "junior college" shall mean and shall be denoted as "community college."

SECTION 2. That Section 33-2109A, Idaho Code, be, and the same is hereby amended to read as follows:

33-2109A. USE OF UNUSED SICK LEAVE. Upon separation from employment with the ~~junior~~ community college district by retirement, in accordance with chapter 13, title 59, Idaho Code, or with chapter 1, title 33, Idaho Code, an employee shall be accorded credit for unused sick leave as provided in section 67-5339~~3~~, Idaho Code. Each ~~junior~~ community college district shall contribute to the sick leave account for the purposes of this section, as provided in subsection (~~3~~2)(c) of section 67-5339~~3~~, Idaho Code.

SECTION 3. That Section 59-1603, Idaho Code, be, and the same is hereby amended to read as follows:

59-1603. CONFORMITY WITH CLASSIFIED POSITIONS. (1) To the extent possible, each nonclassified position in the executive department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifications. Temporary employees and agricultural inspectors referred to in subsections (n) and (p) of section 67-5303, Idaho Code, shall not be entitled to sick leave accruals provided in section 59-1605, Idaho Code, vacation leave provided in section 59-1606, Idaho Code, nor holiday pay defined in subsection (15) of section 67-5302, Idaho Code, unless contributions are being made to the public employee retirement system in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by the retirement board. Vacation and sick leave accruals, but not holiday pay, shall be awarded retroactively, if necessary, to the date such employees become eligible for retirement system membership.

(2) To the extent possible, each nonclassified position in the legislative department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifications.

(3) The supreme court shall determine the schedules of salary and compensation for all officers and employees of the judicial department which are not otherwise fixed by law. To the extent possible, the supreme court shall adopt schedules which are compatible with the state's accounting system. The judicial department may also maintain personnel records and files under such system as is ordered by the supreme court.

(4) The state board of education shall determine the schedules of salary and compensation, and prescribe policies for overtime and compensatory time off from duty, for all officers and employees of the state board of education who are not subject to the provisions of chapter 53, title 67, Idaho Code, and which are not otherwise fixed by law. To the extent possible, the state board of education shall adopt schedules and policies which are compatible with the state's accounting system. The state board of education may also maintain personnel records and files under a system of its own, if approved by the state controller.

(5) Members of the legislature, the lieutenant governor, other officers whose salaries are fixed by law, and members of part-time boards, commissions and committees shall be paid according to law.

(6) Any schedule of salary and compensation~~, if not the schedule prescribed by section 67-5309C(a), Idaho Code,~~ must be approved by the appointing authority and be communicated to the state controller in writing at least thirty (30) days in advance of the effective date of the schedule.

(7) In addition to salary increases provided by any compensation schedule adopted pursuant to paragraph (6) of this section, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted ~~a lump-sum bonus~~ an award not to exceed ~~one~~ two thousand dollars ($~~1~~2,000) in any given fiscal year based upon an affirmative certification of meritorious service. Exceptions to the ~~one~~ two thousand dollar ($~~1~~2,000) limit provided in this section may be granted under extraordinary circumstances if approved in advance by the state board of examiners. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all awards granted in the preceding fiscal year.

(8) In addition to salary increases provided by any compensation schedule, nonclassified officers and employees, ~~holding permanent status,~~ except those who are elected officials or whose salaries are fixed by law, may be granted an ~~lump-sum bonus~~ award not to exceed ~~one~~ two thousand dollars ($~~1~~2,000) in any given fiscal year based upon suggestions or recommendations made by the employee which resulted in taxpayer savings as a result of cost savings or greater efficiencies to the department, office or institution or to the state of Idaho in excess of the amount of the ~~bonus~~ award. Exceptions to the ~~one~~ two thousand dollar ($~~1~~2,000) limit provided in this subsection may be granted in extraordinary circumstances if approved in advance by the state board of examiners. The appointing authority shall as near as practicable utilize the criteria in conformance with rules promulgated by the division of human resources pursuant to section 67-5309D, Idaho Code. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all employee suggestion awards granted in the preceding fiscal year. Such report shall include any changes made as a direct result of an employee's suggestion and savings resulting therefrom.

(9) Each appointing authority, including the elective offices in the executive department, the legislative department, the judicial department, and the state board of education and the board of regents, shall comply with all reporting requirements necessary to produce the list of employee positions prescribed by section 67-3519, Idaho Code.

(10) The adjutant general, with the approval of the governor, shall prescribe personnel policies for all officers and employees of the national guard which are not otherwise fixed by law. Such policies will include an employee grievance procedure with appeal to the adjutant general. The adjutant general shall determine schedules of salary and compensation which are, to the extent possible, comparable to the schedules used for federal civil service employees of the national guard and those employees serving in military status. Schedules adopted shall be compatible with the state's accounting system to the extent possible.

(11) In addition to salary increases provided by any compensation schedule, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted award pay for recruitment or retention purposes based upon affirmative certification of meritorious service after completion of at least six (6) months of service. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(12) In addition to salary increases provided by any compensation

schedule, nonclassified officers and employees, except those who are elected officials or whose salaries are fixed by law, may be granted other pay as provided in this subsection. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(a) Shift differential pay up to twenty-five percent (25%) of hourly rates depending on local market rates in order to attract and retain qualified staff.

(b) Geographic differential pay in areas of the state where recruitment and retention are difficult due to economic conditions and cost of living.

(13) In unusual circumstances, when a distribution has been approved for classified employees pursuant to section 67-5309D, Idaho Code, each appointing authority, including the elective offices in the executive branch, the legislative branch, the judicial branch, and the state board of education and the board of regents of the university of Idaho, may grant nonclassified employees nonmerit pay in the same proportion as received by classified employees in that department or institution. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(14) Each appointing authority, shall as nearly as practicable, utilize the criteria for reimbursement of moving expenses in conformance with section 67-5337, Idaho Code, and rules promulgated by the division of human resources pursuant thereto. Appointing authorities shall submit a report to the division of financial management and the legislative services office by October 1 on all moving reimbursements granted in the preceding fiscal year.

(15) Specific pay codes shall be established and maintained in the state controller's office to ensure accurate reporting and monitoring of all pay actions authorized in this section.

SECTION 4. That Section 59-1606, Idaho Code, be, and the same is hereby amended to read as follows:

59-1606. VACATION TIME. (1) Eligible nonclassified officers and employees in the executive department and in the legislative department shall accrue vacation leave and take vacation leave at the same rate and under the same conditions as is provided in sections 67-5334, ~~and 67-5335,~~ Idaho Code, for classified officers and employees.

(a) The state board of examiners shall adopt comparative tables and charts to compute vacation time on daily, weekly, bi-weekly, calendar month and annual periods.

(2) Eligible nonclassified officers and employees in the judicial department shall accrue vacation leave as determined by order of the supreme court.

Leave policies established by the supreme court must be communicated to the state controller in writing at least one hundred eighty (180) days in advance of the effective date of the policies.

(3) The state board of education shall determine the vacation leave policies for all officers and employees of the state board of education who are not subject to the provisions of chapter 53, title 67, Idaho Code. To the extent possible, the state board of education shall adopt

policies which are compatible with the state's accounting system.

Any policy and procedures determined by the state board of education must be communicated to the state controller in writing at least one hundred eighty (180) days in advance of the effective date of the policy and procedures.

SECTION 5. That Section 59-1607, Idaho Code, be, and the same is hereby amended to read as follows:

59-1607. HOURS OF WORK -- AND OVERTIME. (1) It is the policy of the legislature of the state of Idaho that all classified and nonclassified officers and employees of state government shall be treated ~~equally~~ substantially similar with reference to hours of employment, holidays and vacation leave, except as provided in this chapter. The policy of this state shall not restrict the extension of regular work hour schedules on an overtime basis, which shall be the same for classified and nonclassified employees, in those activities and duties where such extension is necessary and authorized by the appointing authority.

(2) The appointing authority of any department shall determine the necessity for overtime work and shall provide for cash compensation or compensatory time off for such overtime work for eligible classified and nonclassified officers and employees.

(3) Classified and nonclassified officers and employees who fall within one (1) or more of the following categories are ineligible for cash compensation or compensatory time for overtime work:

(a) Elected officials; or

(b) Those included in the definition of section 67-5303(j), Idaho Code.

(4) Classified and nonclassified employees who are designated as executive, as provided in section 67-5302, Idaho Code, ~~who are designated as exempt under any other complete exemption in federal law,~~ and who are not included in the definition of subsection (3) of this section, shall be ineligible for compensatory time or cash compensation for overtime work~~, but such classified and nonclassified employees shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis not to exceed two hundred forty (240) hours. Accrued compensatory time off earned under this section shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service~~. Such salaried employees shall report absences in excess of one-half (1/2) day. Unused compensatory time balances in excess of two hundred forty (240) hours as of the date of enactment of this act shall be forfeited on December 31, 2008. Unused compensatory time balances of two hundred forty (240) hours or less shall be forfeited on December 31, 2006.

(5) Classified and nonclassified officers and employees who are designated as administrative or professional as provided in ~~section 67-5302, Idaho Code, or who are designated as exempt under any other complete exemption in~~ the federal ~~law~~ fair labor standards act, and who are not included in the definition of subsection (3) of this section, shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the state board of examiners for overtime accumulated during unusual or emergency situations, but such classified and nonclassified officers and employees shall be allowed compensatory time

off from duty for overtime work. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis, shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service.

(6) Classified and nonclassified officers and employees who are not designated as executive, administrative or professional as provided in this section, ~~67-5302,--Idaho--Code,--who-are-not-designated-as-exempt under-any-other-complete-exemption-in--federal--law,~~ and who are not included in the definition of subsection (3) of this section, shall be eligible for cash compensation or compensatory time off from duty for overtime work, subject to the restrictions of applicable federal law. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off which has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

SECTION 6. That Section 67-3511, Idaho Code, be, and the same is hereby amended to read as follows:

67-3511. TRANSFER OF LEGISLATIVE APPROPRIATIONS. (1) No appropriations made by the Idaho legislature may be transferred from one object code to another except with the consent of the state board of examiners upon application duly made by the head of any department, office or institution of the state (including the elected officers in the executive department and the state board of education). 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, provided however, that employee suggestion awards made pursuant to sections 59-1603 and 67-5309~~D~~, Idaho Code, may be made from the object code in which the savings were realized.

(2) Legislative appropriations may be transferred from one program to another within an agency upon application duly made by the head of any department, office or institution of the state and approval of the application by the administrator of the division of financial management and the board of examiners provided the requested transfer is not more than ten ~~per-cent~~ percent (10%) cumulative change from the appropriated amount for any program affected by the transfer. Requests for transfers above ten ~~per-cent~~ percent (10%) cumulative change must, in addition to the above, be approved by legislative appropriation. Legislative appropriations shall not be transferred from one fund to another fund unless expressly approved by the legislature.

(3) All moneys appropriated to any agency of the state of Idaho for the purpose of capital outlay shall be used for that purpose and not for any other purpose.

(4) The joint finance-appropriations committee may limit the amount of legislative appropriations for personnel costs which can be transferred to other object codes.

SECTION 7. That Section 67-5302, Idaho Code, be, and the same is hereby amended to read as follows:

67-5302. DEFINITIONS. As used in this chapter, and other applicable sections of the Idaho Code, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context. Such terms and their definitions are:

(1) "Administrative employee" means any person, nonclassified or classified appointed to a position which meets the following criteria:

~~1.~~(a) (~~a~~i) Responsible office or nonmanual work directly related to the management policies of a department or section; or

(~~b~~ii) Responsible work that is directly related to academic instruction or training carried on in the administration of a school system or educational establishment; and

~~2.~~(b) The employee must customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures. The employee must have the authority to make important decisions; and

~~3.~~(c) The employee must:

(~~a~~i) Regularly assist a bona fide executive or administrative employee; or

(~~b~~ii) Perform work under general supervision along specialized or technical lines requiring special training, experience or knowledge; or

(~~c~~iii) Execute under only general supervision special assignments; and

~~4.~~(d) The employee is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established by ~~section 67-5309C, Idaho Code~~ rule.

~~5.~~(e) Final designation of a classified position as "administrative" within this definition shall be made by the administrator of the division of human resources.

(2) "Administrator" means the administrator of the division of human resources in the governor's office.

(3) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(4) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics, that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(5) "Classified officer or employee" means any person appointed to or holding a position in any department of the state of Idaho which position is subject to the provisions of the merit examination, selection, retention, promotion and dismissal requirements of chapter 53, title 67, Idaho Code.

(6) "Commission" means the Idaho personnel commission.

(7) "Compensatory time" means approved time off from duty provided in compensation for overtime hours worked.

(8) "Department" means any department, agency, institution or office of the state of Idaho.

(9) "Disabled veteran" means an individual who has served on military duty in the armed forces of the United States during any period of war recognized by the United States department of veterans affairs for the purposes of awarding federal veterans benefits as may be defined in title 38, U.S. code, chapter 1, section 101(11), or during any other conflict recognized by the award of a campaign or service medal of the United States; and has been separated therefrom under honorable conditions; and has established the present existence of a service-connected disability; and is receiving compensation, disability retirement benefits, or pension under a public statute as administered by the department of veterans affairs or a military department.

(10) "Earned administrative leave" means hours which exceed the regularly scheduled hours but do not result in overtime. These hours may accrue after hours worked and hours on paid leave exceed forty (40) hours in one (1) work week.

(11) "Eligible" means a person who has been determined to be qualified for a classified position and whose name has been placed on the register of eligibles.

(12) "Executive employee" means any person, nonclassified or classified, appointed to a position equivalent to a bureau chief or above as provided in section 67-2402, Idaho Code, or any employee meeting the following criteria:

~~1.~~(a) An individual whose primary duty is management of a department, division or ~~section~~ bureau; and

~~2.~~(b) Who customarily and regularly directs the work of at least two (2) or more other employees therein; and

~~3.~~(c) Who has the authority to hire and fire, or to recommend hiring and firing; or whose recommendation on these and other actions affecting employees is given particular weight; and

~~4.~~(d) Who customarily and regularly exercises discretionary powers; and

~~5.~~(e) Who is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established by ~~section 67-5309C, Idaho Code~~ rule.

~~6.~~(f) Final designation of a classified position as "executive" in this definition shall be made by the administrator.

(13) "Exempt employee" means any employee, classified or nonclassified, who is determined to be an executive, professional or administrative employee as defined herein, or who qualifies for any other exemption from cash compensation for overtime under applicable federal law. Final designation of a classified position as exempt shall be made by the administrator.

(14) "Full-time employee" means any employee working a forty (40) hour work week.

(15) "Holiday" means the following:

January 1 (New Year's Day);
Third Monday in January (Martin Luther King, Jr.-Idaho Human Rights Day);
Third Monday in February (Washington's Birthday);
Last Monday in May (Memorial Day);
July 4 (Independence Day);
First Monday in September (Labor Day);
Second Monday in October (Columbus Day);
November 11 (Veterans Day);

Fourth Thursday in November (Thanksgiving);

December 25 (Christmas).

In addition, the term "holiday" shall mean any day so designated by the President of the United States or the governor of this state for a public fast, thanksgiving or holiday.

In the event that a holiday occurs on a Saturday, the preceding Friday shall be a holiday, and if the holiday falls on a Sunday, the following Monday shall be a holiday.

A holiday is a day of exemption from work granted to nonexecutive employees during which said employees shall be compensated as if they actually worked. Employees classified as executive exempt are entitled to ten (10) paid holidays per year. If such an employee works on one (1) of the official holidays listed in this subsection, then such employee may take an alternative day off but shall not receive additional compensation.

(16) "Hours worked" means those hours actually spent in the performance of the employee's job on any day including holidays, and shall not include vacation or sick leave or other approved leave of absence.

(17) "Nonclassified employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is exempted from the provisions of chapter 53, title 67, Idaho Code, as provided for in section 67-5303, Idaho Code.

(18) "Normal work week" means any forty (40) hours worked during a particular one hundred sixty-eight (168) hour period as previously established by the employee's appointing authority.

(19) "Open competitive examination" means an examination which may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles.

(20) "Overtime work" means time worked on holidays and time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, except that in the case of those employees engaged in law enforcement, correctional and fire protection activities characterized by irregular shift work schedules, time worked in excess of one hundred sixty (160) hours in a period of twenty-eight (28) consecutive days shall constitute overtime work within the meaning of this chapter.

(21) "Participating department" means any department of the state of Idaho which employs persons in classified positions subject to the merit examination, selection, retention, promotion and dismissal requirements of this chapter.

(22) "Part-time employee" means any employee whose usually scheduled work is less than forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours.

(23) "Personnel system" means the procedure for administering employees in accordance with this chapter.

(24) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(25) "Political organization" means a party which sponsors candidates for election to political office.

(26) "Position" means a group of duties and responsibilities legally assigned or delegated by one (1) or more appointing authorities and requiring the employment of one (1) person.

(27) "Professional employee" means any person, nonclassified or classified, appointed to a position which meets the following criteria:

~~1.~~(a) The employee's primary duty must be either:

(~~a~~i) Work requiring knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study; or

(~~b~~ii) Work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on his invention, imagination, or talent; or

(~~c~~iii) Work as a teacher certified or recognized as such in a school system or educational institution by which he is employed; and

~~2.~~(b) The employee must consistently exercise discretion and judgment; and

~~3.~~(c) The employee must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

~~4.~~(d) The employee is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established ~~in section 67-5309C, Idaho Code~~ by rule.

~~5.~~(e) Final designation of a classified position as "professional" within this definition shall be made by the administrator.

(28) "Provisional appointment" means appointment to a classified position pending the establishment of a register for such position and employment shall not be continued in this status longer than thirty (30) days after establishment of a register.

(29) "Qualifying examination" means an examination or evaluation given to a selected person to determine eligibility for reclassification or appointment to a position in a classification.

(30) "Register" means a list of names of persons who have been determined to be eligible for employment in a classified position as determined on the basis of examination and merit factors as established by the administrator.

(31) "Seasonal appointment" means an appointment to a position which is permanent in nature, but which has intermittent work periods throughout the year.

(32) "Service rating" means a recorded evaluation of work performance and promotional potential of an employee by his supervisor.

(33) "Temporary appointment" means appointment to a position which is not permanent in nature, and in which employment will not exceed one thousand three hundred eighty-five (1,385) hours during any twelve (12) month period. No person holding a temporary appointment may work in excess of one thousand three hundred eighty-five (1,385) hours during a twelve (12) month period of time for any one (1) department, except upon petition by the appointing authority of the department of lands that demonstrates good cause, the administrator of the division of human resources may extend the one thousand three hundred eighty-five (1,385) hour limit for employees of the department who are required to perform fire suppression activities.

(34) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

(35) "Veteran" means any person who has served in the active service of the armed forces of the United States during any period of war recognized by the United States department of veterans affairs for the purpose of awarding federal veterans benefits as may be defined in title

38, U.S. code, chapter 1, section 101(11), or during any other conflict recognized by the award of a campaign or service medal of the United States, and who has been discharged under other than dishonorable conditions.

SECTION 8. That Section 67-5309, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309. RULES OF THE DIVISION OF HUMAN RESOURCES AND THE PERSONNEL COMMISSION. The administrator of the division of human resources shall have the power and authority to adopt, amend, or rescind such rules as may be necessary for proper administration of this chapter. Such rules shall include:

(a) A rule requiring the administrator, after consulting with each department to develop, adopt, and make effective, a job classification system for positions covered by this chapter, based upon an analysis of the duties and responsibilities of the positions. The job classification shall include an appropriate title for each class, and a description of duties and responsibilities of positions in the classes and the requirements of minimum training, experience and other qualifications, suitable for the performance of duties of the position.

(b) A rule describing the relevant labor markets and benchmark job classifications used in the administrator's salary surveys.

(c) A rule requiring that all classes of positions which are common to the departments concerned shall have the same titles, minimum requirements and compensation ranges.

(d) A rule providing for review by the administrator of the personnel system including classifications and compensation policies and procedures.

(e) A rule that, notwithstanding the procedure for examination and ranking of eligibles on a register provided in subsection (f) of this section, an agency may appoint an individual directly into an entrance or promotional probation if the division of vocational rehabilitation, Idaho commission for the blind and visually impaired or the industrial commission certifies, with the concurrence of division of human resources staff, that the individual (1) has a disability or handicap as defined under state or federal law; (2) is qualified to perform the essential functions of a particular classified position with or without reasonable accommodation; and (3) lacks competitiveness in the examination process due to the disability or handicap. The probationary period as provided in subsection (j) of this section shall be the sole examination for such individuals.

(f) A rule requiring fair and impartial selection of appointees to all positions other than those defined as nonclassified in this chapter, on the basis of open competitive merit examinations or evaluations. An application for an examination will be accepted after the closing date of the examination from a person who was serving in the armed forces, or undergoing hospitalization of no more than one (1) year following discharge, during any period in which the examination was open; the application must be submitted within one hundred twenty (120) days of separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of the examination. A disabled veteran may file an application at any time for any position for which the division maintains a register or for which a register is about

to be established, provided he or she has not already been examined twice for the same position and grade for which application is made, does not have current eligibility on that register, or is not serving in a competitive position in the same grade for which application is made. Examinations may be assembled or unassembled and may include various examining techniques such as rating of training and experience, written tests, oral interviews, recognition of professional licensing, performance tests, investigations and any other measure of ability to perform the duties of the position. Examinations shall be scored objectively. Five (5) points shall be added to the earned rating of any war veteran as defined in section 65-506, Idaho Code, and the widow or widower of any war veteran as defined in section 65-506, Idaho Code, as long as he or she remains unmarried. Pursuant to section 65-506, Idaho Code, ten (10) points shall be added to the earned rating of any disabled veteran, the widow or widower of any disabled veteran as long as he or she remains unmarried or the spouse of any disabled veteran who is physically unable to perform the work in the position to which the spouse seeks to apply the preference. Employment registers shall be established in order of final score except that the names of all five (5) point preference eligibles resulting from any merit system or civil service examination shall be placed on the register in accordance with their augmented rating, and the names of all ten (10) point preference eligibles shall be placed at the top of the register above the names of all nonpreference eligibles. Certification of eligibility for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the ten (10) top ranking available eligibles plus the names of all individuals with scores identical to the tenth ranking eligible on the register. A register with at least five (5) eligibles shall be adequate. Selective certification shall be permitted when justified by the hiring department, under rules to be made by the division defining adequate justification based on the duties and requirements of the positions. Such examinations need not be held until after the rules have been adopted, the service classified and a pay plan established, but shall be held not later than one (1) year after departments commence participation in the personnel system.

(g) A rule that, whenever practicable, a vacancy in a classified position shall be filled by the promotion of a qualified ~~permanent~~ employee of the agency in which the vacancy occurs. An interagency promotion shall be made through competitive examination and all qualified state employees shall have the opportunity to compete for such promotions. If an employee's name appears within certifiable range on a current register for a higher class of position, he shall be eligible for a transfer and promotion.

(h) A rule for development and maintenance of a system of service ratings and the use of such ratings by all departments in connection with promotions, demotions, retentions, separations and reassignments. The rule shall require that an evaluation of each classified employee shall be made after each two thousand eighty (2,080) hour period of credited state service, and that a copy of the evaluation shall be filed with the division.

(i) A rule prohibiting disqualification of any person from taking an examination, from appointment to a position, from promotion, or from holding a position because of race or national origin, color, sex, age,

political or religious opinions or affiliations, and providing for right of appeal.

(j) A rule establishing a probation period not to exceed one thousand forty (1,040) hours of credited state service for all appointments and promotions, except that peace officers as defined in section 19-5101, Idaho Code, shall be subject to a probation period of two thousand eighty (2,080) hours of credited state service, and for the appointing authority to provide the employee and the administrator a performance evaluation indicating satisfactory or unsatisfactory performance not later than thirty (30) days after the expiration of the probationary period. The rule shall provide that if the appointing authority fails to provide a performance evaluation within thirty (30) days after the expiration of the probationary period, the employee shall be deemed to have satisfactorily completed the probation unless the appointing authority receives approval from the administrator to extend the probationary period for good cause for an additional specified period not to exceed one thousand forty (1,040) hours of credited state service. If an employee is performing in an unsatisfactory manner during the entrance probationary period, the appointing authority shall ask the employee to resign, and if no resignation is submitted, shall terminate the employment of such employee without the right of grievance or appeal.

(k) A rule concerning provisional appointments.

(l) A rule concerning temporary appointments.

(m) A rule governing the employment of consultants and persons retained under independent contract.

(n) A rule for the disciplinary dismissal, demotion, suspension or other discipline of employees only for cause with reasons given in writing. Such rule shall provide that any of the following reasons shall be proper cause for the disciplinary dismissal, demotion or suspension of any employee in the state classified service:

1. Failure to perform the duties and carry out the obligations imposed by the state constitution, state statutes and rules of the employee's department, or rules of the administrator or the division.

2. Inefficiency, incompetency, or negligence in the performance of duties, or job performance that fails to meet established performance standards.

3. Physical or mental incapability for performing assigned duties.

4. Refusal to accept a reasonable and proper assignment from an authorized supervisor.

5. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in the employee's department.

6. Intoxication on duty.

7. Careless, negligent, or improper use or unlawful conversion of state property, equipment or funds.

8. Use of any influence which violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage.

9. Conviction of official misconduct in office, or conviction of any felony, or conviction of any other crime involving moral turpitude.

10. Acceptance of gifts in exchange for influence or favors given in the employee's official capacity.

11. Habitual pattern of failure to report for duty at the assigned place and time.
12. Habitual improper use of sick leave privileges.
13. Unauthorized disclosure of confidential information from official records.
14. Absence without leave.
15. Misstatement or deception in the application for the position.
16. Failure to obtain or maintain a current license or certificate lawfully required as a condition for performing the duties of the job.
17. Prohibited participation in political activities.

(o) A rule to establish procedures for maintenance of a record of the employment history and appropriate information relating to performance of all employees under the personnel system. For the purposes of this rule, the state shall be considered one (1) employer.

(p) Rules to provide for recruitment programs in cooperation with department heads and the employment security agency in keeping with current employment conditions and labor market trends.

(q) Rules to establish procedures for examinations as necessary for the purpose of maintaining current registers from which to fill employment vacancies.

(r) Other rules not inconsistent with the foregoing provisions of this section as may be necessary and proper for the administration and enforcement of this chapter.

(s) A rule concerning "project exempt" appointments.

(t) Rules relating to leave for state employees from official duties including, but not limited to, sick leave, military leave, jury duty, leaves of absence without compensation and such other forms of absence from performance of duties in the course of state employment as may be necessary.

(u) A rule providing ~~for five percent (5%)~~ up to twenty-five percent (25%) shift differential pay based on local market practices.

(v) A rule to establish guidelines for awarding employee suggestion awards set forth in sections 59-1603 and 67-5309D, Idaho Code.

(w) A rule to establish the reimbursement of moving expenses for a current or newly-hired state employee.

(x) A rule to allow, at the request of the hiring agency, temporary and acting appointment service time to count toward fulfilling entrance probationary requirements as established in section 67-5309(j), Idaho Code.

SECTION 9. That Section 67-5309A, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Chapter 53, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5309A, Idaho Code, and to read as follows:

67-5309A. STATE EMPLOYEE COMPENSATION PHILOSOPHY. (1) It is hereby declared to be the intent of the legislature of the state of Idaho that the goal of a total compensation system for state employees shall be to fund a competitive employee compensation and benefit package that will attract qualified applicants to the work force; retain employees who have a commitment to public service excellence; motivate employees to

maintain high standards of productivity; and reward employees for outstanding performance.

(2) The foundation for this philosophy recognizes that state government is a service enterprise in which the state work force provides the most critical role for Idaho citizens. Maintaining a competitive compensation system is an integral, necessary and expected cost of providing the delivery of state services and is based on the following compensation standards:

(a) The state's overall compensation system, which includes both a salary and a benefit component, when taken as a whole shall be competitive with relevant labor market averages.

(b) Advancement in pay shall be based on job performance and market changes.

(c) Pay for performance shall provide faster salary advancement for higher performers based on a merit increase matrix developed by the division of human resources.

(d) All employees below the state's midpoint market average in a salary range who are meeting expectations in the performance of their jobs shall move through the pay range toward the midpoint market average.

(3) It is hereby declared to be legislative intent that regardless of specific budgetary conditions from year to year, it is vital to fund necessary compensation adjustments each year to maintain market competitiveness in the compensation system. In order to provide this funding commitment in difficult fiscal conditions, it may be necessary to increase revenues, or to prioritize and eliminate certain functions or programs in state government, or to reduce the overall number of state employees in a given year, or any combination of such methods.

SECTION 11. That Section 67-5309B, Idaho Code, be, and the same is hereby repealed.

SECTION 12. That Chapter 53, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5309B, Idaho Code, and to read as follows:

67-5309B. IDAHO COMPENSATION PLAN. (1) The administrator of the division of human resources shall establish benchmark job classifications and shall assign all classifications to a pay grade utilizing the Hay profile method in combination with market data. Pay grades established or revised by the administrator shall appropriately weigh Hay points and market data to ensure internal equity and market equity within the classified service.

(2) It shall be the responsibility of each department director to prepare a department salary administration plan and corresponding budget plan that supports the core mission of the department and is consistent with the provisions of section 67-5309A, Idaho Code.

(3) Advancement in pay shall be based on performance and market changes and be provided in a variety of delivery methods, including ongoing increases, temporary increases and market related payline moves. Market related payline moves may advance all eligible employees as well as the structure to avoid compression in the salary system.

(4) Pay for performance shall provide faster salary advancement for higher performers based on a merit increase matrix developed by the

division of human resources. Such matrix shall be based upon the employee's proximity to the state midpoint market average, and the employee's relative performance. Such matrix may be adapted by each agency to meet its specific needs when approved by the division of human resources.

(5) No employee shall advance in a salary range without a performance evaluation on file certifying that the employee meets the performance criteria of the assigned position.

(6) Each employee's work performance shall be evaluated through a format and process approved by the department and the division of human resources. The employee shall be evaluated after one thousand forty (1,040) hours of credited state service from the date of initial appointment or promotion, and thereafter be evaluated after each two thousand eighty (2,080) hours of credited state service. Employees may be eligible for advancement in pay if certified as meeting the performance requirements of this section. However, such in-grade advancement shall not be construed as a vested right. The department director shall designate in writing whether such in-grade advancement is temporary, conditional or permanent. It shall be the specific responsibility of the employee's immediate supervisor to effect the evaluation process. Such evaluation shall be approved by the department director or the director's designee.

(7) All supervisors who evaluate state employees shall receive training in the evaluation format and process to assure fairness and consistency in the evaluation process.

(8) Notwithstanding any other provision of Idaho Code, it is hereby declared to be the policy of the legislature of the state of Idaho that all classified employees of like classification and pay grade allocation shall be treated in a substantially similar manner with reference to personnel benefits.

SECTION 13. That Section 67-5309C, Idaho Code, be, and the same is hereby repealed.

SECTION 14. That Chapter 53, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5309C, Idaho Code, and to read as follows:

67-5309C. ANNUAL SURVEYS, REPORTS AND RECOMMENDATIONS. (1) The administrator of the division of human resources shall conduct or approve annual salary and benefit surveys within relevant labor markets to determine salary ranges and benefit packages that represent competitive labor market average rates and benefits provided by private industry and other governmental units.

(2) A report of the results of the annual salary and benefit surveys and recommendations for changes to meet the requirements of section 67-5309A, Idaho Code, together with their estimated costs of implementation, shall be submitted to the governor and the legislature not later than the first day of December of each year. The recommendation shall include, at a minimum, four (4) components to address the compensation philosophy described in section 67-5309A, Idaho Code, and shall include specific funding recommendations for each component:

(a) A recommendation for market related changes necessary to address system wide structure adjustments to stay competitive with

relevant labor markets. Such recommendation may include a market related payline adjustment for all eligible employees, as well as the structure, to avoid compression in the salary system.

(b) A recommendation for market related changes necessary to address specific occupational inequities.

(c) A recommendation for a merit increase component to recognize and reward state employees in the performance of public service to the citizens of Idaho.

(d) A recommendation for any changes to the employee benefit package, including any adjustments to the overall design of the benefit package and/or employee contributions.

(3) The governor shall submit his own recommendations on proposed changes in salaries and benefits to the legislature prior to the seventh legislative day of each session. Such recommendation shall address, at a minimum, the four (4) components and subsequent funding for each component required in this section.

(4) The legislature may, by concurrent resolution, accept, modify or reject the governor's recommendations, but any such action by the legislature, at a minimum, shall address the four (4) components and subsequent funding of each component required in this section. The failure of the legislature to accept, modify or reject the recommendations prior to adjournment sine die shall constitute approval of the governor's recommendations, and such recommendations shall be funded through appropriations provided by law. The administrator of the division of human resources shall implement necessary and authorized changes to salary and pay schedule by rule. The director of the department of administration shall implement necessary and authorized changes to benefits.

SECTION 15. That Chapter 53, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5309D, Idaho Code, and to read as follows:

67-5309D. OTHER PAY DELIVERY OPTIONS. (1) In addition to pay increases authorized in section 67-5309B, Idaho Code, the department director may grant a classified employee bonus pay not to exceed two thousand dollars ($2,000) in any given fiscal year based upon exemplary performance. Exceptions to the two thousand dollar ($2,000) limit provided in this subsection (1) may be granted in extraordinary circumstances if approved in advance by the state board of examiners. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all bonuses granted in the preceding fiscal year.

(2) In addition to pay increases authorized in section 67-5309B, Idaho Code, the department director may grant a classified employee an award payment based upon suggestions or recommendations made by the employee which resulted in taxpayer savings as a result of cost savings or greater efficiencies to the department or to the state of Idaho in excess of the amount of the award, and in compliance with the rules for employee suggestion awards promulgated by the division of human resources. The award may be an amount up to twenty-five percent (25%) of the amount determined to be the dollar savings to the state, but not in excess of two thousand dollars ($2,000). Exceptions to the two thousand dollar ($2,000) limit provided in this subsection (2) may be granted in extraordinary circumstances if approved in advance by the state board of

examiners. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all employee suggestion awards granted in the preceding fiscal year. Such report shall include any changes made as a direct result of an employee's suggestion and savings resulting therefrom.

(3) In addition to pay increases authorized in section 67-5309B, Idaho Code, the department director may grant award pay to a classified employee for recruitment or retention purposes upon completion of at least six (6) months of achieving performance standards. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(4) In addition to pay increases authorized in section 67-5309B, Idaho Code, department directors may provide a classified employee other nonperformance related pay as provided in this subsection (4). Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(a) Shift differential pay up to twenty-five percent (25%) of hourly rates depending on local market rates in order to attract and retain qualified staff.

(b) Geographic differential pay in areas of the state where recruitment and retention of qualified staff are difficult due to economic conditions and cost of living.

(c) Employees in the same classification who are similarly situated shall be treated consistently in respect to shift differential and geographic pay differential.

(5) When necessary to obtain or retain qualified personnel in a particular classification, upon petition of the department to the administrator containing acceptable reasons therefor, a higher temporary pay grade may be authorized by the administrator which, if granted, shall be reviewed annually to determine the need for continuance.

(6) In unusual circumstances, with prior approval from the administrators of the division of human resources and the division of financial management, agencies may grant nonperformance related pay to employees, which in no case may exceed five percent (5%) of an employee's base pay. Departments shall submit a report to the division of financial management and the legislative services office by October 1 on all such awards granted in the preceding fiscal year.

(7) Specific pay codes shall be established and maintained in the state controller's office to ensure accurate reporting and monitoring of all pay actions authorized in this section.

SECTION 16. That Section 67-5326, Idaho Code, be, and the same is hereby repealed.

SECTION 17. That Sections 67-5328, 67-5329, 67-5330 and 67-5331, Idaho Code, be, and the same are hereby amended to read as follows:

67-5328. ~~OVERTIME-COMPENSATION----ELIGIBILITY~~ HOURS OF WORK AND OVERTIME. (1) It is hereby declared to be the policy of the legislature of the state of Idaho that all classified employees shall be treated substantially similar with reference to hours of employment. The policy of this state as declared in this act shall not restrict the extension

of regular work hour schedules on an overtime basis in those activities and duties where such extension is necessary and authorized, provided that overtime work performed under such extension is compensated for as hereinafter provided.

(2) The appointing authority of any department shall determine the necessity for overtime work and shall provide for cash compensation or compensatory time off for such overtime work for eligible classified officers and employees, subject to the restrictions of applicable federal law.

~~67-5329.--CASH-FOR-OVERTIME----COMPENSATORY-TIME.~~

(~~1~~3) Cash for overtime and compensatory time shall be paid based on the following criteria:

(a) Classified and nonclassified officers and employees who fall within one (1) or more of the following categories are ineligible for cash compensation or compensatory time for overtime work:

(~~a~~i) Elected officials; or

(~~b~~ii) Those included in the definition of section 67-5303(j), Idaho Code.

(~~2~~b) Classified and nonclassified employees who are designated as executive, as provided in section 67-5302, Idaho Code, ~~who-are-designated-as-exempt-under-any-other-complete-exemption-in-federal-law,~~ and who are not included in the definition of subsection (~~1~~3)(a) of this section, shall be ineligible for compensatory time or cash compensation for overtime work~~,-but-such-classified-and-nonclassified employees-shall-be-allowed-compensatory-time-off-from-duty-for-overtime-work.-Such-compensatory-time-shall-be-earned-and-allowed--on--a one--(1)-hour-for-one-(1)-hour-basis-not-to-exceed-two-hundred-forty (240)-hours.-Accrued-compensatory-time-off-earned-under-this-section shall-not-be-transferable,-and-shall-be-forfeited--at--the--time--of transfer--to--another--appointing--authority-or-upon-separation-from state-service.~~ Such salaried employees shall report absences in excess of one-half (1/2) day. Unused compensatory time balances in excess of two hundred forty (240) hours as of the date of enactment of this act shall be forfeited on December 31, 2008. Unused compensatory time balances of two hundred forty (240) hours or less shall be forfeited on December 31, 2006.

(~~3~~c) Classified and nonclassified employees who are designated as administrative or professional, as provided in ~~section--67-5302, Idaho-Code,-or-who-are-designated-as-exempt-under-any-other-complete exemption--in~~ the federal ~~law~~ fair labor standards act, and who are not included in the definition of either subsection (~~1~~3)(a) or (3)(b) of this section, shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the state board of examiners for overtime accumulated during unusual or emergency situations, but such classified and nonclassified employees shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis, shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service.

(~~4~~d) Classified employees who are not designated as executive, administrative or professional as provided in this section, ~~67-5302, Idaho-Code,-who-are-not-designated-as-exempt-under--any--other--complete-exemption-in-federal-law,~~ and who are not included in the def-

inition of subsection (~~1~~3)(a) of this section, shall be eligible for cash compensation or compensatory time off from duty for overtime work, subject to the restrictions of applicable federal law. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off which has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

~~67-5330.--RATE-OF-OVERTIME-COMPENSATION-WHEN-PAID-IN-CASH.~~

(4) Cash compensation for overtime, when paid, shall be at one and one-half (1 1/2) times the hourly rate of that officer's or employee's salary or wage, except for those employees whose positions fall within the definitions of executive, administrative or professional as stated in section 67-5302, Idaho Code, who will be paid at their regular hourly rate of pay as provided for in subsection ~~67-5329,-Idaho-Code~~ (3) of this section.

~~67-5331.--OVERTIME-COMPENSATION----WHEN-PAID.~~

(5) Except as provided for in subsection ~~67-5329,-Idaho-Code~~ (3) of this section, compensation for authorized overtime work shall be made at the completion of the pay period next following the pay period in which the overtime work occurred and shall be added to the regular salary payment.

SECTION 18. That Sections 67-5333 and 67-5339, Idaho Code, be, and the same are hereby amended to read as follows:

67-5333. SICK LEAVE. ~~COMPUTATION.~~ (1) Sick leave shall be computed as follows:

(a) The rate per hour at which sick leave shall accrue to classified officers and employees earning credited state service shall be at the rate represented by the proportion 96/2080. Sick leave shall accrue without limit, and shall be transferable from department to department.

(~~2~~b) Sick leave shall not accrue to any officer or employee on any kind of leave of absence without pay, suspension without pay or layoff. Sick leave shall accrue while an officer or employee is on approved leave with pay, on approved vacation leave, on approved military leave with pay, and on approved sick leave, but not when compensatory time or earned administrative leave is taken.

(~~3~~c) All accrued sick leave shall be forfeited at the time of separation from state service and no officer or employee shall be reimbursed for accrued sick leave at the time of separation, except as provided in subsection ~~67-5339,-Idaho-Code~~ (2) of this section. If such officer or employee returns to credited state service within three (3) years of such separation, all sick leave credits accrued at the time of separation shall be reinstated, except to the extent that unused sick leave was utilized for the purposes specified in

subsection ~~67-5339, Idaho Code~~ (2) of this section.

(~~4~~d) Sick leave shall be taken on a workday basis. Regularly scheduled days off and officially designated holidays falling within a period of sick leave shall not be counted against sick leave. Sick leave shall not be taken in advance of being earned.

(~~5~~e) In cases where absences for sick leave exceed three (3) consecutive working days, the appointing authority may require verification by a physician or other authorized practitioner.

(~~6~~f) If an absence for illness or injury extends beyond the sick leave accrued to the credit of the officer or employee, the officer or employee may be granted leave without pay.

(~~7~~g) The administrator shall prescribe additional requirements for sick leave for classified officers and employees on a part-time or irregular schedule, for maintaining sick leave records, for funeral leave, and such other applicable purposes as necessary.

~~67-5339. USE OF UNUSED SICK LEAVE.~~

(~~1~~2) Unused sick leave may be used as follows:

(a) Upon separation from state employment by retirement in accordance with chapter 13, title 59 or chapter 1, title 33, Idaho Code, an employee's unused sick leave shall be determined based on accumulated sick leave earned subsequent to July 1, 1976, and shall be reported by the employer to the public employee retirement system. Upon separation from state employment by retirement in accordance with chapter 20, title 1, Idaho Code, an employee's unused sick leave shall be determined based on accumulated sick leave earned subsequent to July 1, 2000, and shall be reported by the employer to the public employee retirement system. A sum equal to one-half (1/2), or the maximum amount allowed by ~~subsection (2)~~ paragraph (b) of this subsection (2), whichever is the lesser, of the monetary value of such unused sick leave, calculated at the rate of pay for such employee at the time of retirement, shall be transferred from the sick leave account provided by ~~subsection (3)~~ paragraph (c) of this subsection (2) and shall be credited to such employee's retirement account. Such sums shall be used by the Idaho public employee retirement board to pay premiums for such group health, accident, and life insurance programs as may be maintained by the state, to the extent of the funds credited to the employee's account pursuant to this section. Upon an employee's death, any unexpended sums remaining in the account shall revert to the sick leave account.

(~~2~~b) For the purposes of determining the monetary value of unused sick leave, the maximum unused sick leave which may be considered, shall be:

(~~a~~i) During the first ten thousand four hundred (10,400) hours of credited state service, the maximum unused sick leave which may be considered shall be four hundred twenty (420) hours;

(~~b~~ii) During the second ten thousand four hundred (10,400) hours of credited state service, the maximum unused sick leave which may be considered shall be four hundred eighty (480) hours;

(~~c~~iii) During the third ten thousand four hundred (10,400) hours of credited state service, the maximum unused sick leave which may be considered shall be five hundred forty (540) hours; and

(div) Thereafter, the maximum unused sick leave which may be considered shall be six hundred (600) hours.

(~~3~~c) Each employer in state government shall contribute to a sick leave account maintained by the public employee retirement system exclusively for the purpose of the provisions of this section. The rate of such contribution each pay period shall consist of a percentage of employees' salaries as determined by the board, and such rate shall remain in effect until next determined by the board. Any excess balance in the sick leave account shall be invested, and the earnings therefrom shall accrue to the sick leave account except the amount required by the board to defray administrative expenses. All moneys payable to the sick leave account are hereby perpetually appropriated to the board, and shall not be included in its departmental budget. The state insurance fund and public health districts shall be considered employers in state government for purposes of participation under this section.

SECTION 19. That Sections 67-5334, 67-5335 and 67-5337, Idaho Code, be, and the same are hereby amended to read as follows:

67-5334. VACATION TIME. ~~COMPUTATION.~~ (1) Vacation time shall be computed as follows:

(a) Vacation time shall not accrue to any officer or employee on any kind of leave of absence without pay, suspension without pay or layoff. Vacation leave shall accrue while an officer or employee is on approved leave with pay, on approved vacation leave, on approved military leave with pay, and on approved sick leave, but not when compensatory time or earned administrative leave is taken.

(~~2~~b) The rate per hour at which vacation leave shall accrue to eligible classified officers and employees earning credited state service who are covered and nonexempt under the federal fair labor standards act shall be at the rate represented by the proportion 96/2080 during the first ten thousand four hundred (10,400) hours of ~~credited~~ state service; at the rate represented by the proportion 120/2080 during the second ten thousand four hundred (10,400) hours of credited state service; at the rate represented by the proportion 144/2080 during the third ten thousand four hundred (10,400) hours of credited state service; and at the rate represented by the proportion 168/2080 thereafter.

(c) Classified officers and employees earning credited state service and defined as an exempt "professional," "administrative," or "computer worker" under the federal fair labor standards act shall be at the rate represented by the proportion 120/2080 during the first ten thousand four hundred (10,400) hours of credited state service; at the rate represented by the proportion 144/2080 during the second ten thousand four hundred (10,400) hours of credited state service; and at the rate represented by the proportion 168/2080 thereafter.

(d) Classified officers and employees earning credited state service and defined as an exempt "executive" under section 67-5302, Idaho Code, shall be at the rate represented by the proportion 200/2080.

~~67-5335.--VACATION--TIME-----ELIGIBILITY----MAXIMUM-TIME----RIGHT-TO ANNUAL-VACATION.~~

(~~1~~2) Eligibility and use of vacation time shall be determined as follows:

(a) An appointing authority shall permit each officer or employee to take vacation leave to the extent such leave has accrued.

(~~2~~b) Vacation leave may be accrued and accumulated only as follows, unless amounts in excess of the permitted accumulations have been expressly authorized in writing by the board of examiners during unusual or emergency situations:

During the first ten thousand four hundred (10,400) hours of credited state service, vacation leave may be accrued and accumulated to a maximum of one hundred ninety-two (192) hours; employees classified as "executive" under section 67-5302, Idaho Code, may accrue and accumulate vacation leave to a maximum of two hundred (200) hours during this period;

During the second ten thousand four hundred (10,400) hours of credited state service, vacation leave may be accrued and accumulated to a maximum of two hundred forty (240) hours;

During the third ten thousand four hundred (10,400) hours of credited state service, vacation leave may be accrued and accumulated to a maximum of two hundred eighty-eight (288) hours;

After thirty-one thousand two hundred (31,200) hours of credited state service, vacation leave may be accrued and accumulated to a maximum of three hundred thirty-six (336) hours.

(~~3~~c) Vacation leave shall be transferable from department to department only to the extent that it is accrued and accumulated.

(~~4~~d) Vacation leave shall not be earned, accrued or accumulated during any pay period in which the maximum accruals and accumulations provided by this section have been met.

(~~5~~e) Vacation leave not taken shall be compensated for at the time of separation only to the maximum accruals and accumulations allowed by this section.

(~~6~~f) Vacation leave shall be taken on a workday basis. Regularly scheduled days off and officially designated holidays falling within a period of vacation leave shall not be counted against vacation leave. Vacation leave shall not be taken in advance of being earned and shall only be taken in pay periods subsequent to being earned.

(~~7~~g) With the approval of the appointing authority for both the transferring and receiving officer or employee, an officer or employee may transfer accrued vacation leave, up to a maximum of forty (40) hours per fiscal year, to another officer or employee for purposes of sick leave in the event the receiving officer or employee or a family member suffers from a serious illness or injury. The amount transferred shall be converted to sick leave. An officer or employee shall not be allowed to receive more than one hundred sixty (160) hours of transferred leave per fiscal year, and a transfer shall not occur until the receiving employee has exhausted all of his or her accrued sick and vacation leave. An officer or employee shall not be eligible to transfer vacation leave unless his or her balance exceeds eighty (80) hours, and in no event may an officer or employee transfer an amount of accrued leave which would result in an accrued balance of less than eighty (80) hours.

~~67-5337.--CASH-FOR-UNUSED-VACATION-TIME.~~

(3) Upon separation from state employment and to the limits allowed by subsection ~~67-5335,--Idaho-Code~~ (2) of this section, all classified

officers and employees shall receive a lump sum payment for accrued but unused vacation leave at the hourly rate of pay of that officer or employee.

SECTION 20. That Chapter 53, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5337, Idaho Code, and to read as follows:

67-5337. MOVING EXPENSE REIMBURSEMENT. In order for the state to attract and retain professional staff, it may be necessary to defray normal intrastate and interstate moving expenses. The head of any department, office or institution of the state shall have the authority to decide whether or not to reimburse moving expenses for current or newly-hired state employees on a case-by-case basis up to ten percent (10%) of the employee's base salary or fifteen thousand dollars ($15,000), whichever is less, and in compliance with rules for the reimbursement of moving expenses promulgated by the division of human resources. Exceptions to the maximum moving expense reimbursement may be granted if approved in advance by the department director. Agencies shall submit a report to the division of financial management and the legislative services office by October 1 on all moving expense reimbursements granted in the preceding fiscal year.

SECTION 21. That Section 67-5342, Idaho Code, be, and the same is hereby amended to read as follows:

67-5342. SEVERANCE PAY FOR STATE EMPLOYEES. Upon termination from state service, no classified or exempt employee shall be eligible for severance pay and no employer shall provide or pay severance pay to such an employee or former employee. As used in this section, "severance pay" shall mean money, exclusive of wages or salary, vacation leave payoff, compensatory time leave and earned administrative leave payoff, paid to a classified or exempt employee who resigns from state service of his own volition and not under duress.

Approved April 7, 2006.

CHAPTER 381
(S.B. No. 1367)

AN ACT

RELATING TO TRAFFIC-CONTROL SIGNAL LEGEND; AMENDING SECTION 49-802, IDAHO CODE, TO PROVIDE A CONDITION UNDER WHICH THE DRIVER OF A MOTORCYCLE MAY PROCEED THROUGH A STEADY RED TRAFFIC-CONTROL SIGNAL AFTER COMING TO A FULL AND COMPLETE STOP AT THE INTERSECTION, TO SPECIFY WHEN SUCH ACTION IS NOT A DEFENSE TO A VIOLATION OF THE LAW AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 49-802, Idaho Code, be, and the same is hereby amended to read as follows:

49-802. TRAFFIC-CONTROL SIGNAL LEGEND. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one (1) at a time or in combination, only the colors green, red and yellow shall be used, except for pedestrian-control signals and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

(a) A driver facing a circular green signal shall proceed straight through or turn right or left unless a sign prohibits a right or left turn. Any driver, including one turning, shall yield the right-of-way to other traffic and to pedestrians lawfully within the intersection, as defined in section 49-110, Idaho Code, or an adjacent crosswalk.

(b) A driver facing a green arrow signal, shown alone or in combination with another indication, shall enter the intersection only to make the movement indicated by the green arrow, or other movement that is permitted by other indications shown at the same time. A driver facing a left turn green arrow shall yield the right-of-way to other traffic and to pedestrians lawfully within the intersection or an adjacent crosswalk.

(c) A pedestrian facing a circular green signal, unless prohibited by a sign or otherwise ~~direction~~ directed by a pedestrian-control signal, as provided in section 49-803, Idaho Code, may proceed across the highway within any marked or unmarked crosswalk, but shall yield the right-of-way to vehicles lawfully within the intersection at the time that signal is first shown.

(d) A pedestrian facing a green arrow turn signal, unless otherwise directed by a pedestrian-control signal, as provided in section 49-803, Idaho Code, shall not enter the highway.

(2) Steady yellow indication:

(a) A driver facing a steady circular yellow or yellow arrow signal is being warned that the related green movement is ending, or that a red indication will be shown immediately after it.

(b) A pedestrian facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal, as provided in section 49-803, Idaho Code, is being warned that there is insufficient time to cross the highway.

(3) Steady red indication:

(a) A driver facing a steady circular red signal alone shall stop before entering the intersection, as defined in section 49-110, Idaho Code, and shall remain stopped until an indication to proceed is shown except as provided in paragraph (b) of this subsection. While stopped at the intersection, the driver shall remain stopped behind the marked limit line, as defined in section 49-113, Idaho Code, or if there is no marked limit line, shall not block the crosswalk.

(b) Except when a sign is in place prohibiting a turn, a driver after stopping, facing a steady circular red signal, may turn right, or turn left from a highway onto a one-way highway after stopping. Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) A driver facing a steady red arrow indication shall not enter the intersection to make the movement indicated by the arrow and,

unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked limit line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then before entering the intersection and shall remain stopped until an indication permitting movement is shown.

(d) Unless otherwise directed by a pedestrian-control signal, a pedestrian facing a steady circular red or red arrow signal shall not enter the traffic lanes of a highway.

(e) Notwithstanding any provision of law to the contrary, the driver of a motorcycle approaching an intersection that is controlled by a triggered traffic-control signal using a vehicle detection device that is inoperative due to the size of the motorcycle, shall come to a full and complete stop at the intersection. If the signal fails to operate after one cycle of the traffic signal, the driver may proceed after exercising due caution and care. It is not a defense to a violation of section 49-801, Idaho Code, that the driver of a motorcycle proceeded under the belief that a traffic-control signal used a vehicle detection device or was inoperative due to the size of the motorcycle when such signal did not use a vehicle detection device or that any such device was not in fact inoperative due to the size of the motorcycle.

(4) When an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or crosswalk or limit line indicating where the stop shall be made, but in the absence of a sign or marking, the stop shall be made at the signal.

Approved April 7, 2006.

CHAPTER 382
(S.B. No. 1370)

AN ACT

RELATING TO MEDICAID REIMBURSEMENT; AMENDING THE HEADING FOR PART E, CHAPTER 1, TITLE 56, IDAHO CODE; AMENDING SECTION 56-136, IDAHO CODE, TO REMOVE A FISCAL YEAR BEGINNING DATE, TO ADD DENTISTS TO THE RATE OF REIMBURSEMENT FOR MEDICAID COVERED SERVICES, TO PROVIDE THAT ACTUAL PAYMENTS TO A DENTIST SHALL NOT EXCEED USUAL AND CUSTOMARY CHARGES AND TO DEFINE "DENTIST."

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

SECTION 1. That the Heading for Part E, Chapter 1, Title 56, Idaho Code, be, and the same is hereby amended to read as follows:

PART E.
PHYSICIANS AND DENTISTS

SECTION 2. That Section 56-136, Idaho Code, be, and the same is hereby amended to read as follows:

56-136. PHYSICIAN AND DENTIST REIMBURSEMENT. (1) ~~Beginning with fiscal year 1996, t~~The rate of reimbursement for all medicaid-covered physician and dentist services rendered to medicaid recipients shall be adjusted each fiscal year. Each fiscal year adjustment shall be determined by the director and shall equal the year over year inflation rate forecasted as of the midpoint of the fiscal year by the all item, goods and services index in the pacific northwest as published by data resources incorporated. Such forecast index shall be the last published forecast prior to the start of the fiscal year. Provided however, an adjustment may exceed the index rate cited in this section at the discretion of the legislature.

(2) Actual payments made by the director to each physician and dentist shall not exceed the usual and customary charges made to private pay patients.

(3) For the purposes of this section~~,~~:

(a) "~~p~~Physican" means a person licensed to practice medicine pursuant to chapter 18, title 54, Idaho Code.

(b) "Dentist" means a person licensed to practice dentistry pursuant to chapter 9, title 54, Idaho Code.

(4) The amount to be paid under the provisions of this section shall in no event exceed any limitations imposed by federal law or regulation.

Approved April 7, 2006.

CHAPTER 383
(S.B. No. 1427)

AN ACT

RELATING TO THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND; AMENDING SECTION 33-3401, IDAHO CODE, TO ALLOW FOR EDUCATION SERVICES TO BE DELIVERED TO STUDENTS RESIDING OUTSIDE THE CAMPUS AREA IN GOODING AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 33-3407, IDAHO CODE, TO REVISE THE DEFINITION OF ELIGIBLE STUDENTS, TO REVISE PROCEDURES FOR OFFERING THE SCHOOL'S SERVICES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 33-3401, Idaho Code, be, and the same is hereby amended to read as follows:

33-3401. ESTABLISHMENT OF SCHOOL FOR THE DEAF AND THE BLIND. The establishment by law of a school ~~for the~~ to provide supplemental education services to deaf and blind ~~at Gooding, Idaho,~~ students statewide is hereby ratified and affirmed.~~, said~~ These services may include residential and day campus programs and an outreach program, intended to provide services to students outside the campus area, as well as early intervention and family consultation. The school is to be called the Idaho ~~S~~school for the ~~D~~deaf and the ~~B~~blind, and its operation continued. It is further provided that wherever the term "State School for the Deaf and the Blind" shall appear in the Idaho Code it shall mean "Idaho School for the Deaf and the Blind."

SECTION 2. That Section 33-3407, Idaho Code, be, and the same is hereby amended to read as follows:

33-3407. DEFINITION OF THE DEAF AND THE BLIND -- EXAMINATION OF APPLICANTS -- ADMISSION AND RELEASE OF PUPILS. All children between the ages of six (6) and twenty-one (21) years ~~who are too deaf or too blind to be educated in the public schools~~ qualify to receive special education services pursuant to state or federal law as a result of a hearing or visual impairment, shall be deemed deaf or blind for the purposes of this chapter.

Children who are under the age of six (6) years, but otherwise qualified, may be ~~admitted~~ served, when, in the discretion of the superintendent but subject to the approval of the board of trustees, they are proper subjects to receive training and education ~~available in the school and the facilities of the school are adequate for proper care, training and education~~ from the school. and the adequate facilities for proper education, training and/or care are available. When it has been ascertained by the superintendent that any pupil has ceased to make progress, or is no longer being benefited by ~~attending~~ the school's services, upon recommendation of the superintendent and the approval of the board of trustees such pupil may be released from the school and/or school services may be discontinued.

The board of trustees is authorized to provide for the careful examination of all applicants for admission to the school, and the expense of such examination is a lawful use of the moneys available to the board of trustees.

Approved April 7, 2006.

CHAPTER 384
(S.B. No. 1456)

AN ACT

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

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES DIVISION:					
FROM:					
General Fund	$ 1,624,100	$ 403,600			$ 2,027,700
Economic Recovery Reserve Fund			$ 75,000		75,000
Indirect Cost Recovery Fund	271,700	37,400	15,000		324,100
Parks and Recreation Fund	682,500	789,000	8,600	$ 60,000	1,540,100
Recreational Fuels Fund	294,100	52,400	17,000	2,118,700	2,482,200
Parks and Recreation Registration Fund	108,900	149,900		6,796,600	7,055,400
Miscellaneous Revenue Fund	3,000	17,600			20,600
Petroleum Price Violation Fund				40,000	40,000
Federal Grant Fund	5,100	22,600		1,242,400	1,270,100
TOTAL	$ 2,989,400	$1,472,500	$ 115,600	$10,257,700	$14,835,200
II. PARK OPERATIONS:					
FROM:					
General Fund	$ 4,232,200	$ 752,500			$ 4,984,700
Indirect Cost Recovery Fund	36,500	2,400			38,900
Parks and Recreation Fund	1,676,900	1,779,800			3,456,700
Recreational Fuels Fund	244,000	127,500	$1,738,700		2,110,200
Parks and Recreation Registration Fund	360,200	530,900	177,800	$ 115,000	1,183,900
Miscellaneous Revenue Fund	6,600	77,500			84,100
Public Recreation Enterprise Fund	272,600	779,400	98,900		1,150,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Parks and Recreation Expendable Trust Fund	269,400	248,300			517,700
Federal Grant Fund	1,027,600	365,800	115,000	650,000	2,158,400
TOTAL	$ 8,126,000	$4,664,100	$2,130,400	$ 765,000	$15,685,500
III. CAPITAL DEVELOPMENT:					
FROM:					
Economic Recovery Reserve Fund			$2,924,800		$ 2,924,800
Parks and Recreation Fund			60,000		60,000
Recreational Fuels Fund			890,000		890,000
Public Recreation Enterprise Fund			47,500		47,500
Miscellaneous Revenue Fund			875,000		875,000
Parks and Recreation Expendable Trust Fund			185,000		185,000
Parks and Recreation Registration Fund			540,000		540,000
Federal Grant Fund			670,000		670,000
TOTAL			$6,192,300		$ 6,192,300
GRAND TOTAL	$11,115,400	$6,136,600	$8,438,300	$11,022,700	$36,713,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Parks and Recreation is authorized no more than one hundred sixty and twenty-five one-hundredths (160.25) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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. Unexpended and unencumbered capital outlay balances in the Capital Development Program for fiscal year 2006 are hereby reappropriated for capital outlay in that program for the period July 1, 2006, through June 30, 2007.

SECTION 4. There is hereby appropriated to the Lava Hot Springs Foundation the following amounts to be expended according to the designated expense classes from the listed fund for the period July 1, 2006, through June 30, 2007:

LAVA HOT SPRINGS FOUNDATION:

FOR:	
Personnel Costs	$ 639,800
Operating Expenditures	523,600
Capital Outlay	441,400
TOTAL	$1,604,800
FROM:	
Public Recreation Enterprise - Lava Hot Springs Fund	$1,604,800

SECTION 5. In accordance with Section 67-3519, Idaho Code, the Lava Hot Springs Foundation is authorized no more than eleven (11) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, for the program specified in Section 4 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 6. The Department of Parks and Recreation and the Lava Hot Springs Foundation are hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

SECTION 7. Of the appropriated amounts from the Park and Recreation Registration Fund in Section 1 of this act, $540,000 is for the purchase and related study of the Bayhorse Mine property for the purpose of converting the "ghost town" and associated abandoned mine holdings into an historical, cultural and adventure recreation park. This $540,000 appropriation is conditioned upon the following:

(1) That the Department of Environmental Quality work with the Department of Parks and Recreation and private consultants to perform a detailed site risk assessment and proposed risk management plan for all properties to be purchased;

(2) That the Department of Parks and Recreation work with the Department of Administration to develop risk management plans providing the state with reasonable coverage associated with the risks of owning and managing trails for all-terrain vehicle use;

(3) That the spending authority provided in Section 1 of this act for the purchase of the Bayhorse Mine property is contingent upon the state being awarded a federal "brownfield" grant or similar federal grant for site remediation;

(4) That in the event any of the foregoing conditions are not met or the environmental risks are deemed by the Department of Environmental Quality to be unreasonable, or the liability risks are deemed unreasonable by the Department of Administration, the Department of Parks and Recreation is directed to revert the $540,000 in spending authority provided in Section 1 of this act for the purchase of the Bayhorse Mine property.

Further, that access, easements and rights-of-way used by private interests for traditional uses, including, but not limited to, rock or stone quarrying and mining, shall not be prohibited.

Approved April 7, 2006.

CHAPTER 385
(S.B. No. 1458)

AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

A. RENAL DISEASE:	
FOR:	
Operating Expenditures	$ 54,600
Trustee and Benefit Payments	522,400
TOTAL	$ 577,000
FROM:	
General Fund	$ 577,000
B. VOCATIONAL REHABILITATION:	
FOR:	
Personnel Costs	$ 7,374,500
Operating Expenditures	1,547,500
Capital Outlay	312,800
Trustee and Benefit Payments	10,369,900
TOTAL	$19,604,700
FROM:	
General Fund	$ 3,188,300
Federal Grant Fund	14,194,700
Rehabilitation Revenue and Refunds Fund	621,700
Miscellaneous Revenue Fund	1,500,000
Economic Recovery Reserve Fund	100,000
TOTAL	$19,604,700
C. EPILEPSY SERVICES:	
FOR:	
Trustee and Benefit Payments	$ 70,300
FROM:	
General Fund	$ 70,300

D. CSE WORK SERVICES:	
FOR:	
Personnel Costs	$ 107,500
Operating Expenditures	25,500
Trustee and Benefit Payments	4,093,400
TOTAL	$ 4,226,400
FROM:	
General Fund	$ 4,226,400
GRAND TOTAL	$24,478,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Division of Vocational Rehabilitation is authorized no more than one hundred fifty (150) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 Division of Vocational Rehabilitation is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 7, 2006.

CHAPTER 386
(S.B. No. 1459)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL FUND TO THE IDAHO STATE INDEPENDENT LIVING COUNCIL FUND FOR THE STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2007; AND APPROPRIATING MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE IDAHO STATE INDEPENDENT LIVING COUNCIL FUND FOR FISCAL YEAR 2007.

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

SECTION 1. There is hereby appropriated $115,000 from the General Fund to be deposited in the State Independent Living Council Fund for the period July 1, 2006, through June 30, 2007.

SECTION 2. There is hereby appropriated $1,500 from the Economic Recovery Reserve Fund to be deposited in the State Independent Living Council Fund for the period July 1, 2006, through June 30, 2007.

Approved April 7, 2006.

CHAPTER 387
(S.B. No. 1460)

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 2007; AND PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED MONEYS SHALL BE REVERTED.

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 $1,271,900 for the period July 1, 2006, through June 30, 2007:

(a) $30,000 for the Caldwell School District for the GRASP Program, an after-school program that works with highly at-risk youth referred by probation officers, judges, counselors, and parents to deliver classes in building self-esteem and tobacco awareness, and taking part in community service, random urinalysis, counseling, educational tutorial and parental communication.

(b) $500,000 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.

(c) $77,900 for the American Lung Association of Idaho/Washington for Teens Against Tobacco Use (T.A.T.U.) tobacco control intervention program to reach Idaho primary and secondary school students.

(d) $300,000 for the Bureau of Health Promotion 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.

(e) $270,000 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.

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

SECTION 2. Notwithstanding any other provision of law to the contrary, on June 30, 2007, 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 7, 2006.

CHAPTER 388
(S.B. No. 1461)

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 636,100	$101,900		$634,900	$1,372,900
Randolph Sheppard Fund		7,300		120,100	127,400
Rehabilitation Revenue and Refunds Fund	41,800	34,300		13,000	89,100
Adaptive Aids and Appliances Fund		47,600			47,600
Federal Grant Fund	1,458,100	427,300		166,700	2,052,100
Miscellaneous Revenue Fund		17,400		9,100	26,500
Economic Recovery Reserve Fund		23,100	$76,200		99,300
TOTAL	$2,136,000	$658,900	$76,200	$943,800	$3,814,900

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Commission for the Blind and Visually Impaired is authorized no more than forty and five-tenths (40.5) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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. The Commission for the Blind and Visually Impaired is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 7, 2006.

CHAPTER 389
(S.B. No. 1463)

AN ACT

APPROPRIATING MONEYS FOR PROFESSIONAL-TECHNICAL EDUCATION FOR FISCAL YEAR 2007; REAPPROPRIATING ANY UNEXPENDED AND UNENCUMBERED BALANCES; SETTING FORTH THE CONDITIONS FOR REAPPROPRIATION; EXPRESSING LEGISLATIVE INTENT REGARDING RESOURCE SHARING; EXPRESSING LEGISLATIVE INTENT REGARDING THE CAREER INFORMATION SYSTEM; AND DIRECTING THE USE OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. STATE LEADERSHIP AND TECHNICAL ASSISTANCE:						
FROM:						
General Fund	$1,533,800	$308,700				$ 1,842,500
Economic Recovery Reserve Fund		29,700	$34,500			64,200
Federal Grant Fund	302,200	41,200				343,400
TOTAL	$1,836,000	$379,600	$34,500			$ 2,250,100
II. GENERAL PROGRAMS:						
FROM:						
General Fund	$ 218,300	$ 38,500		$11,102,500		$11,359,300
Economic Recovery Reserve Fund		3,800	$11,300			15,100
Hazardous Materials/ Waste Enforcement Fund				68,800		68,800
Federal Grant Fund	159,200	16,200		4,905,800		5,081,200
TOTAL	$ 377,500	$ 58,500	$11,300	$16,077,100		$16,524,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
III. POSTSECONDARY PROGRAMS:						
FROM:						
General Fund					$34,467,900	$34,467,900
Economic Recovery Reserve Fund					1,536,800	1,536,800
Unrestricted Fund					464,800	464,800
TOTAL					$36,469,500	$36,469,500
IV. UNDERPREPARED ADULTS/DISPLACED HOMEMAKERS:						
FROM:						
General Fund				$ 239,100		$ 239,100
Displaced Homemaker Fund				170,000		170,000
Federal Grant Fund				2,031,500		2,031,500
TOTAL				$ 2,440,600		$ 2,440,600
V. CAREER INFORMATION SYSTEM:						
FROM:						
General Fund	$ 173,000	$ 26,300				$ 199,300
Economic Recovery Reserve Fund		3,000	$ 7,200			10,200
Miscellaneous Revenue Fund	320,000	159,700				479,700
TOTAL	$ 493,000	$189,000	$ 7,200			$ 689,200
GRAND TOTAL	$2,706,500	$627,100	$53,000	$18,517,700	$36,469,500	$58,373,800

SECTION 2. There is hereby reappropriated to the State Board for Professional-Technical Education for the Division of Professional-Technical Education, subject to the provisions of Section 3 of this act, the unexpended and unencumbered balance of any appropriation contained in Section 1, Chapter 385, Laws of 2005, to be used for nonrecurring expenditures, for the period July 1, 2006, through June 30, 2007.

SECTION 3. The reappropriation for the General Fund moneys granted in Section 2 of this act shall be subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2006, is zero, the reappropriation for the General Fund moneys in Section 2 is hereby declared to be null and void.

(2) If the unexpended and unencumbered balance in the General Fund on June 30, 2006, is greater than zero but less than the total General Fund reappropriation authority granted to all state agencies, that amount reappropriated in Section 2 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 4. The Legislature reaffirms that the Division of Professional-Technical Education and the Office of the State Board of Education each play unique and vital roles in the state's educational system. The Legislature authorizes these agencies to share administrative resources only to the extent necessary to achieve readily obtainable administrative efficiencies. The shared resources authorized in this section shall be narrowly defined as human resources, information technology, reception and the fiscal activities of accounts payable, payroll processing and financial statement preparation. Each division administrator shall retain management decision-making autonomy over their respective divisions. The employees of the Division of Professional-Technical Education shall not be considered or used as adjunct staff by the Office of the State Board of Education. Under no circumstances shall this arrangement impair the individual ability of these agencies to fulfill their individual missions. This authorization is automatically withdrawn to the extent it is found to be inconsistent with laws or regulations pertaining to the use of federal or dedicated funds. The Legislature shall review this authorization each year and reserves its prerogative to withdraw it at any time.

SECTION 5. Whereas the Idaho Career Information System is losing its federal funding on June 30, 2006, it is legislative intent that the Idaho Career Information Board work with the Division of Financial Management and the Legislative Services Office to evaluate the long-term funding status of the Career Information System. A report of alternative funding options, potential operational expense efficiencies, and related recommendations shall be provided to the Joint Finance-Appropriations Committee at its fall interim meeting.

SECTION 6. The Division of Professional-Technical Education is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 7, 2006.

CHAPTER 390
(S.B. No. 1464)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND PROVIDING LEGISLATIVE INTENT REGARDING THE SPENDING AUTHORITY RELATING TO LEASE INCREASES.

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

SECTION 1. There is hereby appropriated to the Department of Finance the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
State Regulatory Fund	$3,293,600	$1,258,700	$132,000	$4,684,300
Securities Investor Education and Training Fund	50,000			50,000
TOTAL	$3,343,600	$1,258,700	$132,000	$4,734,300

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Finance is authorized no more than fifty-one (51) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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. The Department of Finance is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

SECTION 4. It is legislative intent that if the spending authority authorized for a rental lease increase exceeds the actual costs associated with a new rental lease, the Department of Finance is directed to complete a base adjustment in their fiscal year 2008 budget request.

Approved April 7, 2006.

CHAPTER 391
(S.B. No. 1465)

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO WOMEN'S COMMISSION FOR FISCAL YEAR 2007; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.

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 Idaho Women's Commission the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund	$7,500	$12,300	$20,000	$39,800
Miscellaneous Revenue Fund		6,800		6,800
TOTAL	$7,500	$19,100	$20,000	$46,600

SECTION 2. It is the intent of the Legislature that the executive director and the commission members appointed to the Idaho Women's Commission use the funding in the trustee and benefits category as follows: in even budget fiscal years, the Idaho Women's Commission shall use a portion of the funding to cover any additional costs not covered in operating expenses for the purpose of publishing the biannual legal guide; and the remaining funding in even years and the funding in odd years shall be used for sponsoring or assisting with seminars benefitting women and families, or other programming that can be shown to benefit women.

It is also legislative intent that the funding in the trustee and benefits category is capped at $20,000 for state funds and shall not increase in future years.

SECTION 3. In accordance with Section 67-3519, Idaho Code, the Idaho Women's Commission is authorized no more than sixteen hundredths (0.16) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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.

Approved April 7, 2006.

CHAPTER 392
(S.B. No. 1466)

AN ACT

APPROPRIATING MONEYS FOR THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; CREATING THE LIQUOR WAREHOUSE REMODEL FUND; TRANSFERRING MONEYS FROM THE LIQUOR CONTROL FUND TO THE LIQUOR WAREHOUSE REMODEL FUND; DIRECTING THE ALLOCATION OF SALARY SAVINGS; 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 State Liquor Dispensary the following amounts to be expended according to the designated expense classes from the listed fund for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. DISPENSARY OPERATIONS:				
FROM:				
Liquor Control Fund	$8,441,400	$3,975,000	$ 682,700	$13,099,100
Liquor Warehouse Remodel Fund			2,000,000	2,000,000
TOTAL	$8,441,400	$3,975,000	$2,682,700	$15,099,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the State Liquor Dispensary is authorized no more than one hundred eighty (180) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 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.

SECTION 4. On or before June 30, 2006, the State Controller, at the request of the director of the State Liquor Dispensary, shall transfer $2,000,000 from the Liquor Control Fund to the Liquor Warehouse Remodel Fund.

SECTION 5. The State Liquor Dispensary is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

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 its passage and approval.

Approved April 7, 2006.

CHAPTER 393
(S.B. No. 1467)

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND PROVIDING LEGISLATIVE INTENT REGARDING THE SPENDING AUTHORITY RELATING TO LEASE INCREASES.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMPENSATION:					
FROM:					
Industrial Administration Fund	$2,533,400	$1,323,600	$144,300	$1,103,100	$ 5,104,400
Federal Grant Fund	2,700	2,400			5,100
Miscellaneous Revenue Fund		25,500			25,500
TOTAL	$2,536,100	$1,351,500	$144,300	$1,103,100	$ 5,135,000
II. REHABILITATION:					
FROM:					
Industrial Administration Fund	$2,645,800	$ 800,800	$119,500		$ 3,566,100
III. CRIME VICTIMS COMPENSATION:					
FROM:					
Crime Victims Compensation Fund	$ 566,700	$ 265,500	$ 9,000	$2,338,500	$ 3,179,700
Federal Grant Fund				845,500	845,500
TOTAL	$ 566,700	$ 265,500	$ 9,000	$3,184,000	$ 4,025,200
IV. ADJUDICATION:					
FROM:					
Industrial Administration Fund	$1,378,300	$ 596,200	$ 2,000		$ 1,976,500
GRAND TOTAL	$7,126,900	$3,014,000	$274,800	$4,287,100	$14,702,800

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Industrial Commission is authorized no more than one hundred thirty-nine and one-half (139.5) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 Industrial Commission is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

SECTION 4. It is legislative intent that if the spending authority authorized for a rental lease increase exceeds the actual costs associated with a new rental lease, the Industrial Commission is directed to complete a base adjustment in their fiscal year 2008 budget request.

Approved April 7, 2006.

CHAPTER 394
(S.B. No. 1469)

AN ACT

APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE GENERAL BOARDS FOR FISCAL YEAR 2007; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2007; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO PROVIDING AN AUTHORIZED AGENT FOR THE ATHLETIC COMMISSION; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO INTERAGENCY BILL PAYMENTS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CERTAIN BALANCES EXISTING ON JULY 1, 2006; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND DECLARING AN EMERGENCY FOR SECTION 5 OF THIS ACT.

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 general boards the following amounts to be expended for the designated program according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
COMMISSION ON HISPANIC AFFAIRS:					
FROM:					
General Fund	$ 88,000	$ 19,700			$107,700
Federal Grant Fund	47,400	89,300		$19,200	155,900
Economic Recovery Reserve Fund		1,600	$3,600		5,200
Miscellaneous Revenue Fund	48,700	39,500			88,200
TOTAL	$184,100	$150,100	$3,600	$19,200	$357,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
BOARD OF EXAMINERS:					
FROM:					
Economic Recovery Reserve Fund				$12,700	$12,700
GRAND TOTAL	$184,100	$150,100	$3,600	$31,900	$369,700

SECTION 2. 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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. BOARD OF DENTISTRY:				
FROM:				
State Regulatory Fund	$ 176,500	$ 142,000	$ 5,500	$ 324,000
II. BOARD OF MEDICINE:				
FROM:				
State Regulatory Fund	$ 692,300	$ 680,800	$21,800	$1,394,900
III. BOARD OF NURSING:				
FROM:				
State Regulatory Fund	$ 471,000	$ 352,800	$13,000	$ 836,800
IV. BOARD OF OPTOMETRY:				
FROM:				
State Regulatory Fund	$ 2,500	$ 55,600		$ 58,100
V. BOARD OF PHARMACY:				
FROM:				
State Regulatory Fund	$ 593,300	$ 231,700		$ 825,000
VI. BOARD OF VETERINARY MEDICINE:				
FROM:				
State Regulatory Fund	$ 100,900	$ 82,500	$ 4,000	$ 187,400
GRAND TOTAL	$2,036,500	$1,545,400	$44,300	$3,626,200

SECTION 3. 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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOARD OF ACCOUNTANCY:					
FROM:					
State Regulatory Fund	$ 221,100	$ 235,100			$ 456,200
II. BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS:					
FROM:					
State Regulatory Fund	$ 263,700	$ 277,200	$12,600		$ 553,500
III. BOARD OF PROFESSIONAL GEOLOGISTS:					
FROM:					
State Regulatory Fund	$ 30,000	$ 38,900			$ 68,900
IV. BUREAU OF OCCUPATIONAL LICENSES:					
FROM:					
State Regulatory Fund	$1,289,000	$1,078,000		$52,500	$2,419,500
V. CERTIFIED SHORTHAND REPORTERS BOARD:					
FROM:					
State Regulatory Fund	$ 14,400	$ 14,600			$ 29,000
VI. OUTFITTERS AND GUIDES BOARD:					
FROM:					
State Regulatory Fund	$ 302,600	$ 187,000			$ 489,600
VII. REAL ESTATE COMMISSION:					
FROM:					
State Regulatory Fund	$ 778,500	$ 574,000	$21,700		$1,374,200
GRAND TOTAL	$2,899,300	$2,404,800	$34,300	$52,500	$5,390,900

SECTION 4. 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, 2006, through June 30, 2007, for the programs specified in Sections 1, 2 and 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.

Commission on Hispanic Affairs ..... Four (4)
Board of Dentistry ..... Two and three-fourths (2.75)
Board of Medicine ..... Fourteen and one-half (14.5)
Board of Nursing ..... Nine and one-half (9.5)
Board of Optometry ..... Zero (0)
Board of Pharmacy ..... Eleven and three-fourths (11.75)
Board of Veterinary Medicine ..... Two (2)
Board of Accountancy ..... Four (4)
Board of Professional Engineers and Land Surveyors ..... Four (4)
Professional Geologists Board ..... Sixty-two hundredths (.62)

Bureau of Occupational Licenses ..... Twenty-seven (27)
Certified Shorthand Reporters Board ..... Thirty-three hundredths (.33)
Outfitters and Guides Licensing Board ..... Six (6)
Real Estate Commission ..... Fifteen (15)

SECTION 5. Notwithstanding any other provision of law to the contrary, it is legislative intent that prior to July 1, 2006, the director of the State Athletic Commission and the director of the Bureau of Occupational Licenses shall create a written agreement, effective for fiscal year 2007, pursuant to Section 67-2604, Idaho Code, for which the Bureau of Occupational Licenses shall act as the authorized agent for the State Athletic Commission.

SECTION 6. It is legislative intent that the State Athletic Commission authorize the Bureau of Occupational Licenses to use no less than thirty percent (30%) of Athletic Commission revenues accruing during the period July 1, 2006, through June 30, 2007, for the payment of Athletic Commission interagency bills due and owing.

SECTION 7. It is legislative intent that the State Athletic Commission authorize the Bureau of Occupational Licenses to use no less than fifty percent (50%) of any Athletic Commission account balance existing on July 1, 2006, for the payment of Athletic Commission interagency bills due and owing.

SECTION 8. The Department of Self-Governing Agencies is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

SECTION 9. 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 7, 2006.

CHAPTER 395
(S.B. No. 1470)

AN ACT
APPROPRIATING ADDITIONAL MONEYS TO THE IDAHO STATE POLICE FOR THE SUPPORT SERVICES PROGRAM FOR FISCAL YEAR 2007.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated $41,000 from the Miscellaneous Revenue Fund for personnel costs to the Idaho State Police for the Support Services program for the period July 1, 2006, through June 30, 2007.

Approved April 7, 2006.

CHAPTER 396
(S.B. No. 1471)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE COMMUNITY MENTAL HEALTH PROGRAM FOR FISCAL YEARS 2007 AND 2008; RECOGNIZING THE RECOMMENDATIONS OF THE MENTAL HEALTH TASK FORCE; RECOGNIZING THE RECOMMENDATIONS OF THE MENTAL HEALTH FACILITIES DEVELOPMENT PLAN; AND PROVIDING GUIDANCE TO THE DEPARTMENT OF HEALTH AND WELFARE TO COORDINATE PLANNING ON THE USE OF THE FUNDING.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated $2,000,000 from the General Fund to the Department of Health and Welfare for the Community Mental Health Program, to be deposited in the Cooperative Welfare Fund for trustee and benefit payments for the period July 1, 2006, through June 30, 2008.

SECTION 2. The Mental Health Task Force is a partnership of the Idaho Academy of Family Physicians, the Idaho College of Emergency Physicians, the Idaho Hospital Association, the Idaho Medical Association, the Idaho Psychiatric Association, the Idaho Psychological Association, the Idaho Association of Counties, the Idaho Department of Correction, the Idaho Department of Health and Welfare, the State Supreme Court, the Mountain States Group and the National Alliance for the Mentally Ill, who joined together to survey stakeholders in health care, criminal justice, and county/state government to create a prioritized list of the needs in the mental health system. These findings were presented and accepted by the Mental Health Subcommittee of the Legislative Health Care Task Force. In priority order their recommendations included: more short-term beds for children and adults with mental illness; more long-term beds for children and adults with mental illness; more outpatient services for children and adults with mental illness; focus on early intervention and prevention of mental illness for adults and children; address court and legal issues; and workforce development issues.

SECTION 3. The Department of Health and Welfare presented the Mental Health Facilities Development Plan to the Mental Health Subcommittee of the Legislative Health Care Task Force. The plan is the result of a study that was conducted to determine the future infrastructure needs necessary to support the ongoing operations of mental health programs within the State of Idaho. The primary focus of this study was to evaluate current and projected demand for community based residential beds, crisis intervention and inpatient psychiatric hospital beds. In priority order the recommendations were as follows: to improve recruitment and retention of professional staff; to develop crisis respite facilities in Regions I, III, VI, and VII; to construct a forensic facility; and to develop public-private partnerships to develop and operate new facilities.

SECTION 4. It is the intent of the Legislature that the Department of Health and Welfare shall coordinate with regional mental health boards to encourage community partners to develop and propose plans and apply for grants to develop twenty-four (24) hour emergency psychiatric services, short-term psychiatric beds, transitional housing and detoxification facilities and other mental health services as provided for in Section 39-3128, Idaho Code. All grants shall be provided on a one-time basis and consideration shall be given to those projects that exhibit community support with matching funding and a commitment to ongoing operational costs.

Approved April 7, 2006.

CHAPTER 397
(S.B. No. 1472)

AN ACT

RELATING TO LEGISLATIVE DISTRICT CENTRAL COMMITTEES; AMENDING SECTION 34-503, IDAHO CODE, TO PROVIDE THAT THE PRECINCT COMMITTEEMEN WITHIN EACH LEGISLATIVE DISTRICT SHALL MEET WITHIN THE LEGISLATIVE DISTRICT OR AT A CONVENIENT LOCATION IN A LEGISLATIVE DISTRICT CONTIGUOUS TO THE LEGISLATIVE DISTRICT, OR AT A CONVENIENT LOCATION IN A COUNTY IN WHICH ANY PORTION OF THE LEGISLATIVE DISTRICT SITS, WITHIN ELEVEN DAYS AFTER THE PRIMARY ELECTION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-503, Idaho Code, be, and the same is hereby amended to read as follows:

34-503. LEGISLATIVE DISTRICT CENTRAL COMMITTEE -- MEMBERSHIP -- OFFICERS. The legislative district central committee of each political party in each legislative district shall consist of the precinct committeemen representing the precincts within the legislative district, and the legislative district chairman elected by the precinct committeemen. The precinct committeemen within each legislative district shall meet within the legislative district or at a convenient location in a legislative district contiguous to the legislative district, or at a convenient location in a county in which any portion of the legislative district sits, within eleven (11) days after the primary election, the meeting time and place to be designated by the incumbent legislative district chairman. At this meeting the precinct committeemen shall organize by electing a chairman, vice chairman, a secretary and such other officers as they may desire, who shall hold office at the pleasure of the legislative district central committee or until their successors are elected.

Unless state party rules, adopted as provided in section 34-506, Idaho Code, provide otherwise, when a vacancy exists in the office of legislative district central committee chairman, it shall be the duty of the state central committee chairman to call a meeting of the precinct committeemen of the legislative district, and the precinct committeemen shall proceed to elect a chairman of the legislative district central committee for the balance of the unexpired term.

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 7, 2006.

CHAPTER 398
(S.B. No. 1473)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR DISTRICT COURT JUDGES AND COURT REPORTERS FOR FISCAL YEAR 2007.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated $380,600 from the General Fund to the Supreme Court for district court judges and court reporters for the period July 1, 2006, through June 30, 2007.

Approved April 7, 2006.

CHAPTER 399
(S.B. No. 1474)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR PURCHASING ADDITIONAL YEARS OF SERVICE IN THE PUBLIC EMPLOYEE RETIREMENT SYSTEM OF IDAHO FOR CERTAIN RETIRING MAGISTRATE JUDGES FOR FISCAL YEAR 2007.

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

SECTION 1. In addition to any other appropriation provide by law, there is hereby appropriated $510,000 from the Senior Magistrate Judges Fund to the Supreme Court for purchasing additional years of service in the Public Employee Retirement System of Idaho for certain retiring magistrate judges for the period July 1, 2006, through June 30, 2007.

Approved April 7, 2006.

CHAPTER 400
(S.B. No. 1475)

AN ACT

RELATING TO APPROPRIATIONS; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2007, TO COMMENCE A NORTHERN IDAHO WATER RIGHTS ADJUDICATION; AUTHORIZING THE DEPARTMENT OF WATER RESOURCES ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; APPRO-

PRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2007; PROVIDING LEGISLATIVE INTENT WITH REGARD TO THE USE OF THE MONEYS AND UNEXPENDED MONEYS; AND AMENDING SECTION 42-1777, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE WATER RESOURCES ADJUDICATION ACCOUNT, TO PROVIDE CORRECT TERMINOLOGY AND TO AUTHORIZE THE STATE CONTROLLER TO ESTABLISH MULTIPLE FUND DETAILS WITHIN THE FUND.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Water Resources, to commence a Northern Idaho Water Rights Adjudication, $1,325,000 from the General Fund for the period July 1, 2006, through June 30, 2007.

SECTION 2. In addition to any other authorization provided by law, the Department of Water Resources is authorized eleven (11) full-time equivalent positions during the period July 1, 2006, through June 30, 2007, for the purpose specified in Section 1 of this act.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Supreme Court, $10,000 from the General Fund to be used for a Northern Idaho Water Rights Adjudication for the period July 1, 2006, through June 30, 2007.

SECTION 4. It is legislative intent that all moneys appropriated in this act be used exclusively to commence a Northern Idaho Water Rights Adjudication and that all unexpended and unencumbered General Fund moneys remaining at the end of fiscal year 2007 be reverted to the General Fund.

SECTION 5. That Section 42-1777, Idaho Code, be, and the same is hereby amended to read as follows:

42-1777. WATER RESOURCES ADJUDICATION ~~ACCOUNT~~ FUND. (1) A water resource adjudication ~~account~~ fund is hereby created and established in the ~~agency asset fund~~ state treasury. The state controller may establish multiple fund details within the fund to account for fees collected from different adjudications. Fee moneys in the ~~account~~ fund are to be utilized by the department of water resources, upon appropriation by the legislature, to pay the costs of the department attributable to general water rights adjudications conducted pursuant to chapter 14, title 42, Idaho Code.

The state treasurer is directed to invest all moneys in the ~~account~~ fund. All interest or other income accruing from such investment shall accrue to the ~~account~~ appropriate fund detail.

(2) Fee moneys in the ~~account~~ fund may also be utilized by the judiciary, upon appropriation by the legislature, to pay for judicial expenses directly relating to ~~the Snake river~~ each adjudication including, but not limited to, compensation and expenses of special masters appointed by the Idaho supreme court or by the district court, compensation and expenses of clerical staff of the district court, and publication, notice and mailing costs incurred by the district court.

Approved April 7, 2006.

CHAPTER 401
(S.B. No. 1476)

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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

SECTION 1. There is hereby appropriated to the State Tax Commission in the Department of Revenue and Taxation 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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GENERAL SERVICES:				
FROM:				
General Fund	$ 3,791,600	$2,572,300		$ 6,363,900
Administration and Accounting Fund	6,400	28,200	$ 1,300	35,900
Economic Recovery Reserve Fund		67,500	638,800	706,300
Multistate Tax Compact Fund		41,700	53,100	94,800
Administration Services for Transportation Fund	400,000	381,800	199,000	980,800
Abandoned Property Trust-Unclaimed Property Fund		83,000	39,400	122,400
Seminars and Publications Fund		28,900		28,900
TOTAL	$ 4,198,000	$3,203,400	$ 931,600	$ 8,333,000
II. AUDIT AND COLLECTIONS:				
FROM:				
General Fund	$ 9,383,200	$1,566,000		$10,949,200
Multistate Tax Compact Fund	1,172,600	436,200		1,608,800
Administration and Accounting Fund	12,200	23,200		35,400
Administration Services for Transportation Fund	1,438,300	311,600		1,749,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Abandoned Property Trust-Unclaimed Property Fund	435,900	186,800		622,700
TOTAL	$12,442,200	$2,523,800		$14,966,000
III. REVENUE OPERATIONS:				
FROM:				
General Fund	$ 2,735,400	$1,347,800		$ 4,083,200
Economic Recovery Reserve Fund		282,300	$ 162,600	444,900
Multistate Tax Compact Fund		5,200	2,700	7,900
Administration and Accounting Fund	86,900	75,500	1,500	163,900
Administration Services for Transportation Fund	483,100	287,300	75,200	845,600
Seminars and Publications Fund		18,600		18,600
Abandoned Property Trust-Unclaimed Property Fund	63,600	5,200	2,700	71,500
TOTAL	$ 3,369,000	$2,021,900	$ 244,700	$ 5,635,600
IV. COUNTY SUPPORT:				
FROM:				
General Fund	$ 2,490,800	$ 528,300		$ 3,019,100
Economic Recovery Reserve Fund			$ 21,000	21,000
Seminars and Publications Fund		98,000	30,000	128,000
TOTAL	$ 2,490,800	$ 626,300	$ 51,000	$ 3,168,100
GRAND TOTAL	$22,500,000	$8,375,400	$1,227,300	$32,102,700

SECTION 2. In accordance with Section 67-3519, Idaho Code, the State Tax Commission is authorized no more than four hundred thirteen and five-tenths (413.5) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 State Tax Commission is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where

applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 7, 2006.

CHAPTER 402
(S.B. No. 1477)

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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

SECTION 1. There is hereby appropriated to the Board of Tax Appeals in the Department of Revenue and Taxation the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	$267,600	$68,800		$336,400
Economic Recovery Reserve Fund	5,000	2,400	$5,200	12,600
TOTAL	$272,600	$71,200	$5,200	$349,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Board of Tax Appeals is authorized no more than four (4) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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. The Board of Tax Appeals is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 7, 2006.

CHAPTER 403
(S.B. No. 1478)

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING FUND DEPOSITS; DIRECTING THE ALLOCATION OF SALARY SAVINGS; DIRECTING THAT THE SCHOOL ONLY OPERATE THE NECESSARY NUMBER OF COTTAGES; GRANTING AUTHORITY TO MAKE CERTAIN FUND TRANSFERS; 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 State Board of Education for 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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. CAMPUS OPERATIONS:				
FROM:				
General Fund	$4,730,400	$ 732,900		$5,463,300
Idaho School for the Deaf and the Blind Income Fund		78,700		78,700
Economic Recovery Reserve Fund		27,200	$123,400	150,600
Federal Grant Fund	36,000	82,200		118,200
Miscellaneous Revenue Fund	4,000	91,800		95,800
TOTAL	$4,770,400	$1,012,800	$123,400	$5,906,600
II. OUTREACH SERVICES:				
FROM:				
General Fund	$1,855,400	$ 201,500		$2,056,900
Economic Recovery Reserve Fund			$ 80,000	80,000
TOTAL	$1,855,400	$ 201,500	$ 80,000	$2,136,900
GRAND TOTAL	$6,625,800	$1,214,300	$203,400	$8,043,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho School for the Deaf and the Blind is authorized no more than one hundred twenty-one and fifty-two hundredths (121.52) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 313, Laws of 2005, in a contingency reserve fund created pursuant to Section 33-3409, Idaho Code.

SECTION 4. The Idaho School for the Deaf and the Blind is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

SECTION 5. 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.

SECTION 6. Notwithstanding any other provision of law to the contrary, the Idaho School for the Deaf and the Blind is hereby granted the authority to transfer funds from Campus Operations to Outreach Services, in any amount.

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 7, 2006.

CHAPTER 404
(S.B. No. 1479)

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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 State Historical Society 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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. HISTORIC PRESERVATION AND EDUCATION:					
FROM:					
General Fund	$1,297,300	$ 694,000		$ 51,600	$2,042,900
Federal Grant Fund	803,700	146,600		69,500	1,019,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Economic Recovery Reserve Fund		8,500	$164,800		173,300
Miscellaneous Revenue Fund	123,300	338,300		54,600	516,200
TOTAL	$2,224,300	$1,187,400	$164,800	$175,700	$3,752,200
II. HISTORIC SITE MAINTENANCE AND INTERPRETATION:					
FROM:					
General Fund	$ 163,900	$ 139,300			$ 303,200
Economic Recovery Reserve Fund		5,000	$115,000		120,000
Miscellaneous Revenue Fund	166,300	129,900			296,200
TOTAL	$ 330,200	$ 274,200	$115,000		$ 719,400
GRAND TOTAL	$2,554,500	$1,461,600	$279,800	$175,700	$4,471,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho State Historical Society is authorized no more than forty-six and thirty-six hundredths (46.36) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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 State Historical Society is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 7, 2006.

CHAPTER 405
(S.B. No. 1481)

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	$ 866,500	$769,700		$1,636,200
Economic Recovery Reserve Fund			$1,590,000	1,590,000
Miscellaneous Revenue Fund	828,800	10,000		838,800
TOTAL	$1,695,300	$779,700	$1,590,000	$4,065,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho Educational Public Broadcasting System is authorized no more than thirty-three (33) full-time equivalent positions to be funded by the appropriation in Section 1 of this act, at any point during the period July 1, 2006, through June 30, 2007, 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 Educational Public Broadcasting System is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 7, 2006.

CHAPTER 406
(S.B. No. 1490)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2007.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated to the State Controller the following amount to be expended for the designated program according to the designated expense class from the listed fund for the period July 1, 2006, through June 30, 2007:

STATEWIDE PAYROLL:
FOR:
Operating Expenditures $120,000
FROM:
General Fund $120,000

Approved April 7, 2006.

CHAPTER 407
(H.B. No. 833)

AN ACT

RELATING TO SUBSTANCE ABUSE; AMENDING SECTION 39-302, IDAHO CODE, TO DEFINE TERMS, TO REVISE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 39-303, IDAHO CODE, RELATING TO THE DESIGNATION OF A STATE SUBSTANCE ABUSE AUTHORITY; AMENDING CHAPTER 3, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-303, IDAHO CODE, TO CREATE THE INTERAGENCY COMMITTEE ON SUBSTANCE ABUSE PREVENTION AND TREATMENT, TO STATE THE PURPOSE OF THE INTERAGENCY COMMITTEE, TO PROVIDE FOR INTERAGENCY COMMITTEE MEMBERSHIP, TO PROVIDE FOR TRAVEL AND EXPENSE REIMBURSEMENT, TO PROVIDE FOR INTERAGENCY COMMITTEE DUTIES, TO PROVIDE FOR INFORMATION REPORTING AND DISTRIBUTION REQUIREMENTS AND PROCEDURES, TO PROVIDE FOR MEETING REQUIREMENTS AND PROCEDURES AND TO PROVIDE FOR SHARING OF INTERAGENCY COMMITTEE ADMINISTRATIVE COSTS; AMENDING SECTION 39-303A, IDAHO CODE, TO ESTABLISH REGIONAL ADVISORY COMMITTEES THAT ADDRESS SUBSTANCE ABUSE, TO PROVIDE FOR APPOINTMENT TO THE REGIONAL ADVISORY COMMITTEES, TO REMOVE A PROVISION REGARDING INFORMATION TO BE PROVIDED TO A COMMISSION ON ALCOHOL AND DRUG ABUSE, TO PROVIDE FOR MEETINGS OF THE REGIONAL ADVISORY COMMITTEE CHAIRS, TO PROVIDE FOR THE SELECTION OF A REPRESENTATIVE TO THE INTERAGENCY COMMITTEE, TO PROVIDE FOR REPORTING REQUIREMENTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-304, IDAHO CODE, TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE IS DESIGNATED AS THE STATE SUBSTANCE ABUSE AUTHORITY AND TO PROVIDE FOR INTERAGENCY COMMITTEE ADVICE TO THE DEPARTMENT ON THE CONTENT OF THE COMPREHENSIVE PROGRAM FOR TREATMENT OF ALCOHOLICS, INTOXICATED PERSONS AND DRUG ADDICTS; PROVIDING A SUNSET PROVISION; AND PROVIDING FOR AN EVALUATION TO BE PERFORMED.

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

SECTION 1. That Section 39-302, Idaho Code, be, and the same is hereby amended to read as follows:

39-302. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:

(1) "Director" means the director of the Idaho department of health and welfare.

(2) "Department" means the Idaho department of health and welfare.

(3) "Drug addict" means a person who habitually lacks self-control with respect to the use of addictive drugs, or uses addictive drugs to

the extent that his health is substantially impaired or endangered, or his social or economic functions are substantially disrupted.

(4) "Alcoholic" means a person who habitually lacks self-control with respect to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered, or his social or economic functions are substantially disrupted.

(5) "Interagency committee" means the interagency committee on substance abuse prevention and treatment as provided for in section 39-303, Idaho Code.

(6) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of drugs or alcohol.

(~~6~~7) "Approved public treatment facility" means a treatment agency operating under this ~~act~~ chapter through a contract with the department of health and welfare pursuant to section 39-304(6), Idaho Code, and meeting the standards prescribed in section 39-305(1), Idaho Code, and approved pursuant to section 39-305(3), Idaho Code, and rules ~~and regulations~~ promulgated by the board of health and welfare pursuant to this ~~act~~ chapter.

(~~7~~8) "Approved private treatment facility" means a private agency meeting the standards prescribed in section 39-305(1), Idaho Code, and approved under the provisions of section 39-305(3), Idaho Code, and rules ~~and regulations~~ promulgated by the board of health and welfare pursuant to this ~~act~~ chapter.

(~~8~~9) "Incapacitated by alcohol or drugs" means that a person, as a result of the use of alcohol or drugs, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment.

(~~9~~10) "Incompetent person" means a person who has been adjudged incompetent by an appropriate court within this state.

(11) "Substance abuse" means the misuse or excessive use of alcohol or other drugs or substances.

(12) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and intoxicated persons and/or drug addicts.

SECTION 2. That Section 39-303, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 3, 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 39-303, Idaho Code, and to read as follows:

39-303. INTERAGENCY COMMITTEE ON SUBSTANCE ABUSE PREVENTION AND TREATMENT. (1) There is hereby created within the department of health and welfare the interagency committee on substance abuse prevention and treatment. The purpose of the interagency committee is to focus on statewide efforts to address substance abuse by assessing statewide needs, developing a statewide plan, coordinating efforts of all state entities that use public funds for efforts to address substance abuse, and advising these agencies on needs and strategies pertaining to services provided to address substance abuse.

(2) Membership of the interagency committee shall be:

(a) The director of the department of health and welfare, or the director's designee;

(b) The director of the department of correction, or the director's designee;

(c) The director of the department of juvenile corrections, or the director's designee;

(d) The superintendent of public instruction, or the superintendent's designee;

(e) The director of the Idaho state police, or the director's designee;

(f) The director of the Idaho transportation department, or the director's designee;

(g) The administrative director of the supreme court, or the director's designee;

(h) The chairperson of the state board of health and welfare, or the chair's designee;

(i) The chairperson of the board of correction, or the chair's designee;

(j) The chairperson of the board of juvenile corrections, or the chair's designee;

(k) The chairperson of the drug court and mental health court coordinating committee established under section 19-5606, Idaho Code, or the chair's designee;

(l) The chairperson of the senate health and welfare committee, or the chair's designee;

(m) The chairperson of the house of representatives health and welfare committee, or the chair's designee;

(n) The chairperson of the senate judiciary and rules committee, or the chair's designee;

(o) The chairperson of the house of representatives judiciary, rules and administration committee, or the chair's designee;

(p) The chief administrative official of each other state governmental entity that expends funds to provide services to address substance abuse, or that chief administrative official's designee;

(q) One (1) representative of the regional advisory committees as determined in section 39-303A, Idaho Code; and

(r) One (1) representative of the office of the governor as determined by the governor.

Interagency committee members shall serve without additional compensation but may be reimbursed by their respective entities for interagency committee related travel and expenses pursuant to chapter 20, title 67, Idaho Code.

(3) The duties of the interagency committee shall be to:

(a) Develop and annually update a statewide plan to address substance abuse;

(b) Exchange information on programs that address substance abuse;

(c) Identify and promote opportunities for coordination, cooperation, collaboration and elimination of service duplication among relevant state entities;

(d) Monitor programs and evaluate outcomes;

(e) Identify state needs for addressing substance abuse;

(f) Review and assess the use of funds available to address substance abuse;

(g) Promote coordinated approaches to substance abuse prevention and treatment;

(h) Research, share, discuss and promote the use of best practices; and

(i) Annually report to the legislature and governor prior to the beginning of the legislative session on the state's efforts to address substance abuse, including descriptions of:

(i) The statewide need for services to address substance abuse;

(ii) The state's capacity to meet those identified needs;

(iii) The types of substance abuse services being provided, and the groups and numbers of people served;

(iv) Which programs are effective in addressing substance abuse and which are not; and

(v) An overall evaluation of the state's efforts to address substance abuse.

(4) Each state administrative agency that expends public funds to provide services to address substance abuse shall report semiannually to the interagency committee, and shall include the following information:

(a) The amount of moneys expended on programs or services to address substance abuse;

(b) The number of individuals served or the extent of services provided, by specific type of service;

(c) The number of individuals not served and/or placed on waiting lists for services, by specific type of service;

(d) The agency's overall capacity to provide specific types of services;

(e) The completion, dropout and relapse rates for treatment programs, and the relevant indicators for other services and programs;

(f) The average length of stay for individuals in each type of treatment program, or the average duration of other services and programs.

The interagency committee shall establish procedures for collecting and compiling the information required for these reports and the distribution of the compiled information to all interagency committee members, the legislature and the governor.

(5) The interagency committee shall meet within three (3) months of the effective date of this act. The director of the department of health and welfare shall coordinate the scheduling of the initial meeting. At its initial meeting the interagency committee shall elect a chairperson from among its members, who shall serve a one (1) year term. A chairperson of the interagency committee shall be elected at each subsequent annual meeting. No interagency committee chairperson shall serve consecutive terms as chairperson and no single state agency or entity shall be represented in consecutive terms through the chair. Following the initial meeting, the interagency committee shall meet at least once each calendar quarter, or more frequently at the call of the chairperson. Public notice of each interagency committee meeting shall be given two (2) weeks in advance thereof. Any interagency committee member may submit agenda items to be discussed at the interagency committee meetings.

(6) Each state administrative agency or entity with representation on the interagency committee shall share in providing the administrative support required by the interagency committee. The allocation of administrative support among the state administrative agencies represented on

the interagency committee shall be collectively determined by the chief administrative officer of each such agency and reassessed at least annually.

SECTION 4. That Section 39-303A, Idaho Code, be, and the same is hereby amended to read as follows:

39-303A. REGIONAL ADVISORY COMMITTEES. (1) Regional advisory committees are that address substance abuse issues shall be established by the department of health and welfare. The regional advisory committees shall be composed of regional directors of the department or their designees, regional substance abuse program staff~~, a member of the commission on alcohol-drug abuse,~~ and representatives of other appropriate public and private agencies. Members shall be appointed by the respective regional directors for terms determined by the regional director. The committees shall meet at least quarterly at the call of the chair, who shall also be appointed by the regional director. The committees shall provide for the coordination of, and exchange of information on, all programs relating to alcoholism and drug addiction, and shall act as liaison among the departments engaged in activities affecting alcoholics and intoxicated persons. ~~The regional advisory committees shall provide to the commission on alcohol-drug abuse information pertaining to local substance abuse program needs and other information as it pertains to the treatment and prevention of alcoholism and other drug addiction.~~

(2) The chairpersons of each regional advisory committee shall collectively meet at least annually and elect one (1) of its members to serve as the regional advisory committees' representative on the interagency committee. Each regional advisory committee shall provide to the regional advisory committees' representative, before each regular meeting of the interagency committee, a report addressing local substance abuse program needs and other information as it pertains to the treatment and prevention of alcoholism and other drug addiction or as required by the chairperson of the interagency committee. The regional advisory committees' representative shall be responsible for communicating information from these reports at each regular meeting of the interagency committee.

SECTION 5. That Section 39-304, Idaho Code, be, and the same is hereby amended to read as follows:

39-304. COMPREHENSIVE PROGRAM FOR TREATMENT. The Idaho department of health and welfare is hereby designated as the state substance abuse authority.

(1) The department shall establish a comprehensive and coordinated program for the treatment of alcoholics, intoxicated persons and drug addicts. The interagency committee shall advise the department in the establishment and in the content of this program.

(2) The program shall include:

(a) Emergency detoxification treatment and medical treatment directly related thereto provided by a facility affiliated with or part of the medical service of a general hospital;

(b) Inpatient treatment;

(c) Intermediate treatment;

(d) Outpatient and follow-up treatment; and

(e) Community detoxification provided by an approved facility.

(3) The department shall provide for adequate and appropriate treatment for persons admitted pursuant to section 39-307, Idaho Code. Treatment shall not be provided at a correctional institution except for inmates.

(4) The department shall maintain, supervise, and control all facilities operated by it. The administrator of each such facility shall make an annual report of its activities to the director in the form and manner the director specifies.

(5) All appropriate public and private resources shall be coordinated with and utilized in the program whenever possible.

(6) The department shall prepare, publish and distribute annually a list of all approved public and private treatment facilities.

(7) The department may contract for the use of any facility as an approved public treatment facility if the director considers this to be an effective and economical course to follow.

(8) The program shall include an individualized treatment plan prepared and maintained for each client.

SECTION 6. The provisions of Section 3 of this act shall be null, void and of no force and effect on and after July 1, 2011; provided however, the Joint Legislative Oversight Committee shall perform an evaluation of the interagency committee's activities and continued relevance on or before January 1, 2011.

Approved April 10, 2006.

CHAPTER 408
(S.B. No. 1425, As Amended in the House)

AN ACT

RELATING TO THE SEXUAL OFFENDER REGISTRATION NOTIFICATION AND COMMUNITY RIGHT-TO-KNOW ACT; AMENDING SECTION 18-8304, IDAHO CODE, TO EXEMPT FROM REPORTING REQUIREMENTS CERTAIN DEFENDANTS CONVICTED OF STATUTORY RAPE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. 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), 18-1506 (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), 18-6101 (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).

(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 shall not apply to any such person while the person is incarcerated in a correctional institution of the department of correction, a county jail facility 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.

Approved April 10, 2006.

CHAPTER 409
(S.B. No. 1480)

AN ACT

APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT REGARDING RESOURCE SHARING; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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 according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
OFFICE OF THE STATE BOARD OF EDUCATION:					
FROM:					
General Fund	$1,347,200	$3,300,400	$4,000	$ 87,500	$ 4,739,100
Federal Grant Fund	376,200	5,984,000		704,400	7,064,600
Miscellaneous Revenue Fund	2,000	123,200		10,200	135,400
TOTAL	$1,725,400	$9,407,600	$4,000	$802,100	$11,939,100

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 (23) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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. The Legislature reaffirms that the Division of Professional-Technical Education and the Office of the State Board of Education each play unique and vital roles in the state's educational

system. The Legislature authorizes these agencies to share administrative resources only to the extent necessary to achieve readily obtainable administrative efficiencies. The shared resources authorized in this section shall be narrowly defined as human resources, information technology, reception and the fiscal activities of accounts payable, payroll processing and financial statement preparation. Each division administrator shall retain management decision-making autonomy over their respective divisions. The employees of the Division of Professional-Technical Education shall not be considered or used as adjunct staff by the Office of the State Board of Education. Under no circumstances shall this arrangement impair the individual ability of these agencies to fulfill their individual missions. This authorization is automatically withdrawn to the extent it is found to be inconsistent with laws or regulations pertaining to the use of federal or dedicated funds. The Legislature shall review this authorization each year and reserve its prerogative to withdraw it at any time.

SECTION 4. The Office of the State Board of Education is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 10, 2006.

CHAPTER 410
(H.B. No. 714, As Amended, As Amended in the Senate)

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF FINANCE; AMENDING SECTION 26-3105, IDAHO CODE, TO AUTHORIZE THE DIRECTOR TO PARTICIPATE IN THE ESTABLISHMENT AND IMPLEMENTATION OF A MULTISTATE AUTOMATED LICENSING SYSTEM FOR MORTGAGE BROKERS AND LENDERS AND INDIVIDUAL MORTGAGE LOAN ORIGINATORS, TO REQUIRE CRIMINAL HISTORY RECORD CHECKS AND TO EXEMPT CERTAIN INDIVIDUALS AND PERSONS FROM INFORMATION AND PARTICIPATION REQUIREMENTS.

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

SECTION 1. That Section 26-3105, Idaho Code, be, and the same is hereby amended to read as follows:

26-3105. POWERS AND DUTIES OF DIRECTOR. (1) In addition to any other duties imposed upon the director by law, the director shall:

(~~1~~a) Administer and enforce the provisions and requirements of this chapter;

(~~2~~b) Conduct investigations and issue subpoenas as necessary to determine whether a person has violated any provision of this chapter or rules promulgated under the authority of this chapter;

(~~3~~c) Conduct examinations of the books and records of licensees and conduct investigations as necessary and proper for the enforcement of the provisions of this chapter and the rules promulgated under the authority of this chapter;

(~~4~~d) Appoint a volunteer advisory board which shall consist of two (2) individuals who are mortgage lenders and two (2) individuals who are mortgage brokers;

(~~5~~e) Pursuant to chapter 52, title 67, Idaho Code, issue orders and promulgate rules that, in the opinion of the director, are necessary to execute, enforce and effectuate the purposes of this chapter;

(~~6~~f) Be authorized to set, by annual written notification to licensees, limits on the fees and charges which are set forth in subsections (1) and (2) of section 26-3113, Idaho Code;

(~~7~~g) Require that all funds collected by the department under this chapter be deposited into the finance administrative account pursuant to section 67-2702, Idaho Code; and

(~~8~~h) Review and approve forms used by licensees prior to their use as prescribed by the director.

(2) The legislature has determined that a uniform multistate administration of an automated licensing system for mortgage brokers, mortgage lenders and individual mortgage loan originators is consistent with both the public interest and the purposes of this chapter; therefore, for the sole purpose of participating in the establishment and implementation of a multistate automated licensing system for mortgage brokers, mortgage lenders and individual mortgage loan originators, the director is authorized:

(a) To modify by rule the license renewal dates set forth in section 26-3111(3) and (4), Idaho Code;

(b) To establish by rule such new requirements as are necessary for the state of Idaho to participate in a multistate automated licensing system upon the director's finding that each new requirement is consistent with both the public interest and the purposes of this chapter; and

(c) To require a background investigation of each applicant for a mortgage broker, mortgage lender or loan originator license by means of fingerprint checks by the Idaho state police and the FBI for state and national criminal history record checks, commencing at such time as Idaho joins a multistate automated licensing system for mortgage brokers, mortgage lenders and individual mortgage loan originators pursuant to this subsection (2). The information obtained thereby may be used by the director to determine the applicant's eligibility for licensing under this chapter. The fee required to perform the criminal history record check shall be borne by the license applicant. Information obtained or held by the director pursuant to this subsection (2) shall be considered confidential personal information and shall be exempt from disclosure pursuant to section 9-340C(8) and (9), Idaho Code.

(3) Nothing in subsection (2) of this section shall authorize the director to require any individual or person exempt under section 26-3103, Idaho Code, or employees or agents of any such exempt individual or person, to submit information to, or to participate in, the uniform multistate licensing system.

Approved April 10, 2006.

CHAPTER 411
(H.B. No. 723, As Amended in the Senate)

AN ACT

RELATING TO PROFESSIONS, VOCATIONS AND BUSINESSES; AMENDING CHAPTER 5, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-523, IDAHO CODE, TO RESTRICT THE USE OF CERTAIN TERMINOLOGY AND BARBER POLES; AMENDING SECTION 54-802, IDAHO CODE, TO DEFINE "HAIRCUTTING" AND "HAIRCUTTER"; AMENDING SECTION 54-805, IDAHO CODE, TO SET FORTH REQUIREMENTS FOR A HAIRCUTTER LICENSE; AMENDING SECTION 54-808, IDAHO CODE, TO SET FORTH CURRICULUM AND TRAINING REQUIREMENTS FOR HAIRCUTTING; AMENDING SECTION 54-818, IDAHO CODE, TO PROVIDE FEES FOR HAIRCUTTER PERMITS AND EXAMINATIONS; AMENDING CHAPTER 8, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-824A, IDAHO CODE, TO PROVIDE SANITATION STANDARDS; AND AMENDING CHAPTER 8, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-837, IDAHO CODE, TO REQUIRE MINIMUM HOURS OF INSTRUCTION FOR STUDENT COSMETOLOGISTS RENDERING CHEMICAL SERVICES.

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

SECTION 1. That Chapter 5, 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 54-523, Idaho Code, and to read as follows:

54-523. USE OF TERMINOLOGY LIMITED -- BARBER POLES. Only a person licensed pursuant to the provisions of this chapter may:

(1) Hold himself out to the public, solicit business or advertise as a licensed barber or as operating a licensed barbershop;

(2) Use the title or designation "barber" or "barbershop" under circumstances that would create or tend to create the impression to members of the general public that the person is a licensed barber or is operating a licensed barbershop; or

(3) Place a barber pole in a location that would create or tend to create the impression to members of the general public that a business located near the barber pole is a barbershop unless the business is a licensed cosmetological establishment that is leasing space to or employing a licensed barber. As used in this subsection (3), "barber pole" means a red and white striped vertical cylinder with a ball located on top of the cylinder or any object of a similar nature, regardless of its actual shape or coloring, that would create or tend to create the impression to members of the general public that a business located near the object is a barbershop.

SECTION 2. That Section 54-802, Idaho Code, be, and the same is hereby amended to read as follows:

54-802. DEFINITIONS. For the purpose of this chapter, the following definitions shall apply:

(1) "Cosmetology" shall constitute any one (1) or combination of the following practices when done upon the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments:

(a) Cutting, trimming, arranging, dressing, curling, waving by any method, cleansing, singeing, bleaching, coloring, or similar work upon the hair.

(b) Applying cosmetic preparations, antiseptics, tonics, lotions or creams, or massaging, cleansing, exercising, beautifying, or similar applications or work upon the scalp, face, neck, arms, hands, busts, or other parts of the body.

(c) Manicuring, pedicuring the nails, and the application of artificial nails.

(2) "Registered cosmetologist" shall mean any person licensed to practice cosmetology.

(3) "Nail technology" shall constitute any one (1) or more of the following practices when done upon the human body:

(a) Manicuring, pedicuring the nails, and the application of all forms of artificial nails.

(b) Massage of the hands and feet.

(4) "Nail technician" shall mean any licensed person whose practice of cosmetology is limited to nail technology.

(5) "Nail technology instructor" shall mean a nail technologist who is licensed to teach nail technology or any practice thereof in a school of cosmetology.

(6) "Apprentice" shall mean any person registered with the board to engage in the learning or acquiring of any or all of the practices of cosmetology in a licensed cosmetological establishment, and while so learning performs or assists in any of the practices of cosmetology.

(7) "Student" shall mean any person registered with the board to engage in the learning or acquiring of any or all of the practices of cosmetology in a licensed school of cosmetology, and while so learning performs or assists in any of the practices of cosmetology.

(8) "Instructor" shall mean a cosmetologist who is licensed to teach cosmetology or any practices thereof in a school of cosmetology, school or college of barbering, or cosmetology establishment meeting the requirements for apprenticeship training.

(9) "Student instructor" shall mean a cosmetologist who is registered with the board in a school of cosmetology to receive training to teach cosmetology.

(10) "Cosmetological establishment" shall mean any licensed place or part thereof other than a school of cosmetology wherein cosmetology is practiced.

(11) "School of cosmetology" shall mean any licensed place or part thereof wherein cosmetology is taught to students.

(12) "Board" means the Idaho board of cosmetology.

(13) "Department" means the Idaho department of self-governing agencies.

(14) "Chapter" as used in this act refers to chapter 8, title 54, Idaho Code.

(15) "Electrologist" means any person licensed to practice electrology and who is skilled in the permanent removal of unwanted hair.

(16) "Electrolysis or electrology" means the permanent removal of hair by destroying the hair producing cells of the skin and vascular system using equipment and devices approved by and registered with the United States food and drug administration.

(17) "Esthetics" shall constitute any one (1) or combination of the

following practices when done on the human body:

(a) Applying cosmetic preparations, antiseptics, tonics, lotions or creams, or massaging, cleansing, exercising, beautifying or similar applications of work to the human body.

(b) Nonpermanent hair removal by tweezing or waxing.

(18) "Esthetician" means any person licensed to practice esthetics.

(19) "Esthetics instructor" shall mean an esthetician who is licensed to teach esthetics or any practice thereof in a school of cosmetology approved to teach esthetics.

(20) "Electrologist instructor" shall mean an electrologist who is licensed to teach electrology or any practices thereof in a school of cosmetology approved to teach electrology.

(21) "Student electrologist instructor" shall mean an electrologist who is registered with the board in a school of cosmetology approved to teach electrology to receive training to teach electrology.

(22) "Makeover or glamour photography business" means any business engaged in the offering of photographic services to the general public and whose employees engage in the facial application of cosmetic products or the arranging of the hair of customers in connection with the sale, or attempted sale, of photographic services.

(23) "Retail cosmetics dealer" means a fixed retail business which offers cosmetic products for sale at retail to members of the general public and whose employees engage in the facial application of cosmetic products to customers in connection with the sale, or attempted sale, of the products without compensation from the customer other than the regular price of the merchandise.

(24) "Demonstration, competition or production" means an organized event of limited duration where cosmetology services may be performed, if sponsored by a salon, school of cosmetology or cosmetology-related organization.

(25) "Haircutting" means cutting, trimming, arranging, dressing, curling, cleansing, singeing or similar work upon the hair.

(26) "Haircutter" means any licensed person whose practice of cosmetology is limited to haircutting.

SECTION 3. That Section 54-805, Idaho Code, be, and the same is hereby amended to read as follows:

54-805. REQUIREMENTS FOR LICENSE. Except as herein otherwise provided, the following shall be considered minimum requirements for license in the respective categories, and all applicants shall be of good moral character and temperate habits:

(1) As a registered cosmetologist:

(a) Be sixteen and one-half (16 1/2) years of age.

(b) Completion of two (2) years' high school education or its equivalent.

(c) Graduation from and completion of a two thousand (2,000) hour course of instruction in a school of cosmetology, or a four thousand (4,000) hour course of instruction as an apprentice covering all phases of the practice of cosmetology.

(d) Successful passage of the examination for cosmetologist given under the direction of the board.

(2) As an instructor of cosmetology, nail technology, esthetics or electrology: twelve (12) semester college credit hours or equivalent as

approved by the board or successful completion of the examination required by board rules, and

(a) Hold a current license as a cosmetologist, nail technologist, esthetician or electrologist and satisfactory completion of a six (6) month teacher's course of instruction in a school of cosmetology, or

(b) Two (2) years' experience as a licensed cosmetologist, nail technologist, esthetician or electrologist in a registered cosmetological establishment and a three (3) month teacher's course of instruction in a school of cosmetology, or

(c) Five (5) years' experience as a licensed cosmetologist, nail technologist, esthetician or electrologist immediately preceding the application for license.

(3) As a student:

(a) Be sixteen and one-half (16 1/2) years of age.

(b) Have completed at least two (2) years of high school education or its equivalent.

(4) As an apprentice:

(a) Be sixteen and one-half (16 1/2) years of age.

(b) Have completed at least two (2) years of high school education or its equivalent.

(5) As a nail technician:

(a) Be sixteen and one-half (16 1/2) years of age.

(b) Have completed at least two (2) years of high school education or its equivalent.

(c) Have completed and graduated from at least a four hundred (400) hour course of instruction and graduated from such training in a board approved school, or an eight hundred (800) hour course of instruction as an apprentice in a specified cosmetological establishment under the direct personal supervision of a licensed cosmetology instructor, who shall have at least one (1) licensed nail technician on-site in the specified cosmetological establishment for each student being trained.

(d) Successful passage of the examination for nail technician given under the direction of the board.

(6) As an electrologist:

(a) Be sixteen and one-half (16 1/2) years of age.

(b) Have completed at least two (2) years of high school education or its equivalent.

(c) Have completed and graduated from at least an eight hundred (800) hour course of instruction and graduated from such training in a school approved by the board to teach electrology, or a one thousand six hundred (1,600) hour course of instruction as an apprentice in a specified cosmetological establishment under the direct personal supervision of a licensed electrologist instructor, who shall have at least one (1) licensed electrologist on-site in the specified cosmetological establishment as established by board rules.

(d) Successfully passed the examination for electrologist given under the direction of the board.

(7) As an esthetician:

(a) Be sixteen and one-half (16 1/2) years of age.

(b) Have completed at least two (2) years of high school education or its equivalent.

(c) Have completed and graduated from at least a six hundred (600)

hour course of instruction for such in a school approved by the board to teach esthetics or a one thousand two hundred (1,200) hour course of instruction as an apprentice in a specified cosmetological establishment under the direct personal supervision of a licensed cosmetology instructor, who shall have at least one (1) licensed esthetician on-site in the specified cosmetological establishment for each student being trained.

(d) Successfully passed the examination for esthetician given under the direction of the board.

(8) As a haircutter:

(a) Be sixteen and one-half (16 1/2) years of age.

(b) Have completed at least two (2) years of high school education or its equivalent.

(c) Have completed and graduated from at least a nine hundred (900) hour course of instruction for such in a school approved by the board to teach haircutting.

(d) Successfully passed the examination for haircutter given under the direction of the board.

SECTION 4. That Section 54-808, Idaho Code, be, and the same is hereby amended to read as follows:

54-808. REGULATIONS FOR SCHOOLS. Every domestic school of cosmetology must be licensed under the provisions of this chapter and shall meet the following standards and provisions:

(1) Employ and maintain at least one (1) licensed instructor for every twenty (20) students or fraction thereof with a student instructor not counting as a student for purposes of the student-instructor ratio;

(2) Possess sufficient apparatus and equipment for the proper and full teaching of all subjects of its curriculum;

(3) Keep a daily attendance record for each student;

(4) Maintain regular class and instruction hours, establish grades, and hold monthly examinations;

(5) Prescribe a school term for training in all phases of the practice of cosmetology;

(6) Provide applicable curriculums embracing subjects covering the scientific fundamentals for cosmetology, nail technology, esthetics, electrology, and instructors and haircutting as follows:

(a) The curriculum for cosmetology shall include hygiene, bacteriology, histology of the hair, skin, muscles, nails and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair, glands and nails, massaging and manipulating the muscles of the body, permanent waving, haircutting and arranging, dressing, coloring, bleaching and tinting of the hair, a study of electricity as applied to cosmetology, and the Idaho laws and rules governing the practice of cosmetology;

(b) The curriculum for nail technology shall include hygiene, bacteriology, histology of the hands and feet, skin, muscles, nails and nerves, structure of the hands and feet, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, glands and nails, massaging and manipulating the muscles of the hands and feet, a study of electricity as applied to nail technology, and the Idaho laws and rules governing the practice of nail technology;

(c) The curriculum for esthetics shall include hygiene, bacteriology, histology of the skin, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, glands and nails, massaging and manipulating the muscles of the body, a study of electricity as applied to cosmetology, and the Idaho laws and rules governing the practice of esthetics;

(d) The curriculum for electrology shall include hygiene, bacteriology, histology of the hair, skin, muscles, nails and nerves, structure of the body, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair, glands and nails, hypertrichosis, permanent removal of unwanted hair, a study of electricity as applied to electrology including the use and study of galvanic current, and the use and study of both automatic and manual high frequency current, and the Idaho laws and rules governing the practice of electrology;

(e) The curriculum for instructors shall include fundamentals of adult education, communication, preparation of lesson plans, practical and theoretical presentation and demonstration, use of teaching aids, measurement and evaluation, and the Idaho laws and rules governing cosmetology and electrology, in addition to teaching the acts prescribed in section 54-802, Idaho Code;

(f) The curriculum for haircutting shall include hygiene, bacteriology, histology of the hair, skin, muscles and nerves, structure of the head and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair and glands, massaging and manipulating of the muscles of the head and neck, haircutting and arranging, the study of electricity as applied to haircutting and Idaho laws and rules governing the practice of haircutting;

(7) Denote with clarity that the establishment is a school and that work is done by students. Such fact shall be made clear to the patron by signs conspicuously posted in the school and the adjoining shop, if any;

(8) All instructors must be licensed instructors in this state;

(9) Such school shall not permit any student or apprentice to receive instruction unless licensed under the provisions of this chapter;

(10) Every instructor shall devote his entire time during school or class hours to that of instructing the students and shall not apply his time to that of private or public practice;

(11) School hours for the purpose of instruction shall be offered on not less than a five (5) day week;

(12) Training received in an establishment not meeting the requirements for schools as herein set forth shall receive credit for said training as an apprentice rather than as a student, provided said training meets the requirements for apprentice training;

(13) All students, including those enrolled for instructor's training, shall be registered by the school with the board, listing the name, age, and qualifications of the student required for such training. Forms for such enrollment may be provided by the board and a register of such enrollments shall be maintained by the board. Hours of instruction shall be registered with the board as established by board rules, and a student may be permitted to transfer the credits earned at one (1) school to another school with permission of the board;

(14) Training received in electrology in a school shall not be rec-

ognized unless the school has been approved for such training by the board and the school meets and maintains the requirements to train electrologists as established by board rules;

(15) Training received in esthetics shall not be recognized unless the school has been approved for such training by the board, and the school meets and maintains the requirements to train estheticians as established by board rules;

(16) Training received in nail technology shall not be recognized unless the school has been approved for such training by the board, and the school meets and maintains the requirements to train nail technicians as established by board rules;

(17) Every school approved by the board shall deliver to the board, a bond to the state of Idaho in a form approved by the board, and renew the same annually, in the sum of twenty-five thousand dollars ($25,000) executed by a corporate surety company duly authorized to do business in this state, conditioned that such school shall continue to give its courses of instruction, in accordance with the provisions of this chapter, until it has completed all such courses for which students have enrolled, and conditioned that such school shall fully comply with all promises or representations made to enrolled students as an inducement to such students to enroll. Any student so enrolled who may be damaged by reason of the failure of such school to comply with such conditions, shall have a right of action in his or her own name, on such bonds, for such damage;

(18) Training received in haircutting shall not be recognized unless the school has been approved for such training by the board and the school meets and maintains the requirements to train haircutters as established by board rules.

SECTION 5. That Section 54-818, Idaho Code, be, and the same is hereby amended to read as follows:

54-818. FEES. The various fees to be paid by applicants for original registrations, original licenses, permits, annual renewals, fees for endorsement and examinations as required under this chapter shall be fixed by administrative rules of the board in amounts not to exceed the following:

(1) Original permits, licenses, and annual renewals thereof:

cosmetological establishment, original license	$ 50.00
cosmetological establishment, annual renewals	50.00
retail cosmetics dealer, original license	50.00
retail cosmetics dealer, annual renewals	50.00
makeover or glamour photography business, original license	50.00
makeover or glamour photography business, annual renewals	50.00
domestic school of cosmetology, original license	500.00
domestic school of cosmetology, annual renewals	150.00
registered cosmetologist, original license/annual renewals	50.00
nail technician, original license/annual renewals	50.00
apprentice, original permit (no renewal fees required)	20.00
student registration (no renewal fees required)	20.00
instructor, original license/annual renewals	50.00
student instructor permit	25.00
electrologist, original license/annual renewals	50.00
esthetician, original license/annual renewals	50.00

haircutter, original license/annual renewals	50.00
endorsement fee	100.00
temporary permit to demonstrate and teach	10.00
(2) Examination fees:	
as a registered cosmetologist	$100.00
as a nail technician	100.00
as an instructor	100.00
as an electrologist	100.00
as an esthetician	100.00
as a haircutter	100.00

Fees shall not be prorated or returnable.

SECTION 6. That Chapter 8, 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 54-824A, Idaho Code, and to read as follows:

54-824A. SANITATION. (1) Except as otherwise provided in subsection (2) of this section, all instruments used by persons licensed pursuant to this chapter shall, after cleaning and prior to use on each patron, be disinfected with a disinfecting agent registered by the U.S. environmental protection agency as hospital grade or better.

(2) Nail instruments shall be sanitized in accordance with manufacturers' standards.

(3) Every precaution shall be taken by persons licensed pursuant to this chapter to prevent the transfer of disease causing pathogens from person to person.

SECTION 7. That Chapter 8, 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 54-837, Idaho Code, and to read as follows:

54-837. MINIMUM HOURS OF INSTRUCTION FOR CERTAIN SERVICES. A student cosmetologist shall not be permitted to render any chemical service to a live human until such student has completed at least five percent (5%) of the required instruction.

Approved April 10, 2006.

CHAPTER 412

(H.B. No. 770, As Amended in the Senate, As Amended in the Senate)

AN ACT

RELATING TO PUBLIC SCHOOL FUNDING; AMENDING SECTION 33-1004, IDAHO CODE, TO PROVIDE ADDITIONAL INSTRUCTIONAL STAFF ALLOWANCE FOR CERTAIN SEPARATE SECONDARY SCHOOLS AND TO MAKE TECHNICAL CORRECTIONS.

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 15th 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 8.b., 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:

(~~1~~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

(~~2~~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.

(~~3~~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 (~~1~~i) and (~~2~~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.

Approved April 10, 2006.

CHAPTER 413
(H.B. No. 820)

AN ACT

RELATING TO RAIL SERVICE PRESERVATION; AMENDING THE HEADING FOR CHAPTER 29, TITLE 49, IDAHO CODE, TO PROVIDE THE RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM; AMENDING SECTION 49-2901, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF COMMERCE AND LABOR TO ADMINISTER THE RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM, TO CLARIFY FUNDING FOR STATE PROJECTS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING CHAPTER 29, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2902, IDAHO CODE, TO CREATE AN INTERAGENCY WORKING GROUP; AMENDING SECTION 49-2902, IDAHO CODE, TO PROVIDE FOR DUTIES OF THE INTERAGENCY WORKING GROUP, TO PROVIDE A CORRECT CODE REFERENCE AND TO REDESIGNATE THE SECTION; AMENDING SECTION 49-2903, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT OF COMMERCE AND LABOR TO ADMINISTER THE RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION REVOLVING LOAN FUND, TO PROVIDE FOR INVESTMENT OF IDLE MONEYS IN THE FUND AND TO PROVIDE FOR RETURN TO THE FUND OF INTEREST EARNED, TO REDEFINE "QUALIFIED LINES," TO PROVIDE FOR USES AND DISTRIBUTION OF MONEYS, TO PROVIDE CORRECT TERMINOLOGY AND TO REDESIGNATE THE SECTION; AND AMENDING SECTION 49-2904, IDAHO CODE, TO DIRECT THE IDAHO TRANSPORTATION DEPARTMENT TO PREPARE AND UPDATE A STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN, TO REVISE THE ELEMENTS OF THE PLAN, TO DIRECT THE IDAHO TRANSPORTATION DEPARTMENT TO PROVIDE CERTAIN INFORMATION TO THE INTERAGENCY WORKING GROUP, TO PROVIDE CORRECT TERMINOLOGY AND TO REDESIGNATE THE SECTION.

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

SECTION 1. That the Heading for Chapter 29, Title 49, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 29
~~RAIL-SERVICE-PRESERVATION~~ RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM

SECTION 2. That Section 49-2901, Idaho Code, be, and the same is hereby amended to read as follows:

49-2901. ~~RAIL-SERVICE-PRESERVATION~~ RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM. (1) The Idaho ~~rail-service preservation~~ rural economic development and integrated freight transportation program is hereby established. The Idaho ~~transportation--board~~ department of commerce and labor is designated and authorized to administer the ~~Idaho rail-service-preservation~~ rural economic development and integrated freight transportation program.

(2) State funding for ~~rail~~ rural freight transportation service ~~preservation~~ projects shall benefit the state's interest by assisting businesses and industries to develop and ~~expand~~ their operations in shipping freight and products to market. The state's interest is served by maintaining competitive transportation services for Idaho freight shippers, reducing public roadway maintenance and repair costs, increasing economic development opportunities, increasing domestic and international trade, creating and preserving jobs, and enhancing safety. State funding for projects is contingent upon appropriate private sector partnerships with state and local governments, participation and cooperation. Before recommending the spending of these dedicated state moneys on intermodal projects, the Idaho ~~transportation--board~~ department of commerce and labor shall seek federal, local and private funding and participation to the greatest extent possible. Whenever possible, the ~~board~~ department shall seek to assist a private sector solution for the implementation of this chapter.

SECTION 3. That Chapter 29, 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 49-2902, Idaho Code, and to read as follows:

49-2902. INTERAGENCY WORKING GROUP CREATED. (1) An interagency working group is hereby created to advise the department of commerce and labor on issues and policies in support of the department of commerce and labor'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 seven (7) 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; and

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

(c) 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 commerce and labor shall designate one (1) of his appointees as cochairman.

(d) 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.

(e) 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 commerce and labor shall determine and provide such amounts as are necessary for planning and operating expenses and staff assistance and support in order to administer the program, and to administer the fund established in section 49-2904, Idaho Code.

SECTION 4. That Section 49-2902, Idaho Code, be, and the same is hereby amended to read as follows:

49-290~~2~~3. DUTIES OF THE ~~BOARD~~ INTERAGENCY WORKING GROUP. (1) ~~The idaho-transportation-board-shall-monitor-the-status-of-the-state's-main-line,--short--line--and-branch-line-common-carrier-railroads-through-the state-rail-planning-process-and-various-analyses,-and-shall-seek--alternatives-to-abandonment-prior-to-the-federal-surface-transportation-board proceedings,-where-feasible.~~

~~(2)~~ The ~~board~~ interagency working group shall provide recommendations to the department of commerce and labor in order for that department to establish criteria for evaluating ~~rail~~ intermodal projects of significance to the state, and the interagency working group shall continue to monitor projects for which it provides assistance to the department of commerce and labor.

(~~3~~2) The ~~board~~ interagency working group shall provide recommendations to the department of commerce and labor in order for the department to develop criteria for prioritizing freight rail and intermodal projects that meet the minimum eligibility requirements for state ~~assistance~~ financial support from the revolving loan fund created in section 49-2904, Idaho Code. Project criteria should consider the level of local financial commitment to the project as well as the cost/benefit ratio. Railroads, shippers, intermodal commerce authorities as defined in chapter 22, title 70, Idaho Code, and others who benefit from the project should participate financially to the greatest extent practicable.

(43) The ~~board~~ interagency working group shall provide the assistance necessary for the department to ensure that the state maintains a contingent interest in any equipment, property, rail line, or facility that has outstanding grants or loans. The owner of a qualified line as defined in section 49-2904, Idaho Code, shall not use the line as collateral, remove track, bridges or associated elements for salvage, or use it in any other manner subordinating the state's interest ~~without permission--from--the-board~~ until any loan made to the owner pursuant to this chapter has been repaid in full. As the state is not a primary lender of money, it is understood the state may need to take a subordinate position for its contingent interest.

SECTION 5. That Section 49-2903, Idaho Code, be, and the same is hereby amended to read as follows:

49-29034. ~~RAIL--SERVICE-PRESERVATION~~ RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION REVOLVING LOAN FUND. (1) The ~~rail-service-preservation~~ rural economic development and integrated freight transportation revolving loan fund is hereby created in the state treasury. The ~~Idaho-transportation-board~~ department of commerce and labor is authorized to administer the ~~rail-service-preservation~~ rural economic development and integrated freight transportation revolving loan fund. Moneys in the fund shall be used only for the purposes specified in this ~~section~~ chapter. Surplus moneys in the fund 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 rural economic development and integrated freight transportation revolving loan fund.

(2) Moneys in the fund are subject to appropriation and may consist of appropriations, grants, repayment of loans and other revenues from any other sources.

(3) Moneys in the fund may be used ~~by-the-board~~ for loans or grants for qualified ~~rail-lines~~ rural projects for the development and preservation of intermodal rail and truck services and facilities upon terms and conditions to be determined by the ~~board~~ department of commerce and labor with the assistance and advice of the interagency working group as appropriate, for the purpose of:

(a) ~~Rebuilding,--r~~Rehabilitating, or improving rail lines to preserve essential local rail service;

(b) Purchasing or rehabilitating railroad equipment necessary to maintain essential rail service;

(c) Construction of loading or reloading facilities or other capital improvements including building or improving local transportation infrastructure, to increase business ~~on-light-density-lines~~ and commerce, and to improve shipping service~~,--or--mitigate--impacts--of abandonment-on-one-(1)-line-by-improving-service-on-another-line~~; or

(d) ~~Financial--assistance--to-class-III-railroads-for-the-preservation-of-light-density-lines-as-identified-by-the--Idaho--transportation--board~~ Coordinating intermodal truck and rail traffic for integrated rural freight transportation.

(4) For the purposes of this chapter, "qualified lines" means class III short lines, branch lines of class I ~~or~~ railroads leased or operated by a class III railroad, branch lines of class II railroads, and lines

owned by public entities including port districts and intermodal commerce authorities. Definition of class I, II and III railroads shall be as defined by the federal railroad administration.

(5) Moneys received by the ~~board~~ department of commerce and labor from loan payments or other revenues shall be redeposited in the ~~rail service--preservation~~ rural economic development and integrated freight transportation fund. Repayment of loans made under this chapter shall occur within a period as set by the ~~board~~ department, but no repayment which exceeds fifteen (15) years shall be allowed. The repayment schedule and rate of interest~~, if any,~~ shall be determined before the moneys are distributed.

(6) Moneys distributed under the provisions of this chapter shall be provided as loans ~~whenever practicable, except in circumstances as determined by the board~~ to qualified lines or shippers.

SECTION 6. That Section 49-2904, Idaho Code, be, and the same is hereby amended to read as follows:

49-2904~~5~~. STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN. (1) The Idaho transportation ~~board~~ department shall prepare and periodically update a state rail and intermodal facility system plan, a primary objective of which is to identify, evaluate and encourage the development and preservation of essential rail and truck intermodal services. The plan shall:

(a) Identify and describe the state's rail system;

(b) Prepare state rail system maps;

(c) Identify and evaluate mainline capacity issues in cooperation with the railroads;

(d) Identify and evaluate rail access and congestion issues;

(e) Identify and evaluate rail commodity flows and traffic types;

(f) Identify lines and corridors that have been rail banked or preserved;

(g) Identify and evaluate other rail and intermodal issues affecting the state's freight transportation system and regional and local economies;

(h) Identify and evaluate those rail freight lines that are potentially subject to abandonment in the future because of unmet capital needs or other reasons, or have recently been approved for abandonment but the track improvements are still in place;

(i) ~~Quantify the costs and benefits of maintaining rail service on those lines potentially subject to abandonment in the future; and~~

~~(j)~~ Establish priorities for determining which rail lines or intermodal commerce authorities should receive state support, and provide to the interagency working group supporting information used in establishing such priorities for use by the interagency working group in advising the department of commerce and labor. The priorities should include:

(i) T~~t~~he anticipated benefits to the state and local economy~~;~~;

(ii) Coordinated freight transportation system including the anticipated cost of road and highway improvements necessitated by the ~~abandonment of the rail line,~~ proposed project;

(iii) Establishment of an intermodal facility, if indicated;

(iv) T~~t~~he likelihood the ~~rail~~ qualified line receiving funding

can meet operating costs from freight charges, surcharges on rail traffic and other funds~~,~~; and

(v) ~~T~~the impact of abandonment or capacity constraints ~~on changes--in energy utilization and air pollution~~ if the project does not obtain state support; and

(j) Identify and describe the state's intermodal rural rail and truck freight system by:

(i) Preparing state intermodal and regional freight transfer station system maps;

(ii) Identifying and evaluating intermodal and truck and rail freight transfer capacity and coordination issues in cooperation with local government and the railroad and truck interests;

(iii) Identifying and evaluating intermodal and freight transfer access and highway capacity issues; and

(iv) Identifying and evaluating major freight commodity origins, destinations and traffic flows by mode and corridor.

(2) The Idaho transportation department shall provide information to the interagency working group for assisting and advising the department of commerce and labor to monitor the status of the state's mainline, short line and branch line common carrier railroads through the state rail planning process and various analyses. In addition, the Idaho transportation department shall submit to the interagency working group, its evaluation of alternatives to abandonment prior to federal surface transportation board proceedings, where feasible.

(~~2~~3) The state rail and intermodal facility system plan may be prepared in conjunction with any rail plan currently prepared by the Idaho transportation department pursuant to other federal rail assistance programs, or which may be enacted, including if applicable, the federal local rail freight assistance program.

Approved April 10, 2006.

CHAPTER 414
(H.B. No. 822)

AN ACT

RELATING TO SELF-FUNDED HEALTH CARE PLANS; AMENDING SECTION 41-4001, IDAHO CODE, TO REVISE THE DECLARATION OF PURPOSE; AMENDING SECTION 41-4002, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 41-4003, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO REGISTRATION REQUIREMENTS AND TO REQUIRE WRITTEN NOTICE TO CURRENT AND PROSPECTIVE EMPLOYER PARTICIPANTS; AMENDING SECTION 41-4004, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO SET FORTH PLAN REQUIREMENTS; AMENDING SECTION 41-4005, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO APPLICATIONS FOR REGISTRATION; AMENDING SECTION 41-4006, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE GRANT OR DENIAL OF REGISTRATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 41-4007, IDAHO CODE, TO REQUIRE CONTRACTS OF THE TRUST FUND TO BE IN WRITING AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 41-4009, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO INVESTMENTS OF TRUST FUNDS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-4010, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO RESERVES AND

TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-4011, IDAHO CODE, TO PROVIDE FOR EXTENSIONS OF FILING TIMES APPLICABLE TO ANNUAL STATEMENTS, TO REQUIRE THE FILING OF QUARTERLY SUPPLEMENTAL FINANCIAL REPORTS, TO MAKE A GRAMMATICAL CORRECTION AND TO REVISE TERMINOLOGY; AMENDING SECTION 41-4012, IDAHO CODE, TO EXEMPT SELF-FUNDED PLANS FROM CERTAIN PROVISIONS RELATING TO TAXES, LICENSES AND FEES, TO MAKE A GRAMMATICAL CHANGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 41-4013, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE EXAMINATION OF BOOKS, RECORDS AND ACCOUNTS; AMENDING SECTION 41-4014, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO ADMINISTRATORS AND THE ISSUANCE OF BONDS OR OTHER COVERAGE; AMENDING SECTION 41-4015, IDAHO CODE, TO REFERENCE PLANS FOR PURPOSES OF PROHIBITED PECUNIARY INTERESTS; AMENDING SECTION 41-4018, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO TERMINATION OF REGISTRATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 41-4019, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE LIQUIDATION OF A TRUST FUND; AMENDING SECTION 41-4020, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO RULES AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 41-4021, IDAHO CODE, TO PROVIDE CODE REFERENCES FOR APPLICABLE PROVISIONS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 41-4022, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO PENALTIES; AND AMENDING SECTION 41-4023, IDAHO CODE, TO PROVIDE CLARIFYING LANGUAGE, TO REFERENCE THE PLAN TRUSTEE OR EMPLOYER FOR PURPOSES OF PROHIBITING THE RESTRICTION OF SPECIFIED COVERAGE AND TO PROHIBIT SPECIFIC BENEFITS RESTRICTIONS RELATED TO THE NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT OF 1996 AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 41-4001, Idaho Code, be, and the same is hereby amended to read as follows:

41-4001. DECLARATION OF PURPOSE. (1) It is the purpose of this ~~act~~ chapter to recognize and provide reasonable public supervision of self-funded or partially self-funded plans for provision of health care service benefits to employees in connection with or as an alternative to insurance and other prepayment plans, to provide standards for financial soundness of such plans, ~~and~~ to protect the interests of employees covered thereby and to provide for financially viable alternatives to traditional health care arrangements. The legislature of the state of Idaho declares that the existence and operation of such self-funded plans are matters of legislative concern, vitally affecting the rights and interests of the citizens of this state.

(2) The provisions of this chapter shall apply to any single employer or multiple employer arrangement to fully or partially self-fund a health benefit plan for beneficiaries residing in this state to the extent that state regulation of the arrangement or plan is not preempted by the employee retirement income security act of 1974.

SECTION 2. That Section 41-4002, Idaho Code, be, and the same is hereby amended to read as follows:

41-4002. DEFINITIONS. For the purposes of this ~~act~~ chapter unless context otherwise requires:

(1) "Administrator" is a person, if other than the trustee, appointed by the plan sponsor or employed by the trustee to ~~administer~~ provide administrative services to a self-funded plan.

(2) "Beneficiary" is any individual entitled, under the self-funded plan, to payment by the trust fund of any part of all of the cost of any health care service rendered him.

(3) ~~"Director" is the director of the department of insurance of this state~~ "Claims liability" or "reserves" is the total of all incurred and unpaid claims, including incurred but not reported claims, for allowable benefits under a self-funded plan that are not reimbursed or reimbursable by stop-loss insurance provided by a carrier authorized to transact insurance in this state.

(4) "Contribution" is the amount paid or payable by the employer or employee into the trust fund.

(5) "Director" is the director of the department of insurance of this state.

(6) "Multiple employer welfare arrangement" shall have the same meaning as that given to such term by the employee retirement income security act of 1974.

(7) "Person" is any individual, corporation, association, firm, syndicate, organization, or other entity.

(8) "Plan sponsor" is any person who creates a plan for the benefit of any person.

(~~6~~9) "Self-funded plan" or "plan" is any single or multiple employer ~~welfare arrang~~ement, or any other single or multiple employer plan, other than a plan providing only benefits under title 72, Idaho Code, under which payment for ~~any disability income benefits not otherwise provided for under title 72, Idaho Code, (workmen's compensation and related laws industrial commission),~~ medical, surgical, hospital, and other services for prevention, diagnosis, or treatment of any disease, injury, or bodily condition of an employee is, or is to be, regularly provided for or promised from funds created or maintained in whole or in part by contributions or payments thereto by the employer or employers, or by the employer or employers and the employees, and not otherwise covered by insurance or contract with a health care service corporation~~, health maintenance organization,~~ or ~~similar other third party prepayment plan~~ managed care organization authorized to transact business in this state.

(10) "Single employer" is any individual, sole proprietorship, business, partnership, corporation, limited liability company, firm or any other form of legally recognized entity or a group of two (2) or more employers under "common control" as defined in section 3(40)(B)(iii) of the employee retirement system act of 1974.

(11) "Surplus" is the excess of the assets of a self-funded plan minus the liabilities of the plan, provided the liabilities of a self-funded plan shall include the claims liability of the plan.

(~~7~~12) "Trust fund" is a trust fund established ~~under~~ in conjunction with a self-funded plan for receipt of contributions of employer and employees and payment of or with respect to health care service costs of beneficiaries.

(~~8~~13) "Trustee" is the trustee, whether a single or multiple trustee, of the trust fund.

SECTION 3. That Section 41-4003, Idaho Code, be, and the same is hereby amended to read as follows:

41-4003. REGISTRATION REQUIRED -- EXEMPTIONS -- NOT SUBJECT TO INSURANCE CODE. (1) No ~~self-funded plan~~ person shall offer or operate a self-funded plan in this state except while registered with the director as hereinafter provided. ~~Self-funded plans already in operation at the effective date of this act shall so register within ninety (90) days after such effective date.~~

(2) No registration shall be required of:

(a) Any self-funded plan established for the sole purpose of funding the dollar amount of a deductible clause contained in the provisions of an insurance contract issued by an insurer duly authorized to transact disability insurance in this state if the deductible does not exceed an amount applicable to each beneficiary of two thousand dollars ($2,000) per annum and the total of all obligations to all beneficiaries insured under the plan arising out of the application of such a deductible does not exceed the aggregate amount of two hundred thousand dollars ($200,000) in any one (1) year.

(b) Any plan established and maintained for the purpose of complying with any worker's compensation law or unemployment compensation disability insurance law.

(c) Any plan administered by or for the federal government or agency thereof or any county of this state.

(d) Any plan which is primarily for the purpose of providing first aid care and treatment, at a dispensary of an employer, for injury or sickness of employees while engaged in their employment.

~~(e) Any employer's self-insured health plan or service established and maintained solely for its members and their immediate families, or to any self-insured health plan or service established, maintained, and insured jointly by any employer and any labor organization or organizations if such health plan or service has been in existence and operation for fifteen (15) years immediately preceding the effective date of this act.~~

(3) Plans while so registered shall not be deemed to be engaged in the business of insurance and shall not be subject to provisions of the Idaho insurance code except as expressly provided in this ~~act~~ chapter. A plan that operates in this state without registering under this chapter shall be deemed to be engaged in the business of insurance and any person offering or operating an unregistered plan shall be deemed to be transacting insurance without proper licensing.

(4) Any self-funded plan providing benefits to more than one (1) employer shall provide to each employer participant and to each prospective employer participant written notice that the plan is not insurance and does not participate in the state guaranty association. The notice shall also be included as part of all marketing materials used by or on behalf of the plan.

SECTION 4. That Section 41-4004, Idaho Code, be, and the same is hereby amended to read as follows:

41-4004. ~~QUALIFICATIONS FOR REGISTRATION~~ PLAN REQUIREMENTS. No self-funded plan shall register, and the director shall not register a

self-funded plan, which ~~is~~ does not ~~qualified therefor as follows~~ meet the following requirements:

(1) The plan ~~M~~must require all contributions to be paid in advance and to be deposited in and disbursed from a trust fund duly created and existing under an adequate written irrevocable trust agreement between the employer or employers and the trustee that meets the terms of this chapter.

(2) The plan ~~M~~must have, or provide for, a trustworthy and responsible trustee, and for competent administration of the trust fund and plan.

(3) The plan ~~M~~must require that ~~all such~~ employers ~~must~~ contribute to the trust fund, and that all contributions, if any, by employees shall be by regular periodic payroll deductions, except as to contributions made by an employee during his absence from such employment for such period as the plan may reasonably provide.

(4) The plan ~~M~~must provide that the administrator or trustee on behalf of the trust fund, as the case may be, shall furnish to each employee-beneficiary of the plan a written statement or schedule adequately and clearly stating all benefits currently allowable under the plan, together with all applicable restrictions, limitations, and exclusions, and the procedure for filing a claim for benefits.

(5) The plan must require that the trust fund ~~must~~ be actuarially sound; that is, assets and income of the trust fund must be adequate under reasonable estimates for payment of all benefits promised to beneficiaries by the plan. ~~In determining actuarial soundness the director shall also give due consideration to:~~

~~(a) Applicable stop loss insurance provided or to be provided the plan by an insurer duly authorized to transact disability insurance in this state;~~

~~(b) Contracts with health care service corporations or health maintenance organizations authorized to conduct such operations in this state, and covering certain of the promised benefits;~~

~~(c) Other applicable insurance or guarantys; and~~

~~(d) Plan factors or provisions for prevention or reduction of adverse selection against the plan by those otherwise eligible to become beneficiaries.~~

~~(6) Must otherwise be in compliance with this act.~~

SECTION 5. That Section 41-4005, Idaho Code, be, and the same is hereby amended to read as follows:

41-4005. APPLICATION FOR REGISTRATION -- FEE. (1) Application for registration of a self-funded plan shall be made to the director, on forms furnished and designed by him for the purpose of eliciting information as to whether the plan is qualified for registration. The application shall be signed and verified by at least one (1) of the employers and one (1) of the trustees. If the employer or trustee is a corporation, the verification shall be by a duly authorized corporate officer.

(2) The application shall be accompanied by all plan documents including:

(a) A copy of the trust agreement under which the trust fund is to exist and operate;

(b) A copy of the proposed written statement of benefits referred to in section 41-4004(~~5~~4), Idaho Code;

(c) A financial statement of the trust fund, if already in existence and operating ~~on the effective date of this act, as of a date not more than forty five (45) days prior to the date of filing the application. The statement shall be~~ at the time of application, certified by an independent certified public accountant.~~, or by an accountant whose certification is acceptable to the director~~ If the trust fund is not in existence at the time of application, a pro forma balance sheet for the start of operation of the plan and a pro forma balance sheet for the end of the first twelve (12) months of operation of the plan shall accompany the application, provided the balance sheets shall include actuarially determined claims liabilities;

(d) A written statement of reasonably projected income and disbursements of the trust fund for the twelve (12) month period commencing with date of application and showing also the amount reserved as of the end of such period for claims incurred and not paid or incurred and not reported, certified by a qualified actuary;

(e) ~~A copy of any study made of the proposed self funded plan by any consultant for the information or guidance of employer or employees; and~~ A copy of an actuarial study prepared by a qualified actuary determining adequate rates for the plan. The rates shall not be less than the sum of projected incurred claims for the year plus costs of operation, plus any prior year deficiency, less any excess surplus;

(f) If the plan is domiciled outside this state, a letter or other written evidence of good standing from the plan's regulator in the state of domicile;

(g) A copy of every contract between the plan and any administrator or service company;

(h) A copy of a stop-loss insurance agreement issued by an insurer authorized to do business in this state providing both specific and aggregate coverage in an amount as annually indicated in the actuarial opinion for the plan, provided the director may waive the requirements for aggregate stop-loss coverage if such coverage is not reasonably available or otherwise deemed appropriate;

(i) A copy of the policy, contract, certificate, summary plan description or other evidence of the benefits and coverages provided to beneficiaries, including a table of the rates charged or proposed to be charged for each form of such contract accompanied by a certification of a qualified actuary that:

(i) The rates are neither inadequate nor excessive nor unfairly discriminatory;

(ii) The rates are appropriate for the classes of risks for which they have been computed; and

(iii) An adequate description of the rating methodology has been filed with the director and the methodology follows consistent and equitable actuarial principles; and

(~~f~~j) Such other relevant documentation and information as the director may reasonably require.

(3) If the applicant is a multiple employer welfare arrangement, the application shall be signed under oath by the plan sponsor or the trustee of the plan, and the application shall also include:

(a) A copy of any articles of incorporation and bylaws of any entity acting as a plan sponsor;

(b) A list of the names, addresses and official capacities with the plan of the individuals who will be responsible for the management and conduct of the affairs of the plan, including all trustees, officers and directors. Such individuals shall fully disclose the extent and nature of any contracts or arrangements between them and the plan, including any possible conflicts of interest; and

(c) A copy of the articles of incorporation, bylaws or trust agreement that governs the operation of the plan.

(4) At the time of filing the application the applicant shall pay to the director a nonrefundable filing fee as provided for by ~~regulation~~ rule.

(~~4~~5) The director shall transmit and account for all fees received by him hereunder as provided in section 41-406, Idaho Code.

(6) For purposes of this section, a qualified actuary is an actuary having experience in establishing rates for a self-funded plan and the health services being provided, and who is also a fellow of the society of actuaries, a member of the American academy of actuaries, or an enrolled actuary under the employee retirement income security act of 1974.

SECTION 6. That Section 41-4006, Idaho Code, be, and the same is hereby amended to read as follows:

41-4006. GRANT OR DENIAL OF REGISTRATION. The director shall act upon an application for registration of a self-funded plan with all reasonable promptness, but not less than ninety (90) days from the date of submission of a complete application to the director. Failure to act within the ninety (90) day time period shall be deemed to be the registration of such self-funded plan by the director. In the event the director refuses to register the plan, the applicant shall be entitled to challenge such refusal pursuant to chapter 2, title 41, Idaho Code, and to the contested case and judicial review provisions of chapter 52, title 67, Idaho Code. He may make such investigation of the proposal as he deems advisable. If the director finds that the application is complete and that the plan meets the qualifications stated in section 41-4004, Idaho Code, he shall issue and deliver a certificate of registration in appropriate form to the applicant; otherwise, the director shall refuse to register the plan and shall give written notice of such refusal to the applicant, stating the reasons therefor.

SECTION 7. That Section 41-4007, Idaho Code, be, and the same is hereby amended to read as follows:

41-4007. TRUST FUND -- POWERS. The trust fund of a self-funded plan shall have power:

(1) To have and use an appropriate descriptive name;

(2) To sue and be sued in its own name;

(3) To contract in its own name. All such contracts shall be in writing and shall be signed by the trustee of the fund, and if there is more than one (1) trustee, the contract may be so executed by one (1) trustee if so authorized by all trustees;

(4) To borrow money and give security therefor; and

(5) To engage exclusively in transactions authorized or required by this ~~act~~ chapter, or reasonably incidental thereto.

SECTION 8. That Section 41-4009, Idaho Code, be, and the same is hereby amended to read as follows:

41-4009. INVESTMENT OF TRUST FUND. (1) The trustee may invest reserves and other funds available for the purpose in the trust fund of a self-funded plan in the following kinds of investments only:

(a) General obligations of the United States government, or of any state, district, commonwealth, or territory of the United States, or of any municipality, county, or other political subdivision or agency thereof.

(b) Obligations the payment of principal and interest of which is guaranteed by any such government or agency.

(c) Corporate bonds and similar obligations meeting the requirements specified for investment of funds of insurers under section 41-711, Idaho Code.

(d) Collateral loans payment of principal and interest of which is adequately secured by securities in which the trust fund could lawfully invest direct.

(e) Deposits, savings accounts, and share accounts in established banks and savings and loan associations located in the United States. Such investment as to any one (1) such institution ~~shall not~~ may be in excess of the amount covered by applicable deposit, savings, and share account insurance at the discretion of the director.

(f) Investments as permitted by sections 41-714 and 41-716, Idaho Code. provided the combined amount of such investments shall not exceed ten percent (10%) of the total assets of the trust fund.

(2) In addition to investments excluded under subsection (1) above of this section, the trustee is expressly prohibited from investing trust fund moneys in:

(a) Any loan to or security of any employer participating in the plan, or to or of any officer, director, subsidiary or affiliate of any such employer.

(b) The security of any person in which the trustee, administrator, or any consultant of the plan has a direct or indirect material pecuniary interest.

(c) Real estate or loans thereon.

(d) Any personal loan, other than a collateral loan referred to in subsection (1)(d) ~~above~~ of this section, but subject to ~~subdivisions~~ paragraphs (a) and (b) of this subsection (2).

(3) All such investments shall be made and held in the name of the trust fund, and the interest and yield thereon shall inure to the account of the trust fund.

(4) No investment shall be made unless authorized in writing by the trustee and so shown in the records of the trust fund.

(5) Any person who authorizes any investment of trust fund moneys in violation of this section shall, in addition to other penalty therefor, be liable for all loss suffered by the trust fund on account of the investment.

(6) No investment made in violation of this section shall constitute an "asset" in any determination of the financial condition of the trust fund.

SECTION 9. That Section 41-4010, Idaho Code, be, and the same is hereby amended to read as follows:

41-4010. RESERVES AND SURPLUS. (1) A self-funded plan shall establish and maintain in the trust fund the following reserves:

(a) A reserve in an amount as certified by a member of the American ~~A~~academy of ~~A~~actuaries as being necessary for payment of claims against the trust fund for benefits, including both claims reported and not yet paid and claims incurred but not yet reported.

(b) If under the plan periodic contributions of either the employer(s) or employees to the trust fund are payable less frequently than monthly, there shall be a reserve for unearned contributions as computed pro rata on the basis of the unexpired portion of the period for which the contribution has been paid.

(2) In any determination of the financial condition of the trust fund the claims reserve and reserve for unearned contributions shall constitute liabilities.

(3) In addition to reserves required by this section, a self-funded plan shall establish and maintain in its trust fund surplus equal to at least thirty percent (30%) of the unpaid claims liability of the plan. A newly formed plan with no prior operating history shall maintain surplus of not less than ten percent (10%) of unpaid claims liability during its first year of operation, not less than twenty percent (20%) of unpaid claims liability during its second year of operation and not less than thirty percent (30%) of unpaid claims liability at all times thereafter.

(4) Up to one-third (1/3) of the surplus required by this section may be funded by a clean, irrevocable letter of credit, in a form acceptable to the director, issued in favor of the trust fund by a federally or state chartered bank having a branch office in Idaho. Such irrevocable letter of credit cannot be guaranteed by pledge of any of the plan assets.

SECTION 10. That Section 41-4011, Idaho Code, be, and the same is hereby amended to read as follows:

41-4011. RECORDS AND ACCOUNTS -- ANNUAL STATEMENT. (1) The trustees of a self-funded plan shall cause full and accurate records and accounts to be entered and maintained covering all financial transactions and affairs of the trust fund.

(2) Within ~~sixty~~ ninety (6~~0~~90) days after close of a fiscal year of the plan, the trustee shall make an annual statement in writing summarizing the financial transactions of the trust fund for such fiscal year and its financial condition at the end of such year in accordance with this ~~act~~ chapter and generally accepted and applicable accounting principles. The statement shall otherwise be in form and require information as prescribed by the director, and the financial information therein shall be certified by the accountant by whom such information was prepared or audited. The trustee shall promptly deliver a copy of the statement to each employer participating in the plan, and keep a copy thereof on file in the business office of the plan where it shall be available at all reasonable times for a period of not less than three (3) years ~~to~~ for review by any beneficiary.

(3) On or before expiration of such ~~sixty~~ ninety (6~~0~~90) day period the trustee shall cause an original of the annual statement to be filed with the director. The ~~trust-fund~~ trustee shall pay a filing fee as provided for by ~~regulation~~ rule. The director may grant a thirty (30) day extension of the time for filing the annual statement.

(4) The trustee shall also file quarterly supplemental unaudited financial reports in a form and at the times prescribed by the director.

(5) The director shall transmit and account for all fees received by him hereunder as provided in section 41-406, Idaho Code.

SECTION 11. That Section 41-4012, Idaho Code, be, and the same is hereby amended to read as follows:

41-4012. TAXES. (1) There is hereby levied upon self-funded plans the tax provided for in this section. Each registered self-funded plan and each formerly registered plan with respect to beneficiaries in this state while so registered, shall coincidentally with the filing of its annual statement with the director pay to the director a tax computed at the rate of four cents (4¢) per month per beneficiary covered by the plan during the fiscal year of the annual statement with respect to beneficiaries working or resident in this state.

(2) The state of Idaho hereby preempts the field of ~~imposing~~ imposition of excise, privilege, franchise, income, license and similar taxes, licenses and fees upon self-funded plans and on the intangible property of their trust funds; and no county, city, municipality, district, school district, or other political subdivision or agency of Idaho shall levy upon such plans or trust funds any such tax, license or fee additional to such as are levied by the legislature of Idaho in this ~~act~~ chapter.

(3) The tax herein levied, together with the fees provided for in this ~~act~~ chapter, shall be in lieu of any and all income taxes and other excise taxes, licenses and fees payable to the state of Idaho and no self-funded plan shall be required to file any tax returns or comply with any provisions governing such income taxes and other excise taxes, licenses and fees payable to the state of Idaho.

(4) The director shall promptly remit all such tax payments received by him to the state treasurer for credit to the general fund of the state.

SECTION 12. That Section 41-4013, Idaho Code, be, and the same is hereby amended to read as follows:

41-4013. EXAMINATION OF BOOKS, RECORDS AND ACCOUNTS. (1) The books, records, accounts and affairs of a self-funded plan shall be subject to examination by the director, by competent examiners duly authorized by him in writing, at such times or intervals as the director deems advisable. The purposes of the examination shall be to determine compliance of the plan with applicable laws, financial condition and actuarial adequacy of its trust fund, treatment accorded beneficiaries, and as to other factors materially related to the plan's management and operation.

(2) The trustee shall promptly make the books, records and accounts of the plan and trust fund available in Idaho to the examiner and otherwise facilitate the examination.

(3) The examiner shall conduct the examination expeditiously, make his report of the examination in writing, and deliver a copy thereof to the trustee and the director. The trustee shall have ~~two~~ four (~~2~~4) weeks after receipt of the report within which to recommend to the director such corrections or changes therein as the trustee may deem appropriate. After making such corrections or changes, if any, as he deems proper,

the director shall file the report in his office as a document open to public inspection, and deliver to the trustee a copy of the report as so corrected or changed.

(4) At the direction of the director, the costs of the examination shall be borne by the trust fund of the plan, and shall be paid by the trustee in accordance with section 41-228, Idaho Code.

SECTION 13. That Section 41-4014, Idaho Code, be, and the same is hereby amended to read as follows:

41-4014. TRUSTEES -- ADMINISTRATORS -- BONDING. (1) Either an individual or a corporation may be a trustee of the trust fund. Either an individual, firm, or corporation may be an administrator of a plan.

(2) An employer participant in the plan shall be neither a trustee nor the administrator, but this provision shall not be deemed to prohibit an individual who is otherwise an employee of such an employer from being trustee or administrator.

(3) Any administrator that is retained by a self-funded plan must be licensed as an administrator pursuant to chapter 9, title 41, Idaho Code. The trustee shall cause ~~all individuals handling receipts and disbursements for the trust fund to be bonded at all times under~~ to be issued a fidelity bond, ~~issued by a surety insurer authorized to transact such insurance in this state. The bond shall be in favor of the trust fund and for such aggregate penalty amount, not less than twenty-five thousand dollars ($25,000), as the director may deem reasonably advisable in relation to amount of funds to be so handled. The bond shall be noncancellable except upon not less than thirty (30) days advance notice in writing to the trustee and the director. The cost of the bond shall be borne by the trust fund~~ or coverage deemed by the director to be equivalent to a fidelity bond, in the name of the self-funded plan protecting against acts of fraud and dishonesty by its trustees, directors, officers and employees responsible for servicing the plan. Such bond shall be in an amount equal to the greater of ten percent (10%) of the contributions received by the plan or ten percent (10%) of the benefits paid during the preceding calendar year. If the plan was not in operation during the preceding calendar year, the bond shall be in an amount equal to ten percent (10%) of the contributions projected to be received by the plan during its first year of operation. The amount of any bond required under this section shall be not less than twenty-five thousand dollars ($25,000) or more than five hundred thousand dollars ($500,000).

SECTION 14. That Section 41-4015, Idaho Code, be, and the same is hereby amended to read as follows:

41-4015. PROHIBITED PECUNIARY INTERESTS IN PLAN MANAGEMENT. (1) No trustee, administrator, or other person having responsibility for the management of a self-funded plan or the investment or other handling of trust funds shall:

(a) Receive directly or indirectly or be pecuniarily interested in any fee, commission, compensation, or emolument, other than salary or other similar compensation regularly fixed and allowed for services regularly rendered to the plan, arising out of any transaction to which the trust fund is or is to be a party.

(b) Receive compensation as a consultant to the plan while also acting as a trustee or administrator, or as an employee of either.

(c) Have any direct or indirect material pecuniary interest in any loan or investment of the trust fund.

(2) No consultant to the plan or trust fund shall directly or indirectly receive or be pecuniarily interested in any commission or other compensation arising out of any contract or transaction between the plan or trust fund and any insurer, health care service corporation, health maintenance organization or other provider of health care services or of drugs or other health care needs and supplies.

(3) The director may, after reasonable notice and a hearing, require removal of a trustee or prohibit the trustee from employing or retaining or continuing to employ or retain any person in the administration of the trust fund or plan upon finding that continuation of the trustee or such employment or retention involves a conflict of interest not in the best interests of the plan or adversely affecting interests of beneficiaries.

SECTION 15. That Section 41-4018, Idaho Code, be, and the same is hereby amended to read as follows:

41-4018. TERMINATION OF REGISTRATION. (1) The director shall terminate the registration of a self-funded plan upon written request of the trustee, or if he finds, after an examination, that the trust fund is insolvent. For the purposes of this section, "insolvent" means the plan is unable to pay its obligations when they are due or that its assets do not exceed its liabilities. As used in this section, "assets" means all investments held in the name of the trust as permitted by section 41-4009, Idaho Code.

(2) The director may terminate the registration of a plan for violation of this act chapter, or failure of the trustee to file the annual statement with the director and pay the tax within the time required under sections 41-4011 and 41-4012, Idaho Code, or if he finds, after an examination of the trust fund and the plan:

(a) That the plan no longer meets the qualifications required by section 41-4004, Idaho Code, and that the deficiency will not or cannot be remedied within a reasonable time;

(b) That as a matter of frequent practice the benefits promised by the plan are not being fairly and promptly paid;

(c) That the cost of administering the plan is excessive in relation to the character and volume of service being rendered in the administration; or

(d) That the trust fund has been subject to fraudulent or dishonest practices on the part of the trustee, administrator, consultant, any participating employer, or beneficiaries.

(3) The director shall so terminate the registration by his written order given to the trustee last of record and to each employer last of record a participant in the plan. The order shall state the grounds upon which made and its effective date. The order shall be subject to judicial review in the same manner as applies to official orders of the director in general.

SECTION 16. That Section 41-4019, Idaho Code, be, and the same is hereby amended to read as follows:

41-4019. LIQUIDATION OF TRUST FUND. (1) Upon termination of ~~administration~~ registration the trust fund of a self-funded plan shall be liquidated.

(2) Liquidation of a solvent self-funded plan shall be conducted by its trustee under a plan of liquidation in writing filed with the director, found by the director to be fair and equitable to all persons having a pecuniary interest in the trust fund, and approved by him. Any balance remaining after payment or adequate provision for all claims and charges against the trust fund shall be disposed of in such manner as is provided for in the plan of liquidation. Unless under the plan of liquidation, liability for all unpaid claims and obligations of the trust fund has been assumed by other financially responsible person or persons, the existence of surplus funds for such disposition shall not be determined prior to expiration of two (2) years after termination of the registration.

(3) The ~~plan of~~ liquidation of an insolvent ~~trust fund, after such plan has been approved by the director, shall be binding upon all persons pecuniarily interested in the trust fund. Pending the effectuation of the plan of liquidation of an insolvent trust fund the director may impose such prohibitions or restrictions upon disbursement or use of trust fund moneys as he deems advisable for the protection of all interested persons.~~

~~(4) If the trust fund is then insolvent and a plan of liquidation thereof satisfactory to the director as being fair and equitable is not filed with him within sixty (60) days after the effective date of termination of the plan's registration, or if liquidation of a solvent trust fund is not being~~ self-funded plan shall be carried out by the director in accordance with ~~the plan of liquidation theretofore approved by him; the director shall liquidate the trust fund under the applicable provisions of~~ chapter 33, title 41, Idaho Code (rehabilitation and liquidation), and for ~~the~~ this purpose the ~~trust fund~~ self-funded plan shall be deemed to be an insolvent domestic insurer.

SECTION 17. That Section 41-4020, Idaho Code, be, and the same is hereby amended to read as follows:

41-4020. RULES. ~~AND REGULATIONS.~~ (1) The director may make reasonable rules ~~and regulations~~ necessary for or as an aid to effectuation of any provision of this ~~act~~ chapter. No such rule ~~or regulation~~ shall extend, modify, or conflict with any provision of this ~~act~~ chapter and the reasonable implications thereof.

(2) Such rules, ~~and regulations,~~ or any amendment thereof, shall be made by the director ~~only after a public hearing thereon of which the director has given written notice not less than thirty (30) days in advance to the trustee of each plan then registered with him. If reasonably possible the director shall include with the notice a copy of the proposed rules and regulations or amendment, or a condensed summary of material proposed provisions~~ in accordance with chapter 52, title 67, Idaho Code.

SECTION 18. That Section 41-4021, Idaho Code, be, and the same is hereby amended to read as follows:

41-4021. OTHER PROVISIONS APPLICABLE. Chapter 2, title 41, Idaho Code, (the director of the department of insurance), chapter 13, title 41, Idaho Code, (trade practices and frauds), ~~and~~ sections 41-2141 and 41-2216, Idaho Code, (coordination with social security benefits), and section 41-2841, Idaho Code, (borrowed surplus), to the extent applicable and not in conflict with the express provisions of this ~~act~~ chapter, shall also apply with respect to self-funded plans, and for the purpose such plans shall be deemed to be "insurers."

SECTION 19. That Section 41-4022, Idaho Code, be, and the same is hereby amended to read as follows:

41-4022. PENALTIES. (1) Any person who ~~wilfully~~ willfully violates or causes or induces violation of any provision of this ~~act~~ chapter or any lawful rule ~~or regulation~~ of the director issued thereunder, shall be subject to an administrative penalty ~~as provided in subsection (4) of this section~~ for each violation of not more than one thousand dollars ($1,000) for an individual and not more than five thousand dollars ($5,000) for any entity.

(2) Any person who makes a false statement or representation of a material fact, knowing it to be false, or who knowingly fails to disclose a material fact in any application, examination, or statement required under this ~~act~~ chapter or by lawful rule ~~or regulation~~ of the director thereunder, shall be subject to penalty as provided in subsection (4) of this section.

(3) Any person who makes a false entry in any book, record, statement, or report required by this ~~act~~ chapter or lawful rule ~~or regulation~~ of the director thereunder to be kept by him for any self-funded plan, with intent to injure or defraud the trust fund or any beneficiary thereunder, or to deceive ~~any one~~ anyone authorized or entitled to examine the affairs of the plan, shall be subject to penalty as provided in subsection (4) of this section.

(4) For each such violation, act or omission referred to in subsections (2) and (3) of this section, unless greater penalty is provided therefor under any other applicable law, the offender shall upon conviction thereof be subject to a fine of not more than ~~one~~ fifteen thousand dollars ($15,000) and to imprisonment for not more than ~~one~~ fifteen (15) years, or to both such fine and imprisonment.

SECTION 20. That Section 41-4023, Idaho Code, be, and the same is hereby amended to read as follows:

41-4023. COVERAGE FROM MOMENT OF BIRTH -- COMPLICATIONS OF PREGNANCY. (1) Every self-funded plan issued in this state or providing coverage to any covered family residing within this state, shall contain a provision granting immediate accident and sickness coverage, from and after the moment of birth, to each newborn child or infant of any covered family covered, including a newborn child placed with the adoptive covered family within sixty (60) days of the adopted child's date of birth. Coverage under the self-funded plan for an adopted newborn child placed with the adoptive covered family more than sixty (60) days after the birth of the adopted child shall be from and after the date the child is so placed. Coverage provided in accordance with this section shall include, but not be limited to, coverage for congenital anomalies.

For the purposes of this section, "child" means an individual who has not reached eighteen (18) years of age as of the date of the adoption or placement for adoption. For the purposes of this section, "placed" shall mean physical placement in the care of the adoptive covered family, or in those circumstances in which such physical placement is prevented due to the medical needs of the child requiring placement in a medical facility, it shall mean when the adoptive covered family signs an agreement for adoption of such child and signs an agreement assuming financial responsibility for such child. Prior to legal finalization of adoption, the coverage required under the provisions of this subsection (1) as to a child placed for adoption with a covered family continues in the same manner as it would with respect to a naturally born child of the covered family until the first to occur of the following events:

(a) Date the child is removed permanently from that placement and the legal obligation terminates; or

(b) The date the covered family rescinds, in writing, the agreement of adoption or agreement assuming financial responsibility. No such plan may be issued or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn or adopted children or infants of a covered family covered from and after the moment of birth that is inconsistent with the provisions of this section.

(2) Neither the plan trustee or employer nor an insurer shall ~~not~~ restrict coverage under a self-funded plan of any dependent child adopted by a participant or beneficiary, or placed with a participant or beneficiary for adoption, solely on the basis of a preexisting condition of the child at the time the child would otherwise become eligible for coverage under the plan, if the adoption or placement for adoption occurs while the participant or beneficiary is eligible for coverage under the plan.

(3) No self-funded plan which provides maternity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state on or after January 1, 1977, if it contains any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the plan. If a fixed amount is specified in such plan for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the plan. Where the plan contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the plan. This ~~subdivision~~ subsection shall apply to all self-funded plans except any such plan made subject to an applicable collective-bargaining agreement in effect before January 1, 1977.

For purposes of this ~~subdivision~~ subsection, involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All plans subject to this ~~subdivision~~ subsection and issued, amended, delivered, or renewed in this state on or after January 1, 1977, shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

(4) From and after January 1, 1998, no self-funded plan that provides maternity benefits shall restrict benefits for any hospital length of stay in connection with childbirth for the mother or newborn child in a manner that would be in conflict with the newborns' and mothers' health protection act of 1996.

Approved April 10, 2006.

CHAPTER 415
(H.B. No. 825)

AN ACT

RELATING TO JOINT PUBLIC AGENCY SELF-FUNDED HEALTH CARE PLANS; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 41, TITLE 41, IDAHO CODE, TO SET FORTH A DECLARATION OF PURPOSE, TO DEFINE TERMS, TO REQUIRE REGISTRATION, TO SET FORTH EXEMPTIONS, TO PROVIDE QUALIFICATIONS FOR REGISTRATION, TO PROVIDE FOR APPLICATION FOR REGISTRATION, TO PROVIDE FOR GRANTS OR DENIALS OF APPLICATIONS, TO PROVIDE FOR TRUST FUND POWERS, TO PROVIDE FOR TRUST FUND LIABILITY, TO PROVIDE FOR INVESTMENT OF TRUST FUND MONEYS, TO REQUIRE RESERVES, TO PROVIDE FOR RECORDS, ACCOUNTS AND ANNUAL STATEMENTS, TO EXEMPT PLANS FROM TAXES, TO PROVIDE FOR EXAMINATION OF BOOKS, RECORDS AND ACCOUNTS, TO PROVIDE FOR A BOARD OF TRUSTEES AND ADMINISTRATORS, TO PROHIBIT CERTAIN PECUNIARY INTERESTS IN PLAN MANAGEMENT, TO PROHIBIT POLITICAL CONTRIBUTIONS, TO PROVIDE FOR RECOVERY OF DEPLETED FUNDS, TO PROVIDE FOR TERMINATION OF REGISTRATION, TO PROVIDE FOR THE LIQUIDATION OF A TRUST FUND, TO AUTHORIZE RULES, TO PROVIDE FOR THE APPLICABILITY OF OTHER PROVISIONS, TO SET FORTH PENALTIES, TO SET FORTH MANDATED COVERAGE PROVISIONS RELATING TO CHILDREN AND PREGNANCY, TO PROVIDE FOR SERVICES PROVIDED BY GOVERNMENTAL ENTITIES AND TO REQUIRE MAMMOGRAPHY COVERAGE.

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

SECTION 1. That Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 41, Title 41, Idaho Code, and to read as follows:

CHAPTER 41
JOINT PUBLIC AGENCY SELF-FUNDED HEALTH CARE PLANS

41-4101. DECLARATION OF PURPOSE. It is the purpose of this chapter to recognize and provide reasonable public supervision of self-funded plans established by public agencies pursuant to a joint powers agreement in accordance with chapter 23, title 67, Idaho Code, for provision of health care service benefits to employees of public agencies in connection with or as an alternative to insurance and other prepayment plans.

41-4102. DEFINITIONS. As used in this chapter:

(1) "Administrator" means a person, other than a board member, employed by the board to administer a joint public agency self-funded plan.

(2) "Beneficiary" means any individual entitled, under the joint public agency self-funded plan, to payment by the trust fund of any part of all of the cost of any health care service rendered to him.

(3) "Board of trustees" or "board" is the board of trustees of the trust fund.

(4) "Contribution" means the amount paid or payable by the employer or employee into the trust fund.

(5) "Director" means the director of the department of insurance of this state.

(6) "Joint powers agreement" means an agreement entered into between public agencies pursuant to chapter 23, title 67, Idaho Code.

(7) "Joint public agency self-funded plan" or "self-funded plan" or "plan" means any public agency plan established by a joint powers agreement and under which payment for any disability benefits not otherwise provided for under title 72, Idaho Code (worker's compensation and related laws -- industrial commission), medical, surgical, hospital, and other services for prevention, diagnosis, or treatment of any disease, injury, or bodily condition of an employee is, or is to be, regularly provided for or promised from funds created or maintained in whole or in part by contributions or payments thereto by a public agency employer, or by a public agency employer and the employees of the public agency, and not otherwise covered by insurance or contract with a health care service corporation, health maintenance organization, or similar other third party prepayment plan.

(8) "Person" means any individual, corporation, association, firm, syndicate, organization or other entity.

(9) "Public agency" means any city, county or political subdivision of this state, including, but not limited to: counties; school districts; highway districts; port authorities; instrumentalities of counties, county hospitals, cities or any political subdivision created under the laws of the state of Idaho; and the state of Idaho and any agency of the state government. "Public agency" also means any group of more than one (1) of the above public agencies acting together pursuant to a joint powers agreement in accordance with chapter 23, title 67, Idaho Code.

(10) "Trust fund" means a fund established under a joint public agency self-funded plan for receipt of contributions of employers and employees and payment of or with respect to health care service costs of beneficiaries.

41-4103. REGISTRATION REQUIRED -- EXEMPTIONS -- NOT SUBJECT TO INSURANCE CODE. (1) No joint public agency self-funded plan shall operate in this state except while registered with the director as hereinafter provided. Joint public agency self-funded plans already in operation as of July 1, 2006, shall so register within ninety (90) days of the effective date of this act.

(2) No registration shall be required of:

(a) Any plan established and maintained for the purpose of complying with any worker's compensation law or unemployment compensation disability insurance law; or

(b) Any plan that is primarily for the purpose of providing first aid care and treatment, at a dispensary of an employer, for injury or sickness of employees while engaged in their employment.

(3) Plans while so registered shall not be deemed to be engaged in the business of insurance and shall not be subject to provisions of the Idaho insurance code except as expressly provided in this chapter.

(4) The plan shall provide to each employer participant and to each prospective employer participant a written notice stating that the plan is not insurance and does not participate in the state guaranty association.

41-4104. QUALIFICATIONS FOR REGISTRATION. No joint public agency self-funded plan shall register, and the director shall not register a joint public agency self-funded plan, which is not qualified as provided in this section.

(1) The joint powers agreement must require all contributions to be paid in advance and to be deposited in and disbursed from a trust fund duly created and existing under an adequate written irrevocable trust agreement between the employer or employers and the board.

(2) The plan must:

(a) Have, or provide for, a board of trustees in accordance with this chapter for the administration of the plan;

(b) Require that all members of the joint powers agreement comply with the provisions of the joint powers agreement;

(c) Provide that the administrator or board on behalf of the plan, as the case may be, shall furnish to each employee-beneficiary of the plan a written statement or schedule adequately and clearly stating all benefits currently allowable under the plan, together with all applicable restrictions, limitations, and exclusions, and the procedure for filing a claim for benefits; and

(d) Otherwise be in compliance with the provisions of this chapter.

(3) The allocated trust fund must be actuarially sound; that is, assets and income of the fund must be adequate under reasonable estimates for payment of all benefits promised to beneficiaries by the plan. In determining actuarial soundness the director shall also give due consideration to:

(a) Applicable stop-loss insurance provided or to be provided the plan by an insurer duly authorized to transact disability insurance in this state;

(b) Contracts with health care service corporations or health maintenance organizations authorized to conduct such operations in this state and covering certain of the promised benefits;

(c) Other applicable insurance or guarantys; and

(d) The nature of the participating entities and other plan factors or provisions for prevention or reduction of adverse selection against the plan by those otherwise eligible to become beneficiaries.

(4) The plan shall maintain aggregate stop-loss coverage and specific stop-loss coverage provided by an insurance company authorized to transact insurance in this state in accordance with the annual actuarial opinion of the plan.

41-4105. APPLICATION FOR REGISTRATION. (1) Application for registration of a joint public agency self-funded plan for public agencies shall be made to the director, on forms furnished and designed by him. The application shall be signed and verified by at least two (2) of the board members.

(2) The application shall be accompanied by:

(a) A copy of the joint powers agreement under which the joint public agency self-funded plan will exist and operate;

(b) A copy of the proposed written statement of benefits referred to in section 41-4104(2), Idaho Code;

(c) A financial statement of the trust fund, if already in existence and operating on July 1, 2006. The statement shall be certified by an independent certified public accountant according to generally accepted accounting principles;

(d) If not already in existence, a written statement of reasonably projected income and disbursements of the trust fund for the twelve (12) month period commencing with date of application and showing also the amount projected as of the end of such period for claims incurred and not paid and incurred and not reported as certified by an actuary having experience in establishing rates for a self-funded plan and the health services being provided, and who is also a fellow of the society of actuaries, a member of the American academy of actuaries, or an enrolled actuary under the employment retirement income security act of 1974;

(e) If not already in existence, a copy of a business plan;

(f) A copy of an actuarial study determining adequate rates for the plan. The rates shall not be less than the sum of projected incurred claims for the year plus costs of operation plus a reasonable portion of any prior year deficiency less any excess surplus; and

(g) Such other relevant documentation and information as the director may reasonably require considering that these entities are public agency plans and not private insurance companies.

(3) At the time of filing the application the applicant shall pay to the director a nonrefundable filing fee as provided for by rule.

(4) The director shall transmit and account for all fees received by him hereunder as provided in section 41-406, Idaho Code.

41-4106. GRANT OR DENIAL OF APPLICATION. The director shall act upon an application for registration of a joint public agency self-funded plan with all reasonable promptness. He may make a reasonable investigation of the proposal from the public agency. If the director finds that the application is complete and that the plan meets the qualifications stated in section 41-4104, Idaho Code, he shall issue and deliver a certificate of registration in appropriate form to the applicant; otherwise, the director shall refuse to register the plan and shall give written notice of such refusal to the applicant, stating the reasons therefor.

41-4107. TRUST FUND -- POWERS. In addition to the inherent applicable powers of its public agency members and those of a joint powers entity, the trust fund of a joint public agency self-funded plan shall have power:

(1) To have and use an appropriate descriptive name;

(2) To sue and be sued in its own name;

(3) To contract in its own name. All such contracts in writing shall be signed by the chairman of the board or his or her designee;

(4) To borrow money and give security therefor; and

(5) To engage exclusively in transactions authorized or required by this chapter, or reasonably incidental thereto.

41-4108. TRUST FUND LIABILITY. (1) The trust fund of a joint public agency self-funded plan shall be legally liable for payment of all applicable benefits stated in the statement or schedule of benefits in effect at the time a claim thereunder arises and subject to the terms of the joint powers agreement.

(2) Funds in the trust fund are fiduciary funds, and are not liable for any obligation of any employer participant in the plan, nor subject to garnishment or levy for the obligation of the beneficiary. This subsection (2) shall not be deemed to prohibit levy upon the trust fund by any provider thereof, or its assignee, for health care services rendered a beneficiary if the trust fund has theretofore agreed in writing to pay for the same direct to such provider.

41-4109. INVESTMENT OF TRUST FUND. (1) The board may invest reserves and other funds available for the purpose in the trust fund of a joint public agency self-funded plan in the following kinds of investments only:

(a) General obligations of the United States government, or of any state, district, commonwealth or territory of the United States, or of any municipality, county, or other political subdivision or agency thereof.

(b) Obligations, the payment of principal and interest of which is guaranteed by any such government or agency.

(c) Corporate bonds and similar obligations meeting the requirements specified for investment of funds of insurers under section 41-711, Idaho Code.

(d) Collateral loans, payment of principal and interest of which is adequately secured by securities in which the trust fund could lawfully invest directly.

(e) Deposits, savings accounts, and share accounts in established banks and savings and loan associations located in the United States.

(2) In addition to investments excluded under subsection (1) of this section, the board is expressly prohibited from investing trust fund moneys in:

(a) Any loan to or security of any employer participating in the plan, or to or of any officer, director, subsidiary or affiliate of any such employer.

(b) The security of any person in which a member of the board, administrator, or any consultant of the plan has a direct or indirect material pecuniary interest.

(c) Real estate or loans thereon.

(d) Any personal loan, other than a collateral loan referred to in subsection (1)(d) of this section, but subject to paragraphs (a) and (b) of this subsection (2).

(3) All such investments shall be made and held in the name of the trust fund, and the interest and yield thereon shall inure to the account of the trust fund.

(4) No investment shall be made unless authorized in writing by the board and so shown in the records of the trust fund.

(5) Any person who authorizes any investment of trust fund moneys in violation of this section shall, in addition to other penalty therefor, be liable for all loss suffered by the trust fund on account of the investment.

(6) No investment made in violation of this section shall constitute an "asset" in any determination of the financial condition of the trust fund.

41-4110. RESERVES. (1) A joint public agency self-funded plan shall establish and maintain in its trust fund the following reserves:

(a) A reserve in an amount as certified by a member of the American academy of actuaries as being necessary for payment of claims against the trust fund for benefits, including both claims reported and not yet paid and claims incurred but not yet reported. Any joint public agency self-funded plan in existence as of July 1, 2006, shall also have three (3) years from the effective date of this act to fund the applicable reserves.

(b) If under the plan periodic contributions of either the employer or employees to the trust fund are payable less frequently than monthly, there shall be a reserve for unearned contributions as computed pro rata on the basis of the unexpired portion of the period for which the contribution has been paid.

(2) In any determination of the financial condition of the trust fund the claims reserve and reserve for unearned contributions shall constitute liabilities.

41-4111. RECORDS AND ACCOUNTS -- ANNUAL STATEMENT. (1) The board of a joint public agency self-funded plan shall cause full and accurate records and accounts to be entered and maintained covering all financial transactions and affairs of the trust fund.

(2) Within ninety (90) days after the close of a fiscal year of the plan, the board shall make an annual statement in writing summarizing the financial transactions of the trust fund for such fiscal year and its financial condition at the end of such year in accordance with this chapter and generally accepted and applicable accounting principles. The statement shall be in the form as prescribed by the director and the financial information therein shall be certified by an independent public accountant by whom such information was prepared. The board shall keep a copy thereof on file in the business office of the plan where it shall be available at all reasonable times for a period of not less than three (3) years for review by any beneficiary and shall deliver a copy of a financial summary to each participating employer.

(3) On or before expiration of such ninety (90) day period the board shall cause an original of the annual statement to be filed with the director. The joint public agency self-funded plan shall not be subject to any filing fees provided for by rule. The director may grant a thirty (30) day extension of the time for filing the annual statement.

(4) The board shall also file quarterly supplemental financial reports in a form and at the times prescribed by the director.

(5) The annual and quarterly reports required under this section shall be public records.

41-4112. TAXES -- EXEMPTION. Any plan established under this chapter is not subject to any state tax, including a premium or maintenance tax.

41-4113. EXAMINATION OF BOOKS, RECORDS AND ACCOUNTS. (1) The books, records, accounts and affairs of a joint public agency self-funded plan shall be subject to examination by the director, by competent examiners duly authorized by him in writing, at such times or intervals as the director deems advisable. The purposes of the examination shall be to determine compliance of the plan with applicable laws, financial condition and actuarial adequacy of its trust fund, treatment accorded beneficiaries, and as to other factors materially related to the plan's management and operation.

(2) The board shall promptly make the books, records and accounts of the plan and trust fund available in Idaho to the examiner and otherwise facilitate the examination.

(3) The examiner shall conduct the examination expeditiously, make his report of the examination in writing, and deliver a copy thereof to the board and to the director. The board shall have four (4) weeks after receipt of the report within which to recommend to the director such corrections or changes therein as the board may deem appropriate. After making such corrections or changes, if any, as he deems proper, the director shall file the report in his office as a document open to public inspection, and deliver to the board a copy of the report as so corrected or changed.

(4) Since a joint public agency self-funded plan is funded by local tax moneys, the costs of the examination shall not be borne by the plan or trust fund of the plan.

41-4114. BOARD OF TRUSTEES -- ADMINISTRATORS. (1) The trust shall be governed and managed by a board of trustees. This board shall consist of members elected by the governing boards of the member public agencies. The composition and membership of the board shall be established in the joint powers agreement between the members. The process and procedure for conducting the election and determining the members shall be set forth in the joint powers agreement establishing the plan, except that the election must be conducted, completed and results certified by December 31 of each year in which an election for members is conducted. Boards of joint public agency self-funded plans existing as of July 1, 2006, shall be deemed to be in compliance with the establishment requirements of this chapter but shall conduct future elections in accordance with the requirements of this chapter.

(2) An individual, firm or corporation may be an administrator of a plan.

(3) The board shall cause all individuals handling receipts and disbursements for the trust fund to be covered under a dishonesty insurance policy or surety bond in an amount not less than ten percent (10%) of the annual contributions to the plan or as the director may deem reasonably advisable, issued by an insurer authorized to transact such insurance in this state. This policy shall only be canceled upon giving no less than thirty (30) days' notice to the board and to the director.

The cost of the insurance shall be borne by the trust fund. The amount of any policy or bond required under this section shall be not less than twenty-five thousand dollars ($25,000) or more than five hundred thousand dollars ($500,000).

41-4115. PROHIBITED PECUNIARY INTERESTS IN PLAN MANAGEMENT. No board member, administrator or other person having responsibility for the management of a joint public agency self-funded plan or the investment or other handling of plan funds shall:

(1) Receive directly or indirectly or be pecuniarily interested in any fee, commission, compensation, or emolument, other than salary or other compensation regularly fixed and allowed for services regularly rendered to the plan, arising out of any transaction to which the trust fund is or is to be a party;

(2) Receive compensation as a consultant to the plan while also acting as a board member or administrator, or as an employee of either; or

(3) Have any direct or indirect material pecuniary interest in any loan or investment of the trust fund.

41-4116. POLITICAL CONTRIBUTIONS PROHIBITED. No board shall make or knowingly permit the making, directly or indirectly, of any political contribution by or from any joint public agency self-funded plan trust fund.

41-4117. RECOVERY OF DEPLETED FUNDS. If after notice and hearing the director finds that any joint public agency self-funded plan trust fund has been depleted by reason of any wrongful or grossly negligent act or omission of a board member or any other person, he shall transmit a copy of his findings to the attorney general of this state, who may bring an action in the name of the people of this state, or intervene in any action brought by or on behalf of an employer or beneficiary, for the recovery of the amount of such depletion, for the benefit of the trust fund.

41-4118. TERMINATION OF REGISTRATION. (1) The director may terminate the registration of a joint public agency self-funded plan upon written request of the board, or if he finds, after an examination, that the trust fund is insolvent.

(2) The director may terminate the registration of a plan for violation of this chapter, or failure of the board to file the annual statement with the director within the time required under section 41-4111, Idaho Code, or if he finds, after an examination of the trust fund or the plan:

(a) That the plan no longer meets the qualifications required by sections 41-4101 and 41-4110, Idaho Code, and that the deficiency will not or cannot be remedied within a reasonable time;

(b) That as a matter of frequent practice the benefits promised by the plan are not being fairly and promptly paid;

(c) That the cost of administering the plan is excessive in relation to the character and volume of service being rendered in the administration; or

(d) That the trust fund has been subject to fraudulent or dishonest

practices on the part of the board, administrator, consultant, any participating employer, or beneficiaries.

(3) The director shall so terminate the registration by his written order given to the board and to each employer last of record a participant in the plan. The order shall state the grounds upon which it is made and its effective date. The order shall be subject to judicial review in the same manner as applies to official orders of the director in general.

41-4119. LIQUIDATION OF TRUST FUND. (1) Upon termination of registration the trust fund of a joint public agency self-funded plan shall be liquidated.

(2) Liquidation of a solvent joint public agency self-funded plan shall be conducted by its trustee under a plan of liquidation in writing filed with the director, found by the director to be fair and equitable to all persons having a pecuniary interest in the trust fund, and approved by him. Any balance remaining after payment or adequate provision for all claims and charges against the trust fund shall be disposed of in such manner as is provided for in the plan of liquidation. Unless under the plan of liquidation liability for all unpaid claims and obligations of the trust fund has been assumed by other financially responsible person or persons, the existence of surplus funds for such disposition shall not be determined prior to expiration of two (2) years after termination of the registration.

(3) The liquidation of an insolvent joint public agency self-funded plan shall be carried out by the director in accordance with chapter 33, title 41, Idaho Code (supervision, rehabilitation and liquidation), and for this purpose the joint public agency self-funded plan shall be deemed to be an insolvent domestic insurer.

41-4120. RULES. (1) The director may make reasonable rules necessary for or as an aid to effectuation of any provision of this chapter. No such rule shall extend, modify, or conflict with any provision of this chapter and the reasonable implications thereof nor any of the administrative, statutory or constitutional rights and responsibilities of a public agency.

(2) Such rules, or any amendment thereof, shall be made by the director in accordance with chapter 52, title 67, Idaho Code.

41-4121. OTHER PROVISIONS APPLICABLE. Chapter 2, title 41, Idaho Code (the director of the department of insurance), chapter 13, title 41, Idaho Code (trade practices and frauds), and sections 41-2141(1) and 41-2216(1), Idaho Code (coordination of benefits, except to the extent the rules pertain to medicare coverage), to the extent applicable and not in conflict with the express provisions of this chapter, shall also apply with respect to joint public agency self-funded plans, and for the purpose such plans shall be deemed to be "insurers."

41-4122. PENALTIES. (1) Any person who violates or causes or induces violation of any provision of this chapter or any lawful rule of the director issued hereunder, shall be subject to an administrative penalty for each violation of not more than one thousand dollars ($1,000) for an individual and not more than five thousand dollars ($5,000) for any entity.

(2) Any person who makes a false statement or representation of a material fact, knowing it to be false, or who knowingly fails to disclose a material fact in any application, examination, or statement required under this chapter or by lawful rule of the director hereunder, shall be subject to penalty as provided in subsection (4) of this section.

(3) Any person who makes a false entry in any book, record, statement, or report required by this chapter or lawful rule of the director thereunder to be kept by him for any joint public agency self-funded plan, with intent to injure or defraud the fund or any beneficiary thereunder, or to deceive any person authorized or entitled to examine the affairs of the plan, shall be subject to penalty as provided in subsection (4) of this section.

(4) For each such violation, act or omission referred to in subsections (2) and (3) of this section, unless greater penalty is provided therefor under any other applicable law, the offender shall upon conviction thereof be subject to a fine of not more than fifteen thousand dollars ($15,000) and to imprisonment for not more than fifteen (15) years, or to both such fine and imprisonment.

41-4123. COVERAGE FROM MOMENT OF BIRTH -- COMPLICATIONS OF PREGNANCY. (1) Every joint public agency self-funded plan issued in this state or providing coverage to any covered family residing within this state, shall contain a provision granting immediate accident and sickness coverage, from and after the moment of birth, to each newborn child or infant of any covered family, including a newborn child placed with the adoptive covered family within sixty (60) days of the adopted child's date of birth. Coverage under the joint public agency self-funded plan for an adopted newborn child placed with the adoptive covered family more than sixty (60) days after the birth of the adopted child shall be from and after the date the child is so placed. Coverage provided in accordance with this section shall include, but not be limited to, coverage for congenital anomalies. For the purposes of this section, "child" means an individual who has not reached eighteen (18) years of age as of the date of the adoption or placement for adoption. For the purposes of this section, "placed" shall mean physical placement in the care of the adoptive covered family, or in those circumstances in which such physical placement is prevented due to the medical needs of the child requiring placement in a medical facility, it shall mean when the adoptive covered family signs an agreement for adoption of such child and signs an agreement assuming financial responsibility for such child. Prior to legal finalization of adoption, the coverage required under the provisions of this subsection (1) as to a child placed for adoption with a covered family continues in the same manner as it would with respect to a naturally born child of the covered family until the first to occur of the following events:

(a) The date the child is removed permanently from that placement and the legal obligation terminates; or

(b) The date the covered family rescinds, in writing, the agreement of adoption or agreement assuming financial responsibility.

No such plan may be issued or amended if it contains any disclaimer, waiver, or other limitation of coverage relative to the coverage or insurability of newborn or adopted children or infants of a covered fam-

ily covered from and after the moment of birth that is inconsistent with the provisions of this section.

(2) An insurer shall not restrict coverage under a joint public agency self-funded plan of any dependent child adopted by a participant or beneficiary, or placed with a participant or beneficiary for adoption, solely on the basis of a preexisting condition of the child at the time the child would otherwise become eligible for coverage under the plan, if the adoption or placement for adoption occurs while the participant or beneficiary is eligible for coverage under the plan.

(3) No joint public agency self-funded plan which provides maternity benefits for a person covered continuously from conception shall be issued, amended, delivered, or renewed in this state if it contains any exclusion, reduction, or other limitations as to coverage, deductibles, or coinsurance provisions as to involuntary complications of pregnancy, unless such provisions apply generally to all benefits paid under the plan. If a fixed amount is specified in such plan for surgery, the fixed amounts for surgical procedures involving involuntary complications of pregnancy shall be commensurate with other fixed amounts payable for procedures of comparable difficulty and severity. In a case where a fixed amount is payable for maternity benefits, involuntary complications of pregnancy shall be deemed an illness and entitled to benefits otherwise provided by the plan. Where the plan contains a maternity deductible, the maternity deductible shall apply only to expenses resulting from normal delivery and cesarean section delivery; however, expenses for cesarean section delivery in excess of the deductible shall be treated as expenses for any other illness under the plan.

For purposes of this subsection (3), involuntary complications of pregnancy shall include, but not be limited to, puerperal infection, eclampsia, cesarean section delivery, ectopic pregnancy, and toxemia.

All plans subject to this subsection (3) and issued, amended, delivered, or renewed in this state shall be construed to be in compliance with this section, and any provision in any such plan which is in conflict with this section shall be of no force or effect.

41-4124. SERVICES PROVIDED BY GOVERNMENTAL ENTITIES. (1) From and after July 1, 2006, no joint public agency self-funded plan shall be issued in Idaho which excludes from coverage services rendered the subscriber while a resident in an Idaho state institution, provided the services to the subscriber would be covered by the contract if rendered to him outside an Idaho state institution.

(2) From and after July 1, 2006, no joint public agency self-funded plan may contain any provision denying or reducing benefits otherwise provided under the policy for the reason that the person insured is receiving health or mental health care or developmental services provided by the department of health and welfare, whether or not the department of health and welfare bases its charges for such services on the recipient's ability to pay. Provided, nothing in this section shall prevent the issuance of a contract which excludes or reduces benefits where the charge level or amount of the charge levied by a governmental entity for such services would vary or be affected in any way by the existence of coverage under a joint public agency self-funded plan.

41-4125. MAMMOGRAPHY COVERAGE. (1) From and after July 1, 2006, all joint public agency self-funded plans which provide coverage for the

surgical procedure known as a mastectomy which are delivered, issued for delivery, continued or renewed in this state shall provide minimum mammography examination or equivalent examination coverage. Such coverage shall include at least the following benefits:

(a) One (1) baseline mammogram for any woman who is thirty-five (35) through thirty-nine (39) years of age.

(b) A mammogram every two (2) years for any woman who is forty (40) through forty-nine (49) years of age, or more frequently if recommended by the woman's physician.

(c) A mammogram every year for any woman who is fifty (50) years of age or older.

(d) A mammogram for any woman desiring a mammogram for medical cause. Such coverage shall not exceed the cost of the examination.

(2) As used in this section, "mastectomy" means the removal of all or part of the breast for medically necessary reasons as determined by a licensed physician.

(3) Nothing in this section shall apply to specified accident, specified disease, hospital indemnity, medicare supplement, long-term care or other limited benefit health insurance policies.

Approved April 10, 2006.

CHAPTER 416
(H.B. No. 832, As Amended)

AN ACT

RELATING TO THE BOARD OF HEALTH AND WELFARE; AMENDING SECTION 56-1003, IDAHO CODE, TO PROVIDE FOR OVERSIGHT OF THE DEPARTMENT OF HEALTH AND WELFARE BY THE BOARD OF HEALTH AND WELFARE AND TO PROVIDE AN EXCEPTION TO THE POWERS AND DUTIES OF THE DEPARTMENT'S DIRECTOR; AND AMENDING SECTION 56-1005, IDAHO CODE, TO INCREASE THE MEMBERSHIP OF THE BOARD, TO PROVIDE FOR CERTAIN QUALIFICATIONS FOR BOARD MEMBERS APPOINTED BY THE GOVERNOR, TO PROVIDE FOR CERTAIN ADDITIONAL VOTING AND NONVOTING MEMBERS TO THE BOARD, TO REMOVE THE REQUIREMENT THAT A BOARD SECRETARY BE ELECTED, TO PROVIDE FOR MEETINGS AND SPECIAL MEETINGS, TO REVISE BOARD DUTIES, TO REVISE VOTING REQUIREMENTS, TO PROVIDE ADDITIONAL BOARD POWERS AND DUTIES AND TO REQUIRE CERTAIN ISSUES TO BE ADDRESSED IN AN ANNUAL REPORT BY THE BOARD TO THE GOVERNOR AND LEGISLATURE.

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

SECTION 1. That Section 56-1003, Idaho Code, be, and the same is hereby amended to read as follows:

56-1003. POWERS AND DUTIES OF THE DIRECTOR. The director shall have the following powers and duties:

(1) All of the powers and duties of the department of public health, the department of health, the board of health and all nonenvironmental protection duties of the department of health and welfare are hereby vested to the director of the department of health and welfare. Provided however, that <u>oversight of the department and</u> rulemaking and hearing

functions relating to public health and licensure and certification standards shall be vested in the board of health and welfare. Except when the authority is vested in the board of health and welfare under law, t~~T~~he director shall have all such powers and duties as may have been or could have been exercised by his predecessors in law, including the authority to adopt, promulgate, and enforce rules, ~~in those circumstances when the authority to adopt, promulgate, and enforce such rules is not vested in the board of health and welfare,~~ and shall be the successor in law to all contractual obligations entered into by predecessors in law. All rulemaking proceedings and hearings of the director shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(2) The director shall, pursuant and subject to the provisions of the Idaho Code, and the provisions of this chapter, formulate and recommend to the board rules, codes and standards, as may be necessary to deal with problems related to personal health, and licensure and certification requirements pertinent thereto, which shall, upon adoption by the board, have the force of law relating to any purpose which may be necessary and feasible for enforcing the provisions of this chapter including, but not limited to, the maintenance and protection of personal health. Any such rule or standard may be of general application throughout the state or may be limited as to times, places, circumstances or conditions in order to make due allowance for variations therein.

(3) The director, under the rules, codes or standards adopted by him, shall have the general supervision of the promotion and protection of the life, health and mental health of the people of this state. The powers and duties of the director shall include, but not be limited to, the following:

(a) The issuance of licenses and permits as prescribed by law and by the rules of the board;

(b) The supervision and administration of laboratories and the supervision and administration of standards of tests for environmental pollution, chemical analyses and communicable diseases. The director may require that laboratories operated by any city, county, institution, person, firm or corporation for health or environmental purposes conform to standards set by the board of health and welfare and the board of environmental quality;

(c) The supervision and administration of a mental health program, which shall include services for the evaluation, screening, custody and treatment of the mentally ill and those persons suffering from a mental defect, or mental defects;

(d) The enforcement of minimum standards of health, safety and sanitation for all public swimming pools within the state;

(e) The supervision and administration of the various schools, hospitals and institutions that were the responsibility of the board of health;

(f) The supervision and administration of services dealing with the problems of alcoholism including, but not limited to, the care and rehabilitation of persons suffering from alcoholism;

(g) The establishment of liaison with other governmental departments, agencies and boards in order to effectively assist other governmental entities with the planning for the control of or abatement of health problems. All of the rules and standards adopted by the board shall apply to state institutions;

(h) The supervision and administration of an emergency medical service program including, but not limited to, assisting other governmental agencies and local governmental units, in providing first aid emergency medical services and for transportation of the sick and injured;

(i) The supervision and administration of administrative units whose responsibility shall be to assist and encourage counties, cities, other governmental units, and industries in the control of and/or abatement of health problems;

(j) The enforcement of all laws, rules, codes and standards relating to health.

(4) The director, when so designated by the governor, shall have the power to apply for, receive on behalf of the state, and utilize any federal aid, grants, gifts, gratuities, or moneys made available through the federal government.

(5) The director shall have the power to enter into and make contracts and agreements with any public agencies or municipal corporations for facilities, land, and equipment when such use will have a beneficial, recreational, or therapeutic effect or be in the best interest in carrying out the duties imposed upon the department.

The director shall also have the power to enter into contracts for the expenditure of state matching funds for local purposes. This subsection will constitute the authority for public agencies or municipal corporations to enter into such contracts and expend money for the purposes delineated in such contracts.

(6) The director is authorized to adopt an official seal to be used on appropriate occasions, in connection with the functions of the department or the board, and such seal shall be judicially noticed. Copies of any books, records, papers and other documents in the department shall be admitted in evidence equally with the originals thereof when authenticated under such seal.

(7) The director, under rules adopted by the board of health and welfare, shall have the power to impose and enforce orders of isolation and quarantine to protect the public from the spread of infectious or communicable diseases or from contamination from chemical or biological agents, whether naturally occurring or propagated by criminal or terrorist act.

(a) An order of isolation or quarantine issued pursuant to this section shall be a final agency action for purposes of judicial review. However, this shall not prevent the director from reconsidering, amending or withdrawing the order. Judicial review of orders of isolation or quarantine shall be de novo. The court may affirm, reverse or modify the order and shall affirm the order if it appears by a preponderance of the evidence that the order is reasonably necessary to protect the public from a substantial and immediate danger of the spread of an infectious or communicable disease or from contamination by a chemical or biological agent.

(b) If the director has reasonable cause to believe a chemical or biological agent has been released in an identifiable place, including a building or structure, an order of quarantine may be imposed to prevent the movement of persons into or out of that place, for a limited period of time, for the purpose of determining whether a

person or persons at that place have been contaminated with a chemical or biological agent which may create a substantial and immediate danger to the public.

(c) Any person who violates an order of isolation or quarantine shall be guilty of a misdemeanor.

SECTION 2. That Section 56-1005, Idaho Code, be, and the same is hereby amended to read as follows:

56-1005. BOARD -- COMPOSITION -- OFFICERS -- COMPENSATION -- POWERS -- SUBPOENA -- DEPOSITIONS -- REVIEW -- RULES. (1) The board of health and welfare shall consist of eleven (11) members, seven (7) members ~~who~~ of which shall be appointed by the governor, with the advice and consent of the senate. The members appointed by the governor may be removed by the governor for cause. Each member of the board appointed by the governor shall be a citizen of the United States, a resident of the state of Idaho, and a qualified elector. Not more than four (4) members of the board appointed by the governor shall be from any one (1) political party. ~~All~~ Of the members of the board appointed by the governor, four (4) members shall be chosen with due regard to their knowledge and interest in health and social services, two (2) members shall be chosen based on their experience in business or finance, and one (1) member shall be selected as a representative of the public at large. The other four (4) members of the board shall be:

(a) The chairperson of the senate health and welfare committee, or the chair's designee;

(b) The chairperson of the house of representatives health and welfare committee, or the chair's designee;

(c) The director of the department of health and welfare, who shall serve as the board's secretary and as a nonvoting member; and

(d) A representative of the office of the governor, as designated by the governor, who shall serve as a nonvoting member.

(2) The members of the board of health and welfare appointed by the governor, serving on the effective date of this act shall continue in office as members of the board of health and welfare. All members of the board of health and welfare appointed by the governor shall serve four (4) year terms.

(3) The board annually shall elect a chairman~~,~~ and a vice chairman, ~~and a secretary,~~ and shall hold such meetings ~~as may be necessary for the orderly conduct of its business, and such meetings shall be held from time to time on seventy-two (72) hours' notice of the chairman or a majority of the members~~ no less than once every two (2) months. Special meetings of the board may be called by the chairman of the board, by a majority of the voting members of the board or, on written request, by the director of the department of health and welfare. Five (5) members shall be necessary to constitute a quorum at any regular or special meeting and the action of the majority of members present shall be the action of the board. The members of the board shall be compensated as provided in section 59-509(h), Idaho Code.

(4) The board, in furtherance of its duties under ~~this act~~ law and under its rules, shall have the power to administer oaths, certify to official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony. The board may, if a witness refuses to attend or testify, or to produce

any papers required by such subpoenas, report to the district court in and for the county in which the proceeding is pending, by petition, setting forth that due notice has been given of the time and place of attendance of said witnesses, or the production of said papers, that the witness has been properly summoned, and that the witness has failed and refused to attend or produce the papers required by this subpoena before the board, or has refused to answer questions propounded to him in the course of said proceedings, and ask an order of said court compelling the witness to attend and testify and produce said papers before the board. The court, upon the petition of the board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than ten (10) days from the date of the order, and then and there shall show cause why he has not attended and testified or produced said papers before the board. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the board and regularly served, the court shall thereupon order that said witness appear before the board at the time and place fixed in said order, and testify or produce the required papers. Upon failure to obey said order, said witness shall be dealt with for contempt of court.

(5) The director, his designee, or any party to the action may, in an investigation or hearing before the board, cause the deposition or interrogatory of witnesses or parties residing within or without the state, to be taken in the manner prescribed by law for like depositions and interrogatories in civil actions in the district court of this state, and to that end may compel the attendance of said witnesses and production of books, documents, papers and accounts.

(6) Any person aggrieved by an action or inaction of the department of health and welfare shall be afforded an opportunity for a fair hearing upon request therefor in writing pursuant to chapter 52, title 67, Idaho Code, and the rules promulgated thereunder. In those cases where the board has been granted the authority to hold such a hearing pursuant to a provision of the Idaho Code, the hearing may be conducted by the board at a regular or special meeting, or the board may designate hearing officers, who shall have the power and authority to conduct hearings in the name of the board at any time and place. In any hearing, a member of the board or hearing officer designated by it, shall have the power to administer oaths, examine witnesses, and issue in the name of the board subpoenas requiring the testimony of witnesses and the production of evidence relevant to any matter in the hearing.

(7) Any person adversely affected by a final determination of the board, may secure judicial review by filing a petition for review as prescribed under the provisions of chapter 52, title 67, Idaho Code. The petition for review shall be served upon the chairman of the board, the director of the department, and upon the attorney general of the state of Idaho. Such service shall be jurisdictional and the provisions of this section shall be the exclusive procedure for appeal.

(8) The board, by the affirmative vote of ~~four (4)~~ five (5) of its members, may adopt, amend or repeal the rules, codes, and standards of the department, that are necessary and feasible in order to carry out ~~the purposes and provisions of this act~~ its duties and responsibilities and to enforce the laws of this state.

The rules and orders so adopted and established shall have the force and effect of law and may deal with any matters deemed necessary and feasible for protecting the health of the state.

(9) All rulemaking proceedings and hearings of the board shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(10) In addition to any other powers and duties granted to the board under law, the board shall:

(a) Advise the director and the governor on department fiscal, policy and administrative matters;

(b) Review and advise the director regarding the department's strategic plan and performance measures;

(c) Develop goals and standards to measure department efficiency and effectiveness; and

(d) Review and advise the director and the governor on department initiatives.

(11) The board shall provide an annual report to the governor and to the legislature prior to the start of each legislative session, addressing:

(a) The key department fiscal and policy issues;

(b) The department's managerial and overall performance; and

(c) The major proposed and ongoing departmental initiatives.

Approved April 10, 2006.

CHAPTER 417
(H.B. No. 845)

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF TEACHERS; 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 2007; PROVIDING MONEYS FOR THE UNEMPLOYMENT INSURANCE PROGRAM; DIRECTING THAT AN AMOUNT BE DISTRIBUTED FOR MASTER TEACHER AWARD PAYMENTS; DIRECTING THAT $500,000 BE ALLOCATED FOR TRAINING TO SERVE THE NEEDS OF GIFTED AND TALENTED STUDENTS; AND AMENDING SECTION 33-1004E, IDAHO CODE, TO PROVIDE FOR A BASE SALARY INCREASE FOR INSTRUCTIONAL STAFF AND TO INCREASE THE MINIMUM INSTRUCTIONAL STAFF SALARY TO $30,000.

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, 2006, through June 30, 2007:

FROM:

General Fund	$685,364,900
Federal Grant Fund	57,541,500
TOTAL	$742,906,400

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2006, through June 30, 2007:

FROM:

General Fund	$685,364,900

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, 2006, through June 30, 2007:

FROM:

Public School Income Fund	$685,364,900
Federal Grant Fund	57,541,500
TOTAL	$742,906,400

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, 2006, through June 30, 2007.

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, $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.

SECTION 7. 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 ~~$23,210~~23,906. 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 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 ~~$27,500~~30,000. 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 $33,760. 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 $18,648 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 April 10, 2006.

CHAPTER 418
(H.B. No. 846)

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 2007; APPROPRIATING GENERAL FUND MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING FUNDS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2007; DIRECTING THAT $9,800,000 BE EXPENDED FOR TECHNOLOGY AND REMEDIATION PROGRAMS; APPROPRIATING THE AMOUNT OF GENERAL FUND MONEY NECESSARY AS DETERMINED BY SECTION 33-1002D, IDAHO CODE, FOR PROPERTY TAX REPLACEMENT; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; AMENDING SECTION 33-1002, IDAHO CODE, TO REVISE THE LOCAL DISTRICTS' CONTRIBUTION CALCULATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 33-1004E, IDAHO CODE, TO PROVIDE FOR A BASE SALARY INCREASE FOR CLASSIFIED STAFF; PROVIDING FOR THE TRANSFER OF FUNDS TO THE PUBLIC EDUCATION STABILIZATION FUND; AND DECLARING AN EMERGENCY FOR SECTION 9 OF THIS ACT.

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, 2006, through June 30, 2007:

FROM:

General Fund	$253,450,400
Public School Endowment Earnings Reserve Fund Transfer	24,648,200
Federal Mineral Royalties	1,500,000
Liquor Control Fund	1,200,000
Miscellaneous Receipts/Balances	1,295,700
Federal Grant Fund	5,887,200
TOTAL	$287,981,500

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2006, through June 30, 2007:

FROM:

General Fund	$253,450,400

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, 2006, through June 30, 2007:

FROM:

Public School Income Fund	$282,094,300
Federal Grant Fund	5,887,200
TOTAL	$287,981,500

SECTION 4. Of the moneys appropriated in Section 3 of this act, $9,800,000 shall be expended by the Superintendent of Public Instruction as follows:

(1) The Idaho Council for Technology in Learning 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 Idaho Council for Technology in Learning, as approved by the State Board of Education;

(2) The Superintendent of Public Instruction shall transfer $650,000 to the Library Services Improvement Fund for ongoing costs associated with the State Library's "Libraries Linking Idaho" (LiLI) projects;

(3) The Superintendent of Public Instruction shall distribute $5,100,000 to school districts in a like manner as equalized, ongoing state discretionary funds, with seventy-five percent (75%) of such funds being distributed by August 31, and twenty-five percent (25%) of such funds in the final payment of the fiscal year. Such funds shall be expended, at the discretion of the school district board of trustees, on either purchasing technology equipment and software, or defraying costs associated with providing remedial instruction for students that fail to attain proficiency in one (1) or more sections of the Idaho Standards Achievement Test, or both. The Superintendent of Public Instruction shall submit a report on the usage of such funds to the Joint Finance-Appropriations Committee, the House Education Committee and the Senate Education Committee by February 1, 2007.

SECTION 5. Of the moneys appropriated in Section 3 of this act, there is hereby appropriated the amount necessary for property tax replacement, subject to the limitations of law, to be expended according to Section 33-1002D, Idaho Code, for the period July 1, 2006, through June 30, 2007.

SECTION 6. 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 $25,436 per support unit.

SECTION 7. That Section 33-1002, Idaho Code, be, and the same is hereby amended to read as follows:

33-1002. EDUCATIONAL SUPPORT PROGRAM. The educational support program is calculated as follows:

1. State Educational Support Funds. Add the state appropriation, including the moneys available in the public school income fund, together with all miscellaneous revenues to determine the total state funds.

2. From the total state funds subtract the following amounts needed for state support of special programs provided by a school district:

a. Pupil tuition-equivalency allowances as provided in section 33-1002B, Idaho Code;

b. Transportation support program as provided in section 33-1006, Idaho Code;

c. Feasibility studies allowance as provided in section 33-1007A, Idaho Code;

d. The approved costs for border district allowance, provided in section 33-1403, Idaho Code, as determined by the state superintendent of public instruction;

e. The approved costs for exceptional child approved contract allowance, provided in subsection 2. of section 33-2004, Idaho Code, as determined by the state superintendent of public instruction;

f. Certain expectant and delivered mothers allowance as provided in section 33-2006, Idaho Code;

g. Salary-based apportionment calculated as provided in sections 33-1004 through 33-1004F, Idaho Code;

h. Unemployment insurance benefit payments according to the provisions of section 72-1349A, Idaho Code;

i. For expenditure as provided by the public school technology program;

j. For the support of provisions that provide a safe environment conducive to student learning and maintain classroom discipline, an allocation of $300 per support unit; and

k. Any additional amounts as required by statute to effect administrative adjustments or as specifically required by the provisions of any bill of appropriation;

to secure the state educational support funds.

3. Local Districts' Contribution Calculation. Without including any allowance as a credit for prepaid taxes as provided by section 63-1607, Idaho Code, the local districts' contribution shall be the amount appropriated pursuant to section 33-1002D, Idaho Code, plus three-tenths percent (.3%) during fiscal year 2003-04 and each year thereafter, of the total state adjusted market value for assessment purposes for the previous year with such value being determined by the provisions of section 63-315, Idaho Code, and four-tenths percent (.4%) during fiscal year 1994-95 and each year thereafter, of the cooperative electrical associations' property values that have been derived from the taxes paid in lieu of ~~ad-valorem~~ property taxes for the previous year as provided in section 63-3502, Idaho Code, less any maintenance and operations levy funds credited as a reduction against state funds provided for students attending school in another state.

4. Educational Support Program Distribution Funds. Add the local districts' contribution, subsection 3. of this section, and the state educational support program funds, subsection 1. of this section, together to secure the total educational support program distribution funds.

5. Average Daily Attendance. The total state average daily attendance shall be the sum of the average daily attendance of all of the school districts of the state. The state board of education shall establish rules setting forth the procedure to determine average daily attendance and the time for, and method of, submission of such report. Average daily attendance calculation shall be carried out to the nearest hundredth. Computation of average daily attendance shall also be governed by the provisions of section 33-1003A, Idaho Code.

6. Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of kindergarten support units, computation of elementary support units, computation of secondary support units, computation of exceptional education support

units, and computation of alternative school secondary support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Units Allowed
41 or more	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
300 or more ADA.....		15
	..23...grades 4,5 & 6....	
	..22...grades 1,2 & 3....1994-95	
	..21...grades 1,2 & 3....1995-96	
	..20...grades 1,2 & 3....1996-97 and each year thereafter.	
160 to 299.99 ADA...	20.....	8.4
110 to 159.99 ADA...	19.....	6.8
71.1 to 109.99 ADA...	16.....	4.7
51.7 to 71.0 ADA...	15.....	4.0
33.6 to 51.6 ADA...	13.....	2.8
16.6 to 33.5 ADA...	12.....	1.4
1.0 to 16.5 ADA...	n/a.....	1.0

COMPUTATION OF SECONDARY SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
750 or more	18.5.....	47
400 - 749.99 ADA....	16.....	28
300 - 399.99 ADA....	14.5.....	22
200 - 299.99 ADA....	13.5.....	17
100 - 199.99 ADA....	12.....	9
99.99 or fewer	Units allowed as follows:	
Grades 7-12	.....	8
Grades 9-12	.....	6
Grades 7- 9	.....	1 per 14 ADA
Grades 7- 8	.....	1 per 16 ADA

COMPUTATION OF EXCEPTIONAL EDUCATION SUPPORT UNITS

Average Daily Attendance	Attendance Divisor	Minimum Units Allowed
14 or more	14.5.....	1 or more as computed
12 - 13.99....	-.....	1
8 - 11.99....	-.....	.75
4 - 7.99....	-.....	.5
1 - 3.99....	-.....	.25

COMPUTATION OF ALTERNATIVE SCHOOL SECONDARY SUPPORT UNITS

Pupils in Attendance	Attendance Divisor	Minimum Units Allowed
12 or more.....	12.....	1 or more as computed

In applying these tables to any given separate attendance unit, no school district shall receive less total money than it would receive if it had a lesser average daily attendance in such separate attendance unit. In applying the kindergarten table to a kindergarten program of less days than a full school year, the support unit allowance shall be in ratio to the number of days of a full school year. The tables for exceptional education and alternative school secondary support units shall be applicable only for programs approved by the state department of education following rules established by the state board of education. Moneys generated from computation of support units for alternative schools shall be utilized for alternative school programs. School district administrative and facility costs may be included as part of the alternative school expenditures.

7. State Distribution Factor per Support Unit. Divide educational support program distribution funds, after subtracting the amounts necessary to pay the obligations specified in subsection 2. of this section, by the total state support units to secure the state distribution factor per support unit.

8. District Share of State Funds for Educational Support Program. Ascertain a district's share of state funds for the educational support program as follows:

a. District Contribution Calculation. Without including any allowance as a credit for prepaid taxes, as provided in section 63-1607, Idaho Code, the district contribution calculation shall be the rate determined under subsection 3. of this section.

b. District Support Units. The number of support units for each school district in the state shall be determined as follows:

(1) Divide the actual average daily attendance, excluding students approved for inclusion in the exceptional child educational program, for the administrative schools and each of the separate schools and attendance units by the appropriate divisor from the tables of support units in this section, then add the quotients to obtain the district's support units allowance for regular students, kindergarten through grade 12 including alternative school secondary students. Calculations in application of this subsection shall be carried out to the nearest tenth.

(2) Divide the combined totals of the average daily attendance of all preschool, handicapped, kindergarten, elementary, secondary and juvenile detention center students approved for inclusion in the exceptional child program of the district by the appropriate divisor from the table for computation of exceptional education support units to obtain the number of support units allowed for the district's approved exceptional child program. Calculations for this subsection shall be carried out to the nearest tenth when more than one (1) unit is allowed.

(3) The total number of support units of the district shall be the sum of the total support units for regular students, subsection 8.b.(1) of this section, and the support units allow-

ance for the approved exceptional child program, subsection 8.b.(2) of this section.

c. Total District Allowance Educational Program. Multiply the district's total number of support units, carried out to the nearest tenth, by the state distribution factor per support unit and to this product add the approved amount of programs of the district provided in subsection 2. of this section to secure the district's total allowance for the educational support program.

d. District Share. To secure the district's share of state apportionment, subtract the amount of the local district contribution calculation, subsection 3. of this section, from the amount of the total district allowance, subsection 8.c. of this section.

e. Adjustment of District Share. The contract salary of every non-certificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection 8.d. of this section.

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 $23,210. 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 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 $27,500. 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 $33,760. 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 ~~$18,648~~19,207 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.

SECTION 9. The State Controller shall transfer $5,000,000 from the General Fund to the Public Education Stabilization Fund.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, Section 9 of this act shall be in full force and effect on and after its passage and approval.

Approved April 10, 2006.

CHAPTER 419
(H.B. No. 847)

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 2007; DIRECTING THAT $5,500,000 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 $6,040,000 BE ALLOCATED FOR PROGRAMS FOR STUDENTS WITH NON-ENGLISH OR LIMITED-ENGLISH PROFICIENCY; DIRECTING THAT $1,100,080 BE DIS-

TRIBUTED TO THE IDAHO DIGITAL LEARNING ACADEMY; AND GRANTING AUTHORITY TO TRANSFER FUNDS BETWEEN THE FIVE DIVISIONS OF THE EDUCATIONAL SUPPORT PROGRAM BUDGET.

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, 2006, through June 30, 2007:

FROM:

General Fund	$ 16,925,000
Cigarette/Tobacco and Lottery Income Taxes	5,500,000
Federal Grant Fund	109,821,100
TOTAL	$132,246,100

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2006, through June 30, 2007:

FROM:

General Fund	$16,925,000

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, 2006, through June 30, 2007:

FROM:

Public School Income Fund	$ 22,425,000
Federal Grant Fund	109,821,100
TOTAL	$132,246,100

SECTION 4. Of the moneys appropriated in Section 3 of this act, $5,500,000 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, 2006, through June 30, 2007.

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 Idaho Safe and Drug-Free Schools Programs

or to defray the costs of community resource workers, or both, at the discretion of the school district 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 which 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, $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 distribute $750,000 to schools in which the population of English language learners failed to meet Adequate Yearly Progress (AYP) in math or reading, as defined in federal law. 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. Such funds shall be distributed on a one-time basis, and the Superintendent of Public Instruction shall report to the Joint Finance-Appropriations Committee and the House of Representatives and the Senate Education Committees, by no later than February 1, 2007, on the program design, uses of funds, and effectiveness of the program.

SECTION 9. Of the moneys appropriated in Section 3 of this act, $1,100,000 shall be distributed to the Idaho Digital Learning Academy, created pursuant to Chapter 55, Title 33, Idaho Code, as follows:

(1) $200,000 shall be utilized to reduce or eliminate tuition charged by the Idaho Digital Learning Academy to Idaho students. Any funds remaining after the elimination of such tuition charges shall be utilized to provide advanced placement coursework.
(2) Of the remaining $900,000, the highest priority shall be to provide remedial coursework for students failing to achieve proficiency in one (1) or more areas of the Idaho Standards Achievement Test. Funds may also be used to provide basic coursework, advanced placement coursework, and other specialized coursework not available in many small school districts.

SECTION 10. 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.

Approved April 10, 2006.

CHAPTER 420
(H.B. No. 848)

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF ADMINISTRATORS; PROVIDING FOR EXPENDITURES FOR THE PUBLIC SCHOOLS DIVISION OF ADMINISTRATORS FOR FISCAL YEAR 2007; 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 2007; EXPRESSING LEGISLATIVE INTENT THAT CERTAIN STATE FUNDED BENEFITS BE PAID; AND AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE 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, 2006, through June 30, 2007:

FROM:

General Fund	$79,701,000
Federal Grant Fund	1,750,200
TOTAL	$81,451,200

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2006, through June 30, 2007:

FROM:

General Fund	$79,701,000

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, 2006, through June 30, 2007:

FROM:

Public School Income Fund	$79,701,000
Federal Grant Fund	1,750,200
TOTAL	$81,451,200

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 $23,210. 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 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 $27,500. 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 ~~$33,760~~34,773. 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 $18,648 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 April 10, 2006.

CHAPTER 421
(H.B. No. 858)

AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING SECTION 56-1012, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 56-1013, IDAHO CODE, TO PROVIDE FOR CORRECT TERMINOLOGY AND TO MODIFY RULEMAKING AUTHORITY; AMENDING CHAPTER 10, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-1013A, IDAHO CODE, TO CREATE AN IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN COMMISSION AND TO PROVIDE FOR THE GOVERNANCE OF THE COMMISSION; AMENDING SECTION 56-1016, IDAHO CODE, TO ELIMINATE GRANDFATHER RIGHTS FOR AMBULANCES AND TO PROVIDE FOR SUPERVISION OF THE MEDICAL SERVICES PROVIDED BY PERSONNEL AFFILIATED WITH LICENSED AMBULANCE OR NON-TRANSPORT SERVICE; AND AMENDING SECTION 56-1017, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY.

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

SECTION 1. That Section 56-1012, Idaho Code, be, and the same is hereby amended to read as follows:

56-1012. DEFINITIONS. As used in sections 56-1011 through 56-1018B, Idaho Code:

(1) "Ambulance" means any privately or publicly owned ground vehicle, nautical vessel, fixed wing aircraft or rotary wing aircraft used for, or intended to be used for the transportation of sick or injured persons who may need medical attention during transport. This may include dual or multipurpose vehicles which otherwise comply with sections 56-1011 through 56-1018B, Idaho Code, and specifications established by the board of health and welfare.

(2) "Board of Health and Welfare" means the Idaho board of health and welfare.

(3) ~~"Board of Medicine" means the Idaho board of medicine as provided in chapter 18, title 54, Idaho Code.~~

~~(4)~~ "Certified Personnel" means individuals who have completed training and successfully passed examinations for training and skills proficiency in one (1) or several levels as certified by the department of health and welfare. These several levels of certified personnel shall include:

(a) FR -- "First Responder" (hereafter FR) means an individual certified by the EMS bureau of the Idaho department of health and welfare as an FR on the basis of successful completion of an FR course approved by the board of health and welfare and subsequent required continuing training.

(b) EMT-B -- "Emergency Medical Technician-Basic" (hereafter EMT-B) means an individual certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of an EMT-B course approved by the board of health and welfare and subsequent required continuing training.

(c) "Ambulance Rating" means a certification issued by the EMS bureau of the Idaho department of health and welfare to an EMT-B on the basis of successful completion of supervised infield ambulance experience as defined by the board of health and welfare.

(d) "Advanced Emergency Medical Technician-Ambulance" (hereafter advanced EMT-A) means a person who:

(i) Is certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of EMT-A training and in addition, has completed ~~at least fifty (50) hours of~~ advanced training in such techniques as intravenous fluid therapy, ~~antishock trouser application,~~ airway management, and subsequent required continued training; and

(ii) Has received additional training ~~by~~ under the supervision of a licensed physician:

(A) To administer drugs under written or oral authorization of a licensed physician; and

(B) To perform such other acts under written or oral authorization of a licensed physician as shall be ~~authorized by the board of medicine~~ defined by the commission; and

(iii) Has been examined and certified as an advanced EMT-A by an authorized representative of the department.

(e) "Emergency Medical Technician-Intermediate" (hereafter EMT-I) means a person who:

(i) Has completed all the requirements for certification as an EMT-I; and

(ii) Has successfully completed a course in patient care including the required training under the supervision of a licensed physician covering the scope of practice defined by the ~~board of medicine~~ commission; and

(iii) Has been examined and certified as an EMT-I by an authorized representative of the department.

(f) "Emergency Medical Technician-Paramedic" (hereafter EMT-P) means a person who:

(i) Has completed all the requirements for certification as an EMT-P; and

(ii) Has successfully completed a course in intensive patient

care including the required training under the supervision of a licensed physician, including training in cardiac defibrillation, cardiac monitoring, endotracheal intubation and drug administration; and

(iii) Has been examined and certified as an EMT-P by an authorized representative of the department.

(4) "Commission" means the Idaho emergency medical services physician commission.

(5) "Department" means the Idaho department of health and welfare.

(6) "Emergency Medical Services" means the services utilized in responding to a perceived individual need for immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

(7) "Non-Transport Service" means a service licensed by the department of health and welfare, EMS bureau, operated with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended to be the service that will actually transport sick or injured persons.

(8) "Non-Transport Vehicle" means any vehicle licensed by the department of health and welfare, EMS bureau, operated with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended as the vehicle that will actually transport sick or injured persons.

(9) "Supervision" means the medical direction by a licensed physician of activities provided by certified personnel affiliated with a licensed ambulance or non-transport service, including, but not limited to: establishing standing orders and protocols, reviewing performance of certified personnel, providing instructions for patient care via radio or telephone, and other oversight.

(10) "Transfer" means the transportation of a patient from one (1) medical care facility to another.

SECTION 2. That Section 56-1013, Idaho Code, be, and the same is hereby amended to read as follows:

56-1013. AUTHORIZED ACTIONS. Persons certified by the department shall be authorized to perform such acts under written or oral authorization of a licensed physician as shall be established by rules of the ~~board of medicine~~ commission, including, but not limited to, administration of intravenous solutions and drugs, cardiac defibrillation, ~~antishock---trouser---application,~~ airway management, endotracheal intubation, and other patient care.

SECTION 3. That Chapter 10, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-1013A, Idaho Code, and to read as follows:

56-1013A. IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN COMMISSION -- TERMS AND OPERATION. (1) There is hereby created in the department of health and welfare an Idaho emergency medical services physician commission for the purpose of establishing standards for scope and practice and medical supervision for certified personnel, ambulance services, and non-transport agencies licensed by the department. Notwithstanding any other provision of law to the contrary, the commission shall exercise

its powers and duties in accordance with the provisions of sections 56-1011 through 56-1018B, Idaho Code, relative to scope of practice and medical supervision of certified personnel.

(2) The commission shall be composed of eleven (11) voting members appointed by the governor upon assurance of equitable geographic and rural representation. Six (6) members shall be physicians currently licensed in Idaho and appointed as follows: one (1) member representing the Idaho board of medicine as provided in chapter 18, title 54, Idaho Code, one (1) member representing the Idaho medical association, one (1) member representing the emergency medical services (EMS) bureau of the department, one (1) member representing the Idaho chapter of the American college of emergency physicians, one (1) member representing the Idaho chapter of the American academy of pediatrics and one (1) member representing the Idaho chapter of the American college of surgeons committee on trauma. Three (3) members shall be physicians currently licensed in Idaho and practicing as an EMS medical director representing the following associations: one (1) member representing the Idaho association of counties, one (1) member representing the Idaho fire chiefs association and one (1) member representing the Idaho hospital association. Two (2) members shall be Idaho citizens representing the public interest.

(3) Except as provided in this subsection, members of the commission shall be appointed for a term of three (3) years. The following four (4) members shall be appointed to an initial term of two (2) years: the member representing the board of medicine, the member representing the Idaho chapter of the American college of emergency physicians, the member representing the Idaho chapter of the American college of surgeons committee on trauma and the member representing the Idaho fire chiefs association. The remaining seven (7) members shall be appointed for an initial term of three (3) years. Thereafter, all terms shall be for a period of three (3) years.

(4) The commission shall elect a chair and such officers as it may deem necessary and appropriate. The commission shall meet at least annually and at the call of the chair. Members of the commission shall be compensated as provided in section 59-509(b), Idaho Code.

(5) Prior to the expiration of the regular term of a member of the commission or upon the occurrence or declaration of a vacancy in the membership of the commission, the department shall notify the represented entity of that fact in writing and the represented entity shall, within sixty (60) days thereafter, nominate at least three (3) persons to fill the vacancy in a manner as shall be determined by the rules and bylaws of the represented entity and shall forward the nominations to the governor, who shall appoint from among the nominees a person to be a member of the commission to fill the vacancy. Persons nominated for a seat held by a physician must be licensed by the state of Idaho to practice medicine.

(6) Moneys collected pursuant to rules promulgated by the department for initial and renewal EMS certifications are hereby continuously appropriated and shall be utilized exclusively for the purposes set forth in this section as determined by the commission.

(7) The commission shall prepare a budget on an annual basis indicating that portion of the funds necessary for the continuous operation of the commission to achieve the purposes of this section.

SECTION 4. That Section 56-1016, Idaho Code, be, and the same is hereby amended to read as follows:

56-1016. AMBULANCE MINIMUM STANDARDS. Each ambulance service and non-transport service shall be licensed by the department and shall meet the following standards:

(1) Ambulance vehicles -- Each new ambulance vehicle purchased after the effective date of these standards shall conform to the ambulance vehicle specifications for that type established by the board of health and welfare. The patient compartment of each ambulance vehicle shall be maintained in a clean and sanitary condition.

(2) Ambulance equipment -- Each ambulance shall be equipped with the patient care items deemed essential for that type of ambulance by the board of health and welfare.

(3) Ambulance personnel -- There shall be at least two (2) ambulance crew members on each patient transport, with the crew member delivering patient care being, at a minimum, a state certified emergency medical technician (EMT), except that with the patient's and the patient's physician's permission, an EMT attendant shall not be required on routine, nonemergency transfer calls.

(4) Ambulance dispatch -- Each ambulance service shall have a twenty-four (24) hour dispatch arrangement and shall respond to calls on a twenty-four (24) hour basis.

(5) Ambulance inspections and licensing -- The department of health and welfare, EMS bureau, shall conduct inspections at least annually related to ambulance service licensing or shall contract to have the inspections carried out. Each ambulance and non-transport vehicle shall have a current state license in order to operate.

(6) Ambulance minimum standards waiver -- The controlling authority providing ambulance services may petition the board of health and welfare for waiver of the ambulance standards of sections 56-1011 through 56-1018B, Idaho Code, if compliance with these standards would cause undue hardship on the community being served, or would result in abandonment of ambulance services.

(7) ~~All ambulances in service on the effective date of sections 56-1011 through 56-1018B, Idaho Code, are accorded "grandfather rights," and are therefore exempt from the ambulance vehicle specifications established by the board of health and welfare, whether or not such ambulances continue under the control of the same authority~~ Supervision -- A licensed physician shall supervise the medical activities provided by certified personnel affiliated with the licensed ambulance or non-transport service including, but not limited to: establishing standing orders and protocols, reviewing performance of certified personnel, approving methods for certified personnel to receive instructions for patient care via radio, telephone, or in person, and other oversight as provided in the rules of the commission.

SECTION 5. That Section 56-1017, Idaho Code, be, and the same is hereby amended to read as follows:

56-1017. RULES. (1) The ~~board of medicine~~ commission is authorized and directed to adopt appropriate rules defining the allowable scope of practice and acts and duties which can be performed by persons certified

by the department and the required level of supervision by a licensed physician.

(2) The board of health and welfare is authorized and directed to adopt appropriate rules and standards concerning the administration of sections 56-1011 through 56-1018B, Idaho Code, including criteria for training programs, certification of personnel, licensure of ambulances and non-transport services, licensure of ambulance and non-transport vehicles, criteria for the use of air medical services by certified EMS personnel at emergency scenes, establishment of fees for training, inspections, and certifications, and appropriate requirements for recertification of personnel and equipment. The rules of the board of health and welfare must be consistent with the rules adopted by the ~~board--of medicine~~ commission.

(3) Additionally, the department shall develop guidelines, standards and procedures for reducing exposure to pathogens from human blood, tissue or fluids. Such guidelines, standards and procedures shall be made available to all law enforcement personnel, all emergency medical services personnel, and such other emergency personnel as request such information.

Approved April 10, 2006.

CHAPTER 422
(H.B. No. 860)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR JUDICIAL SALARY INCREASES FOR FISCAL YEAR 2007.

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

SECTION 1. In addition to any other appropriation provided by law, there is hereby appropriated $911,500 from the General Fund to the Supreme Court for judicial salary increases for the period July 1, 2006, through June 30, 2007.

Approved April 10, 2006.

CHAPTER 423
(H.B. No. 864)

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 2007; TRANSFERRING AND APPROPRIATING CERTAIN FUNDS TO THE BOND LEVY EQUALIZATION FUND; AND AMENDING SECTION 33-906A, IDAHO CODE, TO PROVIDE THAT MONEYS IN THE BOND LEVY EQUALIZATION FUND BE CONTINUOUSLY APPROPRIATED FOR THE BOND LEVY EQUALIZATION SUPPORT PROGRAM.

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, pursuant to law and the provisions of this act, the following amounts to be expended from the listed funds for the period July 1, 2006, through June 30, 2007:

FROM:

School District Building Account	$17,222,900
General Fund	5,500,000
TOTAL	$22,722,900

SECTION 2. Of the General Fund moneys appropriated in Section 1 of this act, $1,000,000 is hereby transferred and appropriated to the Bond Levy Equalization Fund. The provisions of Section 33-905, Idaho Code, notwithstanding, of the moneys appropriated in Section 1 of this act, the amount necessary to fund the provisions of Section 33-906, Idaho Code, is hereby transferred and appropriated from the School District Building Account to the Bond Levy Equalization Fund.

SECTION 3. That Section 33-906A, Idaho Code, be, and the same is hereby amended to read as follows:

33-906A. BOND LEVY EQUALIZATION FUND. There is hereby created in the state treasury a bond levy equalization fund. This fund shall contain such moneys as may be directed pursuant to appropriation. Moneys in the fund shall be used exclusively to make the payments authorized by the bond levy equalization program created in section 33-906, Idaho Code. Moneys in the fund are hereby continuously appropriated for the purposes stated in section 33-906, Idaho Code, and shall only be expended for the purposes stated therein.

Approved April 10, 2006.

CHAPTER 424
(H.B. No. 862)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR COMMISSIONER SALARIES FOR FISCAL YEAR 2007; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TAX COMMISSION FOR COMMISSIONER SALARIES FOR FISCAL YEAR 2007; AND APPROPRIATING ADDITIONAL MONEYS TO THE INDUSTRIAL COMMISSION FOR COMMISSIONER SALARIES FOR FISCAL YEAR 2007.

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

SECTION 1. In addition to any other appropriation, there is hereby appropriated to the Public Utilities Commission for commissioner salaries and benefit costs, to be expended according to the designated expense class from the listed fund for the period July 1, 2006, through June 30, 2007:

FOR:

Personnel Costs	$9,000

FROM:

Public Utilities Commission Fund	$9,000

SECTION 2. In addition to any other appropriation, there is hereby appropriated to the State Tax Commission for commissioner salaries and benefit costs, to be expended according to the designated expense class from the listed funds for the period July 1, 2006, through June 30, 2007:

FOR:

Personnel Costs	$35,600

FROM:

General Fund	$30,300
Administration Services for Transportation Fund	3,600
Multistate Tax Compact Fund	1,700
TOTAL	$35,600

SECTION 3. In addition to any other appropriation, there is hereby appropriated to the Industrial Commission for commissioner salaries and benefit costs, to be expended according to the designated expense class from the listed fund for the period July 1, 2006, through June 30, 2007:

FOR:

Personnel Costs	$8,800

FROM:

Industrial Administration Fund	$8,800

Approved April 11, 2006.

CHAPTER 425
(H.B. No. 857)

AN ACT

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2007; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE FIRST REGULAR SESSION OF THE FIFTY-EIGHTH IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2007, 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, 2006, 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, 2007, 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 Second Regular Session of the Fifty-eighth Idaho Legislature shall continue in full force and effect in such approved or extended language until July 1, 2007, 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 Second Regular Session of the Fifty-eighth 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, 2007, 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. SEVERABILITY. 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 11, 2006.

CHAPTER 426
(S.B. No. 1487)

AN ACT

APPROPRIATING MONEYS FOR THE STATE LIBRARY BOARD FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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 State Library Board the following amounts to be expended

according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

FROM:	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
General Fund	$1,784,600	$ 809,200	$ 28,000		$2,621,800
Economic Recovery Reserve Fund			115,500		115,500
Federal Grant Fund	228,000	634,500	25,000	$607,000	1,494,500
Miscellaneous Revenue Fund		24,300	25,000	26,000	75,300
TOTAL	$2,012,600	$1,468,000	$193,500	$633,000	$4,307,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho State Library is authorized no more than forty-one (41) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, 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. The Idaho State Library is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 11, 2006.

CHAPTER 427
(S.B. No. 1484)

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2007; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DIRECTING THE ALLOCATION OF SALARY SAVINGS.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
STATE DEPARTMENT OF EDUCATION:					
FROM:					
General Fund	$3,052,200	$ 1,320,600		$ 986,100	$ 5,358,900
Economic Recovery Reserve Fund			$2,500		2,500
Driver's Education Fund	146,600	151,000		2,113,300	2,410,900
Public Instruction Fund	457,300	758,900		11,400	1,227,600
Student Tuition Recovery Fund		5,300		49,600	54,900
Federal Grant Fund	3,373,300	11,991,500			15,364,800
Indirect Cost Recovery Fund	533,200	229,100			762,300
Data Processing Services Fund		38,900			38,900
Miscellaneous Revenue Fund	139,600	40,800			180,400
TOTAL	$7,702,200	$14,536,100	$2,500	$3,160,400	$25,401,200

SECTION 2. In accordance with Section 67-3519, Idaho Code, the State Department of Education is authorized no more than one hundred twenty-nine (129) full-time equivalent positions at any point during the period July 1, 2006, through June 30, 2007, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. The State Department of Education is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved April 11, 2006.

CHAPTER 428
(H.B. No. 869)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; APPROPRIATING ADDITIONAL

MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008; AUTHORIZING AN ADDITIONAL FULL-TIME EQUIVALENT POSITION; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO FUTURE FUNDING.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $4,000,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Agriculture $4,000,000 from the Economic Recovery Reserve Fund for the Plant Industries Program to be expended to eradicate Eurasian Watermilfoil for the period July 1, 2006, through June 30, 2008.

SECTION 3. In addition to any other authorization provided by law, the Department of Agriculture is authorized one (1) full-time equivalent position during the period July 1, 2006, through June 30, 2008, for the purpose of eradicating Eurasian Watermilfoil.

SECTION 4. It is the intent of the Legislature that the Idaho State Department of Agriculture investigate funding through grants, fees, and other sources of revenue to maintain the Eurasian Watermilfoil control program in future years.

Approved April 12, 2006.

CHAPTER 429
(H.B. No. 421, As Amended in the Senate)

AN ACT

RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE THAT THE FIRST SEVENTY-FIVE THOUSAND DOLLARS OF THE MARKET VALUE FOR ASSESSMENT PURPOSES OF THE HOMESTEAD OR FIFTY PERCENT OF THE MARKET VALUE FOR ASSESSMENT PURPOSES OF THE HOMESTEAD, WHICHEVER IS THE LESSER, SHALL BE EXEMPT FROM PROPERTY TAXATION, TO DEFINE HOMESTEAD, TO PROVIDE FOR CERTAIN ANNUAL ADJUSTMENTS TO THE MAXIMUM AMOUNT SUBJECT TO PROPERTY TAX EXEMPTION, TO PROVIDE FOR PUBLICATION AND DISSEMINATION OF ADJUSTMENTS AND TO PROVIDE THAT THE PUBLICATION OF ADJUSTMENTS SHALL BE EXEMPT FROM THE PROVISIONS OF THE ADMINISTRATIVE PROCEDURE ACT AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-602G, Idaho Code, be, and the same is hereby amended to read as follows:

63-602G. PROPERTY EXEMPT FROM TAXATION -- ~~RESIDENTIAL--IMPROVEMENTS~~ HOMESTEAD. (1) During the tax year ~~1983~~ 2006 and each year thereafter, subject to annual adjustment as provided herein, the first ~~fifty~~ seventy-five thousand dollars ($75~~0~~,000) of the market value for assessment purposes of ~~residential-improvements~~ the homestead as that term is defined in section 63-701, Idaho Code, or fifty percent (50%) of the market value for assessment purposes of ~~residential--improvements~~ the homestead as that term is defined in section 63-701, Idaho Code, whichever is the lesser, shall be exempt from property taxation. Beginning for tax year 2007, the state tax commission shall publish adjustments to the maximum amount subject to property tax exemption to reflect cost-of-living fluctuations. The adjustments shall effect changes in the amount subject to tax exemption by a percentage equal as near as practicable to the annual increase in the Idaho housing price index as determined by the United States office of federal housing enterprise oversight. The state tax commission shall publish the adjustments required by this subsection each and every year the office of federal housing enterprise oversight announces a change in the Idaho housing price index. The adjustments shall be published no later than October 1 of each year and shall be effective for claims filed in and for the following property tax year. The publication of adjustments under this subsection shall be exempt from the provisions of chapter 52, title 67, Idaho Code, but shall be provided to each county and to members of the public upon request and without charge.

(2) The exemption allowed by this section may be granted only if:

(a) The ~~residential--improvements--are~~ homestead is owner-occupied and used as the primary dwelling place of the owner as of January 1, provided that in the event the ~~residential--improvements--are~~ homestead is owner-occupied after January 1 but before April 15, the owner of the property is entitled to the exemption. The ~~residential improvements~~ homestead may consist of part of a multidwelling or multipurpose building and shall include all of such dwelling or building except any portion used exclusively for anything other than the primary dwelling of the owner. The presence of an office in an ~~owner-occupied-residential-property~~ homestead, which office is used for multiple purposes, including business and personal use, shall not prevent the owner from claiming the exemption provided in this section; and

(b) The tax commission has certified to the board of county commissioners that all properties in the county which are subject to appraisal by the county assessor have, in fact, been appraised uniformly so as to secure a just valuation for all property within the county; and

(c) The owner has certified to the county assessor by April 15 that:

(i) He is making application for the exemption allowed by this section;

(ii) That the ~~residential-improvements-are~~ homestead is his primary dwelling place; and

(iii) That he has not made application in any other county for the exemption, and has not made application for the exemption on any other ~~residential-improvements~~ homestead in the county.

(d) For the purpose of this section, the definition of "owner" shall be the same definition set forth in section 63-701(7), Idaho Code.

When an "owner," pursuant to the provisions of section 63-701(7), Idaho Code, is any person who is the beneficiary of a revocable or irrevocable trust, or who is a partner of a limited partnership, a member of a limited liability company, or shareholder of a corporation, he or she may provide proof of the trust, limited partnership, limited liability company, or corporation in the manner set forth in section 63-703(4), Idaho Code.

(e) Any owner may request in writing the return of all copies of any documents submitted with the affidavit set forth in section 63-703(4), Idaho Code, that are held by a county assessor, and the copies shall be returned by the county assessor upon submission of the affidavit in proper form.

(f) For the purpose of this section, the definition of "primary dwelling place" shall be the same definition set forth in section 63-701(8), Idaho Code.

(g) For the purpose of this section, the definition of "occupied" shall be the same definition set forth in section 63-701(6), Idaho Code.

(3) An owner need only make application for the exemption described in subsection (1) of this section once, as long as all of the following conditions are met:

(a) The owner has received the exemption during the previous year as a result of his making a valid application as defined in subsection (2)(c) of this section.

(b) The owner or beneficiary, partner, member or shareholder, as appropriate, still occupies the same ~~residential improvements~~ homestead for which the owner made application.

(c) The ~~residential improvements~~ homestead described in subsection (3)(b) of this section ~~are~~ is owner-occupied or occupied by a beneficiary, partner, member or shareholder, as appropriate, and used as the primary dwelling place of the owner or beneficiary, partner, member or shareholder, as appropriate, as of January 1; provided however, that in the event the ~~residential--improvements--are~~ homestead is owner-occupied after January 1, but before April 15, the owner of the property is entitled to the exemption.

(4) The exemption allowed by this section must be taken before the reduction in taxes provided by sections 63-701 through 63-710, Idaho Code, is applied.

(5) Recovery of property tax exemptions allowed by this section but improperly claimed or approved~~.~~:

(a) Upon discovery of evidence, facts or circumstances indicating any exemption allowed by this section was improperly claimed or approved, the county assessor shall decide whether the exemption claimed should be allowed and if not, notify the taxpayer in writing, assess a recovery of property tax and notify the county treasurer of this assessment.

(b) When information indicating that an improper claim for the exemption allowed by this section is discovered by the state tax commission, the state tax commission may disclose this information to the appropriate county assessor, board of county commissioners and county treasurer. Information disclosed to county officials by

the state tax commission under this subsection may be used to decide the validity of any entitlement to the exemption provided in this section and is not otherwise subject to public disclosure pursuant to chapter 3, title 9, Idaho Code.

(c) The assessment and collection of the recovery of property tax must begin within the seven (7) year period beginning the date the assessment notice reflecting the improperly claimed or approved exemption was required to be mailed to the taxpayer.

(d) The taxpayer may appeal to the board of county commissioners the decision by the county assessor to assess the recovery of property tax within thirty (30) days of the date the county assessor sent the notice to the taxpayer pursuant to this section.

(e) A recovery of property tax shall be for each year the exemption allowed by this section was improperly claimed or approved up to the lesser of a maximum of seven (7) years or until the property was transferred to a bona fide purchaser for value. The amount of the recovery of property tax shall be calculated using the product of the amount of exempted value for each year multiplied by the levy for that year plus costs, late charges and interest for each year at the rates equal to those provided for delinquent property taxes during that year.

(f) Any recovery of property tax shall be due and payable no later than the date provided for property taxes in section 63-903, Idaho Code, and if not timely paid, late charges and interest, beginning the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section, shall be calculated at the current rate provided for property taxes.

(g) Recovered property taxes shall be billed, collected and distributed in the same manner as property taxes, except each taxing district or unit shall be notified of the amount of any recovered property taxes included in any distribution.

(h) Any unpaid recovered property taxes shall become a lien upon the real property in the same manner as provided for property taxes in section 63-206, Idaho Code, except such lien shall attach as of the first day of January in the year following the year the county assessor sent the notice to the taxpayer pursuant to this section.

(i) For purposes of the limitation provided by section 63-802, Idaho Code, moneys received pursuant to this subsection as recovery of property tax shall be treated as property tax revenue.

(6) The legislature declares that this exemption is necessary and just.

(7) ~~Residential--improvements~~ A homestead having previously qualified for exemption under this section in the preceding year, shall not lose such qualification due to: the owner's, beneficiary's, partner's, member's or shareholder's absence in the current year by reason of active military service in a designated combat zone, as defined in section 112 of the Internal Revenue Code, or because the ~~residential improvements--have~~ homestead has been leased because the owner, beneficiary, partner, member or shareholder is absent in the current year by reason of active military service in a designated combat zone, as defined in section 112 of the Internal Revenue Code. If an owner fails to timely apply for exemption as required in this section solely by reason of active duty in a designated combat zone by the owner, beneficiary, partner, member or shareholder, as appropriate, as defined in

section 112 of the Internal Revenue Code, and such ~~improvements~~ homestead would have otherwise qualified under this section, then the board of county commissioners of the county in which the ~~residential improvements are~~ homestead is located shall refund property taxes, if previously paid, in an amount equal to the exemption which would otherwise have applied.

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, 2006.

Approved April 12, 2006.

CHAPTER 430
(H.B. No. 861)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2007; APPROPRIATING ADDITIONAL MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2007; APPROPRIATING ADDITIONAL MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2007; APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2007; APPROPRIATING ADDITIONAL MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2007; APPROPRIATING ADDITIONAL MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2007; AND APPROPRIATING ADDITIONAL MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 2007.

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

SECTION 1. In addition to any other appropriation, there is hereby appropriated to the Executive Office of the Governor for the Governor's salary and benefit costs, to be expended according to the designated expense class from the listed fund for the period January 1, 2007, through June 30, 2007:

FOR:

Personnel Costs	$2,500

FROM:

General Fund	$2,500

SECTION 2. In addition to any other appropriation, there is hereby appropriated to the Lieutenant Governor for the Lieutenant Governor's salary and benefit costs, to be expended according to the designated expense class from the listed fund for the period January 1, 2007, through June 30, 2007:

FOR:

Personnel Costs	$700

FROM:

General Fund	$700

SECTION 3. In addition to any other appropriation, there is hereby appropriated to the Secretary of State for the Secretary of State's salary and benefit costs, to be expended according to the designated expense class from the listed fund for the period January 1, 2007, through June 30, 2007:

FOR:

Personnel Costs	$2,000

FROM:

General Fund	$2,000

SECTION 4. In addition to any other appropriation, there is hereby appropriated to the Superintendent of Public Instruction/State Department of Education for the Superintendent of Public Instruction's salary and benefit costs, to be expended according to the designated expense class from the listed fund for the period January 1, 2007, through June 30, 2007:

FOR:

Personnel Costs	$2,000

FROM:

General Fund	$2,000

SECTION 5. In addition to any other appropriation, there is hereby appropriated to the State Treasurer for the State Treasurer's salary and benefit costs, to be expended according to the designated expense class from the listed fund for the period January 1, 2007, through June 30, 2007:

FOR:

Personnel Costs	$2,000

FROM:

General Fund	$2,000

SECTION 6. In addition to any other appropriation, there is hereby appropriated to the State Controller for the State Controller's salary and benefit costs, to be expended according to the designated expense class from the listed fund for the period January 1, 2007, through June 30, 2007:

FOR:

Personnel Costs	$2,000

FROM:

General Fund	$2,000

SECTION 7. In addition to any other appropriation, there is hereby appropriated to the Attorney General for the Attorney General's salary and benefit costs, to be expended according to the designated expense class from the listed fund for the period January 1, 2007, through June 30, 2007:

FOR:

Personnel Costs	$2,200

FROM:

General Fund	$2,200

Approved April 12, 2006.

CHAPTER 431
(H.B. No. 865)

AN ACT

RELATING TO THE SALARIES OF ELECTIVE OFFICERS; AMENDING SECTION 59-501, IDAHO CODE, TO PROVIDE THAT THE SALARIES OF ELECTIVE OFFICERS SHALL BE INCREASED BY FOUR PERCENT PER ANNUM ON THE FIRST MONDAY IN JANUARY OF 2007, AND THEN AGAIN BY THREE PERCENT PER ANNUM ON EACH OF THE FIRST MONDAYS IN JANUARY OF 2008, 2009 AND 2010.

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

SECTION 1. That Section 59-501, Idaho Code, be, and the same is hereby amended to read as follows:

59-501. SALARIES OF STATE ELECTIVE OFFICERS -- REGULAR PAYMENT -- TRAVELING EXPENSES -- FEES PROPERTY OF STATE. (1) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general and superintendent of public instruction shall, during their continuance in office, receive for their services compensation as follows:

Commencing on the first Monday in January 2002, until the first Monday in January 2007:

Governor, $101,500 per annum;

Lieutenant governor, $26,750 per annum;

Secretary of state, $82,500 per annum;

State controller, $82,500 per annum; said salary to be audited by the legislative council;

Attorney general, $91,500 per annum;

State treasurer, $82,500 per annum; and

State superintendent of public instruction, $82,500 per annum.

(2) Commencing on the first Monday in January 2007, the salary then in effect for each officer named in subsection (1) of this section shall be increased by four percent (4%) per annum, and then again by three percent (3%) per annum on each of the first Mondays in January of 2008, 2009 and 2010.

(3) Such compensation shall be paid on regular pay periods as due out of the state treasury, and shall be in full for all services by said officers respectively rendered in any official capacity or employment whatever during their respective terms of office; but no increase in the rate of compensation shall be made during the terms of such officers; provided, however, that the actual and necessary expenses of the governor, lieutenant governor, secretary of state, attorney general, state controller, state treasurer, and superintendent of public instruction while traveling within the state, or between points within the state, in the performance of official duties, shall be allowed and paid by the state; not however, exceeding such sum as shall be appropriated for such purpose.

(~~3~~4) Actual and necessary subsistence expenses of the governor while traveling in connection with the performance of official duties are hereby expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code. (Standard Travel Pay and Allowance Act of 1949).

(45) No officer named in this section shall receive, for the performance of any official duty any fee for his own use, but all fees fixed by law for the performance by either of them, of any official duty, shall be collected in advance and deposited with the state treasurer to the credit of the state.

Approved April 12, 2006.

CHAPTER 432
(H.B. No. 866)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE PUBLIC EDUCATION STABILIZATION FUND.

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

SECTION 1. The State Controller shall transfer $10,000,000 from the General Fund to the Public Education Stabilization Fund, by no later than February 1, 2007.

Approved April 12, 2006.

CHAPTER 433
(H.B. No. 870)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE IDAHO WATER RESOURCE BOARD REVOLVING DEVELOPMENT FUND.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $5,000,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $5,000,000 from the Economic Recovery Reserve Fund to the Idaho Water Resource Board Revolving Development Fund. Such moneys shall be used by the Idaho Water Resource Board to permanently retire water rights within the Eastern Snake Plain Aquifer Conservation Reserve Enhancement Program area.

Approved April 12, 2006.

CHAPTER 434
(H.B. No. 871)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE STATE BOARD OF EDUCATION FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2007.

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

SECTION 1. On July 1 or as soon thereafter as possible, the State Controller shall transfer the sum of $50,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the State Board of Education for Special Programs the following amounts to be expended for the designated program according to the designated expense classes from the listed fund for the period July 1, 2006, through June 30, 2007:

TECHHELP:	
FOR:	
Personnel Costs	$40,000
Capital Outlay	10,000
TOTAL	$50,000
FROM:	
Economic Recovery Reserve Fund	$50,000

Approved April 12, 2006.

CHAPTER 435
(H.B. No. 872)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE AND LABOR FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $250,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Commerce and Labor $250,000 from the Economic Recovery Reserve Fund for the period July 1, 2006, through June 30, 2008. Such moneys shall be used to provide expertise to successful applicants among rural communities to obtain innovative growth management strategies to meet challenges that arise from rapid population growth.

Approved April 12, 2006.

CHAPTER 436
(H.B. No. 873)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; CREATING THE INCUMBENT WORKER TRAINING REVOLVING LOAN FUND; DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE INCUMBENT WORKER TRAINING REVOLVING LOAN FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE AND LABOR FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $2,000,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. There is hereby created in the state treasury the Incumbent Worker Training Revolving Loan Fund which shall retain its own interest earnings.

SECTION 3. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer $2,000,000 from the Economic Recovery Reserve Fund to the Incumbent Worker Training Revolving Loan Fund.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Commerce and Labor $2,000,000 from the Incumbent Worker Training Revolving Loan Fund for the period July 1, 2006, through June 30, 2008. Such loans shall be used to assist businesses in training workers through financial assistance with tuition or other expenses.

Approved April 12, 2006.

CHAPTER 437
(H.B. No. 877)

AN ACT

RELATING TO MEDICAID; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-234, IDAHO CODE, TO STATE LEGISLATIVE FINDINGS, TO ESTABLISH A MEDICAID PROGRAM FOR CAREGIVERS, TO PROVIDE FOR PROGRAM CRITERIA, TO REQUIRE AN ANNUAL REPORT; AND PROVIDING A SUNSET DATE.

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

SECTION 1. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-234, Idaho Code, and to read as follows:

56-234. CAREGIVER SUPPORT. (1) The legislature finds that Idaho medicaid could avoid costs of premature institutional care and ensure delivery of patient-preferred noninstitutional care. Idaho medicaid should support family caregivers who care for persons at risk for progression to nursing home levels of care.

(2) The director of the department of health and welfare shall:

(a) Establish a medicaid program for caregivers of persons who meet financial eligibility criteria for medicaid and who do not currently meet criteria for nursing facility levels of care but are at risk of progressing to nursing facility levels of care as demonstrated by appropriate clinical assessment and whose informal caregivers have a demonstrated state of physical, emotional or mental fatigue; and

(b) Use an established scale to measure caregiver capacity and vulnerability and to determine eligibility for respite services.

(3) This program shall be made available for up to five hundred (500) persons, based on available funding.

(4) The director shall make an annual report to the legislature as to the effectiveness of the program established in this section.

SECTION 2. This act shall be null, void and of no force and effect on and after July 1, 2009.

Approved April 12, 2006.

CHAPTER 438
(S.B. No. 1482, As Amended)

AN ACT

RELATING TO ABORTIONS; AMENDING SECTION 18-604, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE ADDITIONAL TERMS; REPEALING SECTION 2, CHAPTER 393, LAWS OF 2005, RELATING TO DEFINITIONS; AMENDING SECTION 18-609, IDAHO CODE, TO REVISE PROCEDURES, TO PROVIDE FOR DISCIPLINE AND TO PROVIDE FOR A CIVIL PENALTY; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 18-604, Idaho Code, be, and the same is hereby amended to read as follows:

18-604. DEFINITIONS. As used in this act:

(1) "Abortion" means the ~~intentional termination of human pregnancy for purposes other than delivery of a viable birth~~ use of any means to intentionally terminate the clinically diagnosable pregnancy of a woman with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn child except that, for the purposes of this chapter, abortion shall not mean the use of an intrauterine device or birth control pill to inhibit or prevent ovulations, fertilization or the implantation of a fertilized ovum within the uterus.

(2) "Department" means the Idaho department of health and welfare.

(3) "Emancipated" means any minor who has been married or is in active military service.

(4) "Fetus" and "unborn child." Each term means an individual organism of the species homo sapiens from fertilization until live birth.

(5) "First trimester of pregnancy" means the first thirteen (13) weeks of a pregnancy.

(~~3~~6) "Hospital" means an acute care, general hospital in this state, licensed as provided in chapter 13, title 39, Idaho Code.

(~~4~~7) "Informed consent" means a voluntary and knowing decision to undergo a specific procedure or treatment. To be voluntary, the decision must be made freely after sufficient time for contemplation and without coercion by any person. To be knowing, the decision must be based on the physician's accurate and substantially complete explanation of: ~~each fact--pertinent--to--making--the-decision.-Facts-pertinent-to-making-the decision-shall-include,-but-not-be-limited-to:~~

(a) A description of any proposed treatment or procedure;

(b) Any reasonably foreseeable complications and risks to the patient from such procedure, including those related to ~~future~~ reproductive health; and

(c) The manner in which such procedure and its foreseeable complications and risks compare with those of each readily available alternative to such procedure, including childbirth and adoption.

The physician must provide the information in terms which can be understood by the person making the decision, with consideration of age, level of maturity and intellectual capability.

(8) "Medical emergency" means a condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of a major bodily function.

(9) "Minor" means a woman less than eighteen (18) years of age.

(10) "Pregnant" and "pregnancy." Each term shall mean the reproductive condition of having a developing fetus in the body and commences with fertilization.

(~~5~~11) "Physician" means a person licensed to practice medicine and surgery or osteopathic medicine and surgery in this state as provided in chapter 18, title 54, Idaho Code.

(~~6~~12) "Second trimester of pregnancy" means that portion of a pregnancy following the thirteenth week and preceding the point in time when the fetus becomes viable, and there is hereby created a legal presumption that the second trimester does not end before the commencement of the twenty-fifth week of pregnancy, upon which presumption any licensed physician may proceed in lawfully aborting a patient pursuant to section 18-608, Idaho Code, in which case the same shall be conclusive and unrebuttable in all civil or criminal proceedings.

(~~7~~13) "Third trimester of pregnancy" means that portion of a pregnancy from and after the point in time when the fetus becomes viable.

(~~8~~14) Any reference to a viable fetus shall be construed to mean a fetus potentially able to live outside the mother's womb, albeit with artificial aid.

SECTION 2. That Section 2, Chapter 393, Laws of 2005, be, and the same is hereby repealed.

SECTION 3. That Section 18-609, Idaho Code, be, and the same is hereby amended to read as follows:

18-609. PHYSICIANS AND HOSPITALS NOT TO INCUR CIVIL LIABILITY -- CONSENT TO ABORTION -- NOTICE. (1) Any physician may perform an abortion not prohibited by this act and any hospital or other facility described in section 18-608, Idaho Code, may provide facilities for such procedures without, in the absence of negligence, incurring civil liability therefor to any person including, but not limited to, the pregnant patient and the prospective father of the fetus to have been born in the absence of abortion, if informed consent for such abortion has been duly given by the pregnant patient.

(2) In order to provide assistance in assuring that the consent to an abortion is truly informed consent, the director of the department of health and welfare shall publish~~,--after--consultation--with--interested parties,~~ easily comprehended, nonmisleading and medically accurate printed material to be made available at ~~the~~ no expense ~~of the~~ to physicians, hospitals or other ~~facility~~ facilities providing ~~the~~ abortion and abortion-related services, and which shall contain the following:

(a) Descriptions of the services available to assist a woman through a pregnancy, at childbirth and while the child is dependent, including adoption services, a comprehensive list of the names, addresses, and telephone numbers of public and private agencies that provide such services and financial aid available;

(b) Descriptions of the physical characteristics of a normal fetus, described at two (2) week intervals, beginning with the fourth week and ending with the twenty-fourth week of development, accompanied by scientifically verified photographs of a fetus during such stages of development. The description shall include information about physiological and anatomical characteristics~~,-brain-and-heart--function,--and-the-presence-of-external-members-and-internal-organs-during-the-applicable-stages-of-development~~; and

(c) Descriptions of the abortion procedures used in current medical practices at the various stages of growth of the fetus and any reasonable foreseeable complications and risks to the mother, including those related to subsequent child bearing.

(3) Except in the case of a medical emergency, n~~N~~o abortion shall be performed unless, prior to the abortion, the attending physician or the attending physician's agent ~~(i)--confirms-or-verifies-a-positive pregnancy-test-and-informs-the-pregnant-patient-of-a-positive--pregnancy test,--and--(ii)~~ certifies in writing that the materials provided by the director ~~of-the-department-of-health-and-welfare~~ have been provided to the pregnant patient~~,-if-reasonably-possible,~~ at least twenty-four (24) hours before the performance of the abortion. If the materials are not available from the director of the department of health and welfare, no certification shall be required. The attending physician, or the attending physician's agent, shall provide any other information required under this act. In addition to providing the material, the attending physician may provide the pregnant patient with such other information which in the attending physician's judgment is relevant to the pregnant patient's decision as to whether to have the abortion or carry the pregnancy to term.

(4) ~~If-the-attending-physician-reasonably-determines--that--due--to circumstances-peculiar-to-a-specific-pregnant-patient,-disclosure-of-the~~

~~material is likely to cause a severe and long-lasting detrimental effect on the health of such pregnant patient, disclosure of the materials shall not be required.~~ Within thirty (30) days after performing any abortion without certification and delivery of the materials, the attending physician, or the attending physician's agent, shall cause to be delivered to the director of the department of health and welfare, a report signed by the attending physician, preserving the patient's anonymity, ~~which explains the specific circumstances~~ denoting the medical emergency that excused compliance with the duty to deliver the materials. The director of the department of health and welfare shall compile the information annually and report to the public the total number of abortions performed in the state where delivery of the materials was excused; provided that any information so reported shall not identify any physician or patient in any manner which would reveal their identities.

(5) If section 18-608(3), Idaho Code, applies to the abortion to be performed and the pregnant patient is an adult and for any reason unable to give a valid consent thereto, the requirement for that pregnant patient's consent shall be met as required by law for other medical or surgical procedures and shall be determined in consideration of the desires, interests and welfare of the pregnant patient.

(6) The knowing failure of the attending physician to perform any one (1) or more of the acts required under subsection (4) of this section or section 39-261, Idaho Code, is grounds for discipline pursuant to section 54-1814(6), Idaho Code, and shall subject the physician to assessment of a civil penalty of one hundred dollars ($100) for each month or portion thereof that each such failure continues, payable to the vital statistics unit of the department of health and welfare, but such failure shall not constitute a criminal act.

SECTION 4. SEVERABILITY. If any one or more provision, section, subsection, sentence, clause, phrase or word of this act or the application thereof to any person or circumstance, or application to any other section of Idaho Code is found to be unconstitutional, the same is hereby declared to be severable and the balance of this act shall remain effective notwithstanding such unconstitutionality. The Legislature hereby declares that it would have passed this act, and each provision, section, subsection, sentence, clause, phrase or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase or word be declared unconstitutional.

Approved April 12, 2006.

CHAPTER 439
(S.B. No. 1492, As Amended)

AN ACT

RELATING TO MEETINGS; PROVIDING LEGISLATIVE INTENT; AND AMENDING SECTION 67-2346, IDAHO CODE, TO PROVIDE THAT ALL MEETINGS OF ANY STANDING, SPECIAL OR SELECT COMMITTEE OF EITHER HOUSE OF THE LEGISLATURE SHALL BE OPEN TO THE PUBLIC AT ALL TIMES, EXCEPT IN EXTRAORDINARY CIRCUMSTANCES AS PROVIDED SPECIFICALLY IN THE RULES OF PROCEDURE IN EITHER HOUSE.

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

SECTION 1. LEGISLATIVE FINDINGS -- INTENT. The Legislature finds that there is a need to amend a section of the Idaho Code that has been superseded by rules of the Senate and the House of Representatives that govern certain legislative procedures as authorized by the Constitution of the State of Idaho and that provide for the meetings of any standing, special or select committee to be open to the public.

SECTION 2. That Section 67-2346, Idaho Code, be, and the same is hereby amended to read as follows:

67-2346. OPEN LEGISLATIVE MEETINGS REQUIRED. All meetings of any standing, special or select committee of either house of the legislature of the state of Idaho shall be open to the public at all times, except in extraordinary circumstances as provided specifically in the rules of procedure in either house, and any person may attend any meeting of a standing, special or select committee, but may participate in the committee only with the approval of the committee itself.

Approved April 12, 2006.

CHAPTER 440
(S.B. No. 1493)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE SOIL CONSERVATION COMMISSION FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $160,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Soil Conservation Commission $160,000 from the Economic Recovery Reserve Fund to be expended for trustee and benefit payments for conservation improvement grants for the period July 1, 2006, through June 30, 2008.

Approved April 12, 2006.

CHAPTER 441
(S.B. No. 1494)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; DIRECTING THE TRANSFER OF

MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE TREASURE VALLEY AIR QUALITY TRUST FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $50,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. The State Controller is hereby directed to transfer up to $50,000 from the Economic Recovery Reserve Fund to the Treasure Valley Air Quality Trust Fund, at the request of the Director of the Department of Environmental Quality, for a dollar-for-dollar match for contributions made to the Treasure Valley Air Quality Trust Fund for a public awareness campaign.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality $100,000 from the Treasure Valley Air Quality Trust Fund for the Air Quality Program to be expended as determined by the Treasure Valley Air Quality Council for the period July 1, 2006, through June 30, 2008.

Approved April 12, 2006.

CHAPTER 442
(S.B. No. 1495)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $54,200 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Environmental Quality $54,200 from the Economic Recovery Reserve Fund for the Water Quality Program to be expended for operating expenditures for the period July 1, 2006, through June 30, 2008. Such appropriation shall be expended to provide for water quality monitoring activities to establish baseline water quality conditions in the Clark Fork River and Lake Pend Oreille.

Approved April 12, 2006.

CHAPTER 443
(S.B. No. 1496)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE WATER MANAGEMENT FUND.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $300,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $300,000 from the Economic Recovery Reserve Fund to the Water Management Fund. It is legislative intent that such moneys be used by the Idaho Water Resource Board to administer its responsibilities associated with development and implementation of the Eastern Snake Plain Aquifer Management Plan.

Approved April 12, 2006.

CHAPTER 444
(S.B. No. 1497)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $50,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Water Resources $50,000 from the Economic Recovery Reserve Fund for the Planning and Technical Services Program to be expended for operating expenditures for the period July 1, 2006, through June 30, 2008. Such appropriation is intended to provide Idaho's match for a feasibility study of flood control on the Bear River above Bear Lake.

Approved April 12, 2006.

CHAPTER 445
(S.B. No. 1498)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; CREATING THE RURAL BROADBAND DEVELOPMENT MATCHING FUND; DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE RURAL BROADBAND DEVELOPMENT MATCHING FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE AND LABOR FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $5,000,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. There is hereby created in the state treasury the Rural Broadband Development Matching Fund which shall retain its own interest earnings.

SECTION 3. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer from the Economic Recovery Reserve Fund to the Rural Broadband Development Matching Fund the sum of $5,000,000.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Commerce and Labor $5,000,000 from the Rural Broadband Development Matching Fund to be expended for the period July 1, 2006, through June 30, 2008. Such fund shall be used to make available matching funds, on a reimbursement basis, for rural broadband investment plans, as defined by the Idaho Department of Commerce and Labor, submitted to and approved by the Idaho Department of Commerce and Labor. The maximum amount that may be expended on any given project shall not exceed $1,000,000. The Idaho Department of Commerce and Labor shall promulgate rules to implement the Rural Broadband Development Matching Fund.

Approved April 12, 2006.

CHAPTER 446
(S.B. No. 1499)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; CREATING THE BUSINESS AND JOBS DEVELOPMENT FUND; DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE BUSINESS AND JOBS DEVELOPMENT FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE AND LABOR FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $1,000,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. There is hereby created in the state treasury the Business and Jobs Development Fund which shall retain its own interest earnings.

SECTION 3. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer $1,000,000 from the Economic Recovery Reserve Fund to the Business and Jobs Development Fund.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Commerce and Labor $1,000,000 from the Business and Jobs Development Fund to be expended for the period July 1, 2006, through June 30, 2008. Such moneys shall be made available at the discretion of the director of the Idaho Department of Commerce and Labor and shall be used for public costs associated with the recruitment of companies to Idaho. The Idaho Department of Commerce and Labor shall promulgate rules to implement the intent of this section.

Approved April 12, 2006.

CHAPTER 447
(S.B. No. 1500)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE AND LABOR FOR FISCAL YEAR 2007.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $300,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Commerce and Labor $300,000 from the Economic Recovery Reserve Fund to be expended for trustee and benefit payments for the TechConnect Program for the period July 1, 2006, through June 30, 2007.

Approved April 12, 2006.

CHAPTER 448
(H.B. No. 875)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2007 AND FISCAL YEAR 2008; DIRECTING THE EXPENDITURE OF FUNDS FOR CERTAIN PARK PROJECTS; DIRECTING THAT MONEYS SHALL BE EXPENDED FOR THE EAGLE ISLAND STATE PARK PLANNING COMMITTEE AND THE EASTERN IDAHO STATE PARK SEARCH COMMITTEE; DIRECTING THAT MONEYS SHALL BE EXPENDED ON PARK REPAIRS AND MAINTENANCE; DIRECTING THAT THE DEPARTMENT OF PARKS AND RECREATION REPORT TO THE JOINT FINANCE-APPROPRIATIONS COMMITTEE; DIRECTING THAT THE EAGLE ISLAND STATE PARK PLANNING COMMITTEE SHALL PRODUCE A COMPREHENSIVE PLAN FOR THE DEVELOPMENT OF EAGLE ISLAND STATE PARK; ACKNOWLEDGING THAT NET PROCEEDS DERIVED FROM EAGLE ISLAND STATE PARK'S NATURAL RESOURCES SHALL BE USED ON PARK DEVELOPMENT AND IMPROVEMENTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. As soon as possible, but no later than June 1, 2006, the State Controller shall transfer the sum of $11,500,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Parks and Recreation the following amounts to be expended for the designated program according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2008:

CAPITAL DEVELOPMENT:

FOR:	
Operating Expenditures	$ 2,000,000
Capital Outlay	24,500,000
TOTAL	$26,500,000

FROM:	
Economic Recovery Reserve Fund	$11,500,000
Parks and Recreation Expendable Trust Fund	15,000,000
TOTAL	$26,500,000

SECTION 3. Of the appropriated amount from the Economic Recovery Reserve Fund in Section 2 of this act, at least $5,600,000 shall be expended upon projects at the following state parks: Heyburn State Park, Castle Rocks State Park and Harriman State Park. Further, of the appropriated amount from the Economic Recovery Reserve Fund in Section 2 of this act, no more than $1,500,000 shall be expended upon projects at Ponderosa State Park. Such expenditures at Ponderosa State Park shall be consistent with maintaining Ponderosa State Park as a natural park emphasizing improvements such as campgrounds, day use facilities, a visitor/interpretive center, program area, trails, trailhead facilities, picnic shelters or other similar day use improvements.

SECTION 4. Of the appropriated amount from the Economic Recovery Reserve Fund in Section 2 of this act, up to $1,000,000 shall be expended for the Eagle Island State Park Planning Committee and for activities related to the design and development of Eagle Island State Park. Of the appropriated amount from the Economic Recovery Reserve Fund in Section 2 of this act, up to $1,000,000 shall be expended for the Eastern Idaho State Park Search Committee and activities related to obtaining and designing an Eastern Idaho State Park.

SECTION 5. Of the appropriated amount from the Economic Recovery Reserve Fund in Section 2 of this act, up to $2,400,000 shall be expended on repairs and maintenance on the several state parks as determined by the Park and Recreation Board.

SECTION 6. Prior to the Park and Recreation Board adopting specific improvement plans at Eagle Island State Park, at Ponderosa State Park, and plans or proposals stemming from the Eastern Idaho State Park Search Committee, the department is directed to report to the Joint Finance-Appropriations Committee during the committee's fall interim meeting.

SECTION 7. The Eagle Island State Park Planning Committee shall produce a comprehensive plan for the development of Eagle Island State Park. Such plan will show the amenities and infrastructure that shall best meet the long-term needs of Treasure Valley and Idaho citizens. The plan shall include water amenities in certain parts of the park that complement the long-term beauty, aesthetics, and public use of the park. The Park and Recreation Board is authorized to develop working groups to include, but not be limited to, the Idaho Transportation Department and the Idaho Department of Lands, to determine the feasibility of using park natural resources to finance the development of Eagle Island State Park. Once such feasibility is determined, the Park and Recreation Board is authorized to implement the design and development of improvements at Eagle Island State Park.

SECTION 8. The Legislature acknowledges that all net proceeds derived from Eagle Island State Park's natural resources shall be used on developments and improvements at Eagle Island State Park.

SECTION 9. 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 13, 2006.

CHAPTER 449
(H.B. No. 673, As Amended in the Senate)

AN ACT

RELATING TO LIQUOR LICENSES; AMENDING SECTION 23-904, IDAHO CODE, TO PROVIDE FOR LIQUOR LICENSE FEES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-957, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF NOT MORE

THAN THREE LIQUOR LICENSES TO THE OWNER, OPERATOR OR LESSEE OF BEVERAGE, LODGING OR DINING FACILITIES LOCATED WITHIN THE PREMISES OF A YEAR-ROUND RESORT, TO PROVIDE FOR THE ISSUANCE OF A LIQUOR LICENSE WITHIN LIMITATIONS TO THE OWNER, OPERATOR OR LESSEE OF A GOLF COURSE, SKI RESORT, CROSS-COUNTRY SKIING FACILITY OR WATERFRONT RESORT LOCATED WITHIN THE PREMISES OF A YEAR-ROUND RESORT, TO PROVIDE FOR NONTRANSFERABILITY OF LIQUOR LICENSES OUTSIDE THE YEAR-ROUND RESORT, TO PROVIDE FOR FEES AND TO DEFINE "YEAR-ROUND RESORT"; AND AMENDING SECTION 23-903, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES.

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

SECTION 1. That Section 23-904, Idaho Code, be, and the same is hereby amended to read as follows:

23-904. LICENSE FEES. Each licensee licensed under the provisions of this act shall pay an annual license fee to the director as follows:

(~~a~~1) For each license in a city of one thousand (1,000) population or less, three hundred dollars ($300) per annum.

(~~b~~2) For each license in a city of from one thousand (1,000) to three thousand (3,000) population, five hundred dollars ($500) per annum.

(~~c~~3) For each license in a city having a population of more than three thousand (3,000), seven hundred fifty dollars ($750) per annum.

(~~d~~4) For each railroad train for sale only in buffet, club or dining cars, fifty dollars ($50.00) per annum of the scheduled run of such train within the state of Idaho; provided, that such license shall be in full, and in lieu of all other licenses herein provided for.

(~~e~~5) For each common carrier boat line for sale only in buffet, club dining rooms, two hundred fifty dollars ($250) per annum. Such license shall be in full, and in lieu of all other licenses herein provided for.

(~~f~~6) For each license issued to the owner, operator, or lessee of a golf course as described in section 23-903, Idaho Code, or to the lessee of any premises situate on such golf course, situate in any county having a population of:

(~~1~~a) Less than twenty thousand (20,000), two hundred dollars ($200) per annum;

(~~2~~b) Twenty thousand (20,000) but less than forty thousand (40,000), three hundred dollars ($300) per annum; and

(~~3~~c) Forty thousand (40,000) or more, four hundred dollars ($400) per annum.

(~~g~~7) For each common carrier airline for sale only in common carrier aircraft, two hundred fifty dollars ($250) per annum. Such license shall be in full, and in lieu of all other licenses herein provided for.

(~~h~~8) For each license issued to the owner, operator, or lessee of a restaurant operated on an airport, as described in section 23-903, Idaho Code, situate within the corporate limits of a city, the fee shall be the same as provided in paragraphs "a"(1) through "c,"(3), inclusive, of this section.

(~~i~~9) For each license issued to the owner, operator, or lessee of a restaurant operated on an airport, as described in section 23-903, Idaho Code, situate without the corporate limits of a city, the fee

shall be the same as provided in paragraph "f"(6) of this section. Licenses issued under and pursuant to the provisions of this act shall expire at 1:00 o'clock ~~A.M.~~ a.m. on the first day of January of the following year.

(10) For each license issued to an owner or operator of a year-round resort as described in section 23-957, Idaho Code, a one (1) time fee of twenty-five thousand dollars ($25,000). For each beverage, lodging or dining facility owner or operator within the premises of a year-round resort as described in section 23-957, Idaho Code, two thousand five hundred dollars ($2,500) per annum. For each beverage, lodging or dining facility lessee within the premises of the year-round resort as described in section 23-957, Idaho Code, two thousand five hundred dollars ($2,500) per annum.

Provided that any licensee who operates for only a portion of a year may have his license fee prorated from the date he commences operation to the end of the calendar year, but in no event for less than six (6) months.

In the event a licensee who was previously issued a license on a prorated basis under the provisions hereof desires to have such license renewed for the same period for the next succeeding year, he shall file his intention to so apply for such license with the director, accompanied by the fee required for the issuance of such license on or before December 31~~st~~ of the year preceding.

The license fees herein provided for are exclusive of and in addition to other license fees chargeable in the state of Idaho.

The basis upon which respective populations of municipalities shall be determined is the last preceding census or any subsequent special census conducted by the United States bureau of the census, unless a direct enumeration of the inhabitants thereof be made by the state of Idaho, in which case such later direct enumeration shall constitute such basis.

SECTION 2. That Chapter 9, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-957, Idaho Code, and to read as follows:

23-957. YEAR-ROUND LIQUOR LICENSE. (1) Nothing in this chapter shall prohibit the issuance of not more than three (3) licenses to the owner, operator or lessee of beverage, lodging or dining facilities located and operated within the ownership or leasehold premises of a year-round resort.

(2) Nothing contained in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a golf course, ski resort, cross-country skiing facility or waterfront resort, as defined in sections 23-903, 23-903a and 23-948, Idaho Code, located within the ownership or leasehold premises of a year-round resort, provided that such license shall count against the maximum number of licenses allowed by subsection (1) of this section.

(3) No license issued to the owner, operator or lessee of beverage, lodging or dining facilities located and operated within the ownership or leasehold premises of a year-round resort shall be transferable to another location or facility located outside the ownership or leasehold premises of the year-round resort.

(4) The fees for licenses granted to the owner, operator or lessee

of beverage, lodging or dining facilities located and operated within the ownership or leasehold premises of a year-round resort shall be the same as those prescribed for year-round resorts in section 23-904(10), Idaho Code.

(5) "Year-round resort" means a resort open to the public year around which offers all of the following within the ownership or leasehold premises of the resort:

(a) Cross-country skiing on not less than thirty (30) kilometers of groomed cross-country skiing trails;

(b) Alpine skiing on real property of not less than eight hundred fifty (850) acres, operating two (2) or more chair lifts with a vertical lift of two thousand eight hundred (2,800) feet or more, and having operating snowmaking equipment providing coverage to at least seventy-five (75) acres of skiing;

(c) A golf course having:

(i) No less than eighteen (18) holes with greens, fairways and tees laid out and used in the usual and regular manner of a golf course;

(ii) A total distance of seven thousand (7,000) yards as measured by totaling the tee-to-green distance of all holes; and

(iii) The course planted in grass;

(d) Mountain bike activities which include at least twelve (12) miles of single track trails, chair lift served access to at least two thousand eight hundred (2,800) feet of vertical descent and a full service bike rental and repair facility; and

(e) At least seventy (70) private residences and accommodations available to provide overnight lodging and dining facilities serving at least two (2) meals per day for at least five hundred (500) persons located within the ownership or leasehold premises of the resort.

SECTION 3. That Section 23-903, Idaho Code, be, and the same is hereby amended to read as follows:

23-903. LICENSE TO RETAIL LIQUOR. The director of the Idaho state police is hereby empowered, authorized, and directed to issue licenses to qualified applicants, as herein provided, whereby the licensee shall be authorized and permitted to sell liquor by the drink at retail and, upon the issuance of such license, the licensee therein named shall be authorized to sell liquor at retail by the drink, but only in accordance with the rules promulgated by the director and the provisions of this chapter. No license shall be issued for the sale of liquor on any premises outside the incorporated limits of any city except as provided in this chapter and the number of licenses so issued for any city shall not exceed one (1) license for each one thousand five hundred (1,500) of population of said city or fraction thereof, as established in the last preceding census, or any subsequent special census conducted by the United States bureau of the census or by an estimate that is statistically valid including adding the number of new residential utility connections or including adding the population of areas annexed into the city after the last census or special census was conducted, except that upon proper application thereof not more than two (2) licenses may be issued for each incorporated city with a population of one thousand five hundred (1,500) or less, unless the retail licensing of liquor by

the drink has been previously disapproved under the provisions of sections 23-917, 23-918, 23-919, 23-920 and 23-921, Idaho Code; provided, however, that any license heretofore issued may be renewed from year to year without regard to the population or status of the city for which such license is issued. Any license issued and which has remained in effect at its location for a consecutive period of ten (10) years or more shall be deemed to have been validly issued and may be renewed from year to year provided, however, that the applicant for the renewal of such license is not otherwise disqualified for licensure pursuant to section 23-910, Idaho Code, and, if the premises required special characteristics for original licensure, other than being either within or without the incorporated limits of a city, that said premises continue to have such special characteristics at the time of the application for renewal.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of an actual, bona fide golf course whether located within or without the limits of any city, or located on premises also operated as a winery, or ski resort, or to the lessee of any premises situate thereon, no part of which ski resort or the premises thereon is situate within the incorporated limits of any city. For the purpose of this section a golf course shall comprise an actual, bona fide golf course, which is regularly used for the playing of the game of golf, and having not less than nine (9) tees, fairways and greens laid out and used in the usual and regular manner of a golf course. Nine (9) hole courses must have a total yardage of at least one thousand (1,000) yards, and eighteen (18) hole courses must have a total yardage of at least two thousand (2,000) yards as measured by totaling the tee-to-green distance of all holes. The course must be planted in grass except that it may provide artificial tee mats. Where any such golf course is owned or leased by an association of members and is used or enjoyed by such members, or their guests, none of the disqualifications contained in section 23-910, Idaho Code, shall apply to such association as a licensee where such disqualifications, or any of them, would apply only to a member of such association where such member has no interest therein except as a member thereof.

Also for the purpose of this section a ski resort shall comprise real property of not less than ten (10) acres in size, exclusive of the terrain used for skiing and upon which the owner, operator, or lessee of the ski resort has made available himself, or through others, including, but not limited to, the owners of condominiums, permanent bona fide overnight accommodations available to the general public for one hundred (100) persons or more, and which real property is contiguous to or located within the area in which skiing occurs, and which real property is regularly operated as a ski resort in the winter time, and where the owner, operator, or lessee of the ski resort is also the owner, operator, or lessee of the area served by a bona fide chair ski lift facility or facilities. Alternatively, for the purpose of this section a ski resort may also be defined as a downhill ski area, open to the public, comprising real property of not less than two hundred fifty (250) skiable acres, operating two (2) or more chair lifts with a vertical lift of one thousand (1,000) feet or more, and capable of transporting a minimum of one thousand eight hundred (1,800) skiers per hour. A ski resort qualifying under this definition shall also have on the premises a lodge facility providing shelter and food service to the public, the

operator of which shall also be the valid owner or lessee of the grounds and facilities upon which the ski resort offers downhill skiing services to the public. The fees for licenses granted to ski resorts shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Not more than one (1) licensed premises shall be permitted on any golf course or any ski resort or within the area comprising the same.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator or lessee of an actual, bona fide equestrian facility located on not less than forty (40) contiguous acres, with permanently erected seating of not less than six thousand (6,000) seats, no part of which equestrian facility or the premises thereon is situate within the incorporated limits of any city, and which facility shall have at least three (3) days per year of a professionally sanctioned rodeo. Not more than one (1) licensed premises shall be permitted at any equestrian facility or within an area comprising such a facility. The license shall be solely for the equestrian facility and shall not be transferred to any other location. The fees for licenses granted to equestrian facilities shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code.

Nothing herein contained shall prohibit the issuance of a license to the owner, operator, or lessee of a restaurant operated on an airport owned or operated by a county or municipal corporation or on an airport owned or operated jointly by a county and municipal corporation, and which said airport is served by a trunk or local service air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board of the United States of America. Not more than one (1) license shall be issued on any airport.

Nothing herein contained shall prohibit the issuance of one (1) club license to a club as defined in section 23-902, Idaho Code. The holder of a club license is authorized to sell and serve alcoholic beverages for consumption only within the licensed establishment owned, leased or occupied by the club, and only to bona fide members of the club, and to serve and to sell alcoholic beverages for consumption to bona fide members' guests. A club license issued pursuant to the provisions of this section is not transferable and may not be sold. Any club license issued pursuant to the provisions of this section will revert to the director when, in his judgment, the licensee ceases to operate as a bona fide club as defined in section 23-902, Idaho Code. No club may hold a liquor license and a club license simultaneously. A club which on July 1, 1983, holds a liquor license, may continue to possess that license. Any club which possesses a liquor license on January 1, 1983, or thereafter, and then sells that liquor license, may not obtain a club license, and the director shall not issue a club license to that club for a period of five (5) years following such sale. The fee for any license issued to a qualifying club within an incorporated municipality shall be as prescribed in subsections (~~a~~1), (~~b~~2) and (~~c~~3) of section 23-904, Idaho Code. The fee for any license issued to a qualifying club not situate within an incorporated municipality shall be as specified for golf courses under section 23-904(~~f~~6), Idaho Code. The provisions of section 23-916, Idaho Code, regarding county and city licenses, shall pertain to club licenses. The burden of producing sufficient documentation of qualifications for club licensure shall be with the club applicant.

Nothing in this chapter to the contrary shall prohibit the issuance

of a license to the owner, operator, or lessee of an actual, bona fide convention center which is within the incorporated limits of a city having a population of three thousand (3,000) or greater, and which city does not have located therein a convention center with a valid convention center license to sell liquor by the drink. For the purpose of this section, a convention center means a facility having at least thirty-five thousand (35,000) square feet of floor space or a facility having at least one hundred twenty (120) sleeping rooms and an adjoining meeting room which will accommodate not less than three hundred fifty (350) persons, whether or not such room may be partitioned into smaller rooms, and provided that such meeting room shall contain at least three thousand (3,000) square feet of floor space. Such license must be placed in actual use in said convention center within one (1) year from the date of its issuance. The fee for any license issued to a qualifying convention center shall be as prescribed in subsection (~~c~~3) of section 23-904, Idaho Code. No license issued to a convention center hereunder shall be transferable to another location or facility, nor shall the holder of a convention center license be eligible for the issuance of a license in the same city pursuant to any other provision of this chapter. For purposes of this section, the term holder shall include an owner, operator or lessee and shall include a stockholder, director, or officer of a corporation, or a partner in a partnership, which corporation or partnership has been issued a convention center license pursuant to this chapter. Not more than one (1) licensed premises shall be permitted on any convention center or within the area comprising the same, including convention centers that also comprise golf courses or ski resorts as herein defined.

Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a food, beverage and/or lodging facility that has been in continuous operation in the same location for at least seventy-five (75) years, except for temporary closings for refurbishing or reconstruction, or a food, beverage and lodging facility serving the public by reservation only, having a minimum of five (5) rooms operating in a structure that has been in existence for at least seventy-five (75) years and has been on the historic register for a minimum of ten (10) years, is situated within five hundred (500) yards of a natural lake containing a minimum of thirty-six thousand (36,000) acre feet of water when full with a minimum of thirty-two (32) miles of shoreline, and is located in a county with a minimum population of sixty-five thousand (65,000). The provisions of section 23-910, Idaho Code, shall apply to licenses issued to continuous operation facilities. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Licenses issued to continuous operation facilities are not transferable.

Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of the lodging, dining and entertainment facilities owned by a gondola resort complex and operated in conjunction with the other public services provided by a gondola resort complex located within the ownership/leasehold boundaries of a gondola resort complex.

A gondola resort complex means an actual, bona fide gondola capable of transporting people for recreational and/or entertainment purposes at least three (3) miles in length with a vertical rise of three thousand

(3,000) feet, portions of which may be located within or over the limits of one (1) or more cities.

Nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a winery also operating a golf course on the premises.

Subject to approval of the mayor and city council, nothing in this chapter shall prohibit the issuance of a license to the owner, operator or lessee of a food, conference and lodging facility constructed after July 1, 2004, containing a minimum of sixty thousand (60,000) square feet and sixty (60) guest rooms with a minimum taxable value of fifteen million dollars ($15,000,000) in a city with a population of less than five thousand (5,000) according to the most recent census.

The provisions of section 23-910, Idaho Code, shall apply to licenses issued under the provisions of this section. The fees shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code. Licenses issued under the provisions of this section are not transferable.

Approved April 13, 2006.

CHAPTER 450
(S.B. No. 1243, As Amended)

AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-707, IDAHO CODE, TO REQUIRE THAT A COMPLAINT SHALL CONTAIN AN ORDER OF CONDEMNATION, OR RESOLUTION, OR OTHER OFFICIAL AND BINDING DOCUMENT ENTERED BY THE PLAINTIFF WHICH SETS FORTH AND CLEARLY IDENTIFIES ALL PROPERTY RIGHTS TO BE ACQUIRED INCLUDING RIGHTS TO AND FROM THE PUBLIC WAY, AND PERMANENT AND TEMPORARY EASEMENTS KNOWN OR REASONABLY IDENTIFIABLE TO THE CONDEMNING AUTHORITY AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 40-506, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 7-707, Idaho Code, be, and the same is hereby amended to read as follows:

7-707. COMPLAINT. The complaint must contain:

1. The name of the corporation, association, commission or person in charge of the public use for which the property is sought, who must be styled plaintiff.

2. The names of all owners and claimants of the property, if known, or a statement that they are unknown, who must be styled defendants.

3. A statement of the right of the plaintiff.

4. If a right-of-way be sought, the complaint must show the location, general route and termini, and must be accompanied with maps thereof.

5. A description of each piece of land sought to be taken, and whether the same includes the whole, or only a part, of an entire parcel or tract. All parcels lying in the county, and required for the same

public use, may be included in the same or separate proceedings, at the option of the plaintiff, but the court may consolidate or separate them to suit the convenience of the parties.

6. An order of condemnation, or resolution, or other official and binding document entered by the plaintiff which sets forth and clearly identifies all property rights to be acquired including rights to and from the public way, and permanent and temporary easements known or reasonably identifiable to the condemning authority.

7. In all cases where the owner of the lands sought to be taken resides in the county in which said lands are situated, a statement that the plaintiff has sought, in good faith, to purchase the lands so sought to be taken, or settle with the owner for the damages which might result to his property from the taking thereof, and was unable to make any reasonable bargain therefor, or settlement of such damages; but in all other cases these facts need not be alleged in the complaint, or proved.

SECTION 2. That Section 40-506, Idaho Code, be, and the same is hereby amended to read as follows:

40-506. COMPENSATION FOR TAKING CERTAIN PROPERTY. (1) The department is authorized to acquire by purchase, gift or condemnation, all advertising displays and any property rights pertaining to them, when those advertising displays are required to be removed under the provisions of chapter 19, title 40, Idaho Code.

(2) In any appropriation for this purpose the department shall pay compensation under existing eminent domain law only for the following:

(a) The taking from the owner of a sign, display, or device of all right, title, leasehold, and interest in the sign, display or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain signs, displays and devices on that property. Where setback easements restricting the erection of structures or advertising displays have been recorded by the state on land where those structures have been erected, the landowner of the land shall be deemed to have been fully compensated for them.

(3) In any action at law instituted by the department under this section the state shall not be required, as a prerequisite, to the taking of or appropriation to comply with section 7-704~~(~~2.~~)~~ or section 7-707~~(6)~~7., Idaho Code.

Approved April 14, 2006.

CHAPTER 451
(S.B. No. 1247)

AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-721, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE, TO REMOVE LANGUAGE REFERENCING THE PURPOSES OF ACQUISITION OF REAL PROPERTY AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 7-721, Idaho Code, be, and the same is hereby amended to read as follows:

7-721. POSSESSION BY PLAINTIFF PENDING TRIAL. In any proceeding under the provisions of this chapter ~~whereby the state of Idaho, or any board, agency or political subdivision thereof, or municipality therein, is seeking to acquire~~ for the acquisition of real property, ~~necessary for the construction, maintenance, alteration, and repair of freeways, expressways, highways, roads, streets, airports, and any necessary structures or appurtenances needed in connection therewith, or the construction and extension of culinary water systems, sewers and sewerage systems, including sewerage treatment facilities,~~ the plaintiff may take possession of and use such property at any time after just compensation has been judicially determined and payment thereof made into court. Judicial determination shall be satisfied by the following requirements:

(1) At any time after an action for condemnation has been commenced under the provisions of this chapter and after the defendant has made an appearance, the plaintiff may file a motion asking that said plaintiff be placed in lawful possession of and have the use of said property and the court shall fix a date, not less than ten (10) or more than twenty (20) days after the filing of such motion, for the hearing thereon and shall require due notice to be given to each party to the proceedings whose interest would be affected by the requested taking. Notice herein shall be given as provided in rule 5(a) or 5(b), as the case may be, of the Idaho rules of civil procedure.

If the defendant has not appeared, but is not in default, plaintiff may proceed as herein provided twenty (20) days after the action shall have been commenced by serving the motion and notice of the hearing in the same manner as required for service of summons.

(2) At the hearing the court shall first determine whether or not plaintiff (a) has the right of eminent domain, (b) whether or not the use to which the property is to be applied is a use authorized by law, (c) whether or not the taking is necessary to such use, and (d) whether or not plaintiff has sought, in good faith, to purchase the lands sought to be taken and the court shall enter an order thereon which shall be a final order as to these issues and an appeal may be taken therefrom; provided, however, no appeal therefrom shall stay further proceedings.

(3) If the matters in the preceding subsection are determined in favor of the plaintiff the court shall hear the issues raised by the plaintiff's motion for taking and shall receive such evidence as it may consider necessary and proper for a finding of just compensation, but the court may limit the number of witnesses presented by any party to the action, and, in its discretion, may appoint a disinterested appraiser as an agent of the court to evaluate the property to which the motion relates and to report his conclusions to the court within ten (10) days from the date of his appointment; and the court shall fix his fee which shall be paid by the plaintiff. The court shall within five (5) days after the hearing, or if it shall appoint an appraiser, within five (5) days after receiving his report, make an order of determination of just compensation.

(4) Neither the order of the court determining just compensation, nor the amount of the deposit, nor the report of the appraiser appointed

by the court shall be admissible in evidence in further proceedings under this section.

(5) After the court has entered its order of determination of the amount of just compensation, the plaintiff may deposit such amount with the court and the court shall thereupon enter an order fixing a date from which the plaintiff shall be entitled to take possession of and use the property. After such deposit and order have been made the cause shall proceed to trial in the regular manner.

(6) Any party defendant may file with the court an application to withdraw his share of the amount deposited by the plaintiff. Such application may be filed at any time after the court has entered its order placing plaintiff in possession and use of the property. If there be only one (1) defendant in the action, the court shall authorize the requested withdrawal of funds, but if there shall be more than one (1) defendant the court shall fix a date for hearing on the application to withdraw funds and shall require notice to be given to each party whose interest would be affected by such withdrawal. After hearing the court shall determine the share of the funds deposited to which the defendants or any of them are lawfully entitled and shall authorize the withdrawal requested or such part thereof as shall be proper.

(7) If more than eighty ~~per-centum~~ percent (80%) of the amount deposited is withdrawn, the defendant or defendants making the withdrawal shall be required to make a written undertaking, executed by two (2) or more sufficient sureties, approved by the court, to the effect that they are bound to the plaintiff for the payment to it of such sum by which the amount withdrawn shall exceed the amount of the award finally determined upon trial of the cause.

(8) Upon trial of the cause the court shall enter judgment against the plaintiff for the amount of the award, and the plaintiff shall pay to the defendant or defendants the amount, if any, by which such judgment exceeds the amount previously deposited; provided that if the award and judgment shall be less than the amount withdrawn under subsection (6) of this section, the defendant or defendants shall refund the difference to the clerk of the court and if such refund is not made within thirty (30) days the court shall enter judgment in favor of the plaintiff and against such defendant or defendants for the amount of the difference.

(9) After plaintiff has deposited with the court the amount determined by the court to be just compensation, no interest shall accrue on the amount so deposited.

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 14, 2006.

CHAPTER 452
(S.B. No. 1429)

AN ACT

RELATING TO EMINENT DOMAIN; AMENDING SECTION 7-711, IDAHO CODE, TO PROVIDE AN ALTERNATE METHOD FOR ESTABLISHING THE MINIMUM AMOUNT FOR DAMAGES WHEN ASCERTAINING THE VALUE OF THE PROPERTY AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 7-711, Idaho Code, be, and the same is hereby amended to read as follows:

7-711. ASSESSMENT OF DAMAGES. The court, jury or referee must hear such legal testimony as may be offered by any of the parties to the proceedings, and thereupon must ascertain and assess:

1. The value of the property sought to be condemned, and all improvements thereon pertaining to the realty, and of each and every separate estate or interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein shall be separately assessed. For purposes of ascertaining the value of the property, the minimum amount for damages shall be the greater of the assessed value for property tax purposes ~~shall be used as the minimum amount for damages~~ unless the court, jury or referee finds the property has been altered substantially, or the plaintiff's highest prelitigation appraisal.

2. If the property sought to be condemned constitutes only a part of a larger parcel: (a) the damages which will accrue to the portion not sought to be condemned, by reason of its severance from the portion sought to be condemned, and the construction of the improvement in the manner proposed by the plaintiff; and (b) the damages to any business qualifying under this subsection having more than five (5) years' standing which the taking of a portion of the property and the construction of the improvement in the manner proposed by the plaintiff may reasonably cause. The business must be owned by the party whose lands are being condemned or be located upon adjoining lands owned or held by such party. Business damages under this subsection shall not be awarded if the loss can reasonably be prevented by a relocation of the business or by taking steps that a reasonably prudent person would take, or for damages caused by temporary business interruption due to construction; and provided further that compensation for business damages shall not be duplicated in the compensation otherwise awarded to the property owner for damages pursuant to subsections (1) and (2) (a) of this section 7-711, Idaho Code.

(i) If the business owner intends to claim business damages under this subsection, the owner, as defendant, must submit a written business damage claim to the plaintiff within ninety (90) days after service of the summons and complaint for condemnation. The plaintiff's initial offer letter or accompanying information must expressly inform the defendant of its rights under this subsection, and must further inform the defendant of its right to consult with an attorney.

(ii) The defendant's written claim must be sent to the plaintiff by certified mail, return receipt requested. Absent a showing of a good faith justification for the failure to submit a business damage claim within ninety (90) days, or an agreed extension by the parties, the court shall strike the defendant's claim for business damages in any condemnation proceeding.

(iii) The business damage claim must include an explanation of the nature, extent, and monetary amount of such claimed damages and must be prepared by the owner, a certified public accountant, or a business damage expert familiar with the nature of the operations of the defendant's business. The defendant shall also provide the plaintiff with copies of the defendant's business records that substantiate the good faith offer to settle the business damage claim. The business damage claim must be clearly segregated from the claim for property damages pursuant to subsections (1) and (2)(a) of this section 7-711, Idaho Code.

(iv) As used in this subsection, the term "business records" includes, but is not limited to, copies of federal and state income tax returns, state sales tax returns, balance sheets, and profit and loss statements for the five (5) years preceding which are attributable to the business operation on the property to be acquired, and other records relied upon by the business owner that substantiate the business damage claim.

(v) The plaintiff's good faith in failing to offer compensation for business damages shall not be contested at a possession hearing held pursuant to section 7-721, Idaho Code, if the defendant has not given notice of its intent to claim business damages prior to the date of filing of the motion that initiates the proceeding under that section.

3. Separately, how much the portion not sought to be condemned, and each estate or interest therein, will be specially and directly benefited, if at all, by the construction of the improvement proposed by the plaintiff; and if the benefit shall be equal to the damages assessed, under subsection 2. of this section, the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefit shall be less than the damages so assessed, the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value.

4. If the property sought to be condemned be for a railroad, the cost of good and sufficient fences along the line of such railroad, and the cost of cattle guards where fences may cross the line of such railroad.

5. As far as practicable, compensation must be assessed for each source of damages separately.

6. If the property sought to be condemned is private real property actively devoted to agriculture, the damages which will accrue because of the costs, if any, of farming around electrical transmission line structure(s) for a transmission line with a capacity in excess of two hundred thirty (230) ~~KV (~~kilovolts~~)~~. If the property sought to be condemned has been the subject of a previous condemnation proceeding or proceedings for electrical transmission line structure(s) and at the time of condemnation the field holds other electrical transmission line structure(s), such evidence of costs referred to above may also include the cumulative effects, if any, of conducting farming operations around

other electrical transmission line structure(s) in the same field, whether such structure(s) are of the condemner or not.

Approved April 14, 2006.

CHAPTER 453
(S.B. No. 1441, As Amended, As Amended in the House)

AN ACT

RELATING TO CIVIL ACTIONS; AMENDING CHAPTER 8, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-808, IDAHO CODE, TO PROVIDE IMMUNITY FROM CIVIL LIABILITY FOR PERSONS WHO USE FORCE IN JUSTIFIABLE OR OTHERWISE PERMISSIBLE SELF-DEFENSE, TO PROVIDE FOR THE AWARD OF ATTORNEY'S FEES AND COSTS AND TO DEFINE "LAW ENFORCEMENT OFFICER."

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

SECTION 1. That Chapter 8, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-808, Idaho Code, and to read as follows:

6-808. CIVIL IMMUNITY FOR SELF-DEFENSE. (1) A person who uses force as justified in section 18-4009, Idaho Code, or as otherwise permitted in sections 19-201 through 19-205, Idaho Code, is immune from any civil liability for the use of such force except when the person knew or reasonably should have known that the person against whom the force was used was a law enforcement officer acting in the capacity of his or her official duties.

(2) The court shall award reasonable attorney's fees and costs incurred by the defendant in any civil action if the court finds that the defendant is immune from such action pursuant to this section.

(3) As used in this section, "law enforcement officer" means any court personnel, sheriff, constable, peace officer, state police officer, correctional officer, probation or parole official, prosecuting attorney, city attorney, attorney general, or their employees or agents, or any other person charged with the duty of enforcement of the criminal, traffic or penal laws of this state or any other law enforcement personnel or peace officer as defined in chapter 51, title 19, Idaho Code.

Approved April 14, 2006.

CHAPTER 454
(S.B. No. 1462)

AN ACT

RELATING TO CAPITOL BUILDING PROJECTS; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5711E, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR THE USE OF CONSTRUCTION MANAGER AT-RISK SERVICES ON CAPITOL BUILDING PROJECTS AND TO DEFINE TERMS; DECLARING AN EMERGENCY AND PROVIDING A SUNSET DATE.

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

SECTION 1. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5711E, Idaho Code, and to read as follows:

67-5711E. LEGISLATIVE INTENT -- CAPITOL BUILDING PROJECTS -- CONSTRUCTION MANAGER AT-RISK SERVICES. (1) The legislature of the state of Idaho recognizes that its capitol building is the most vital and preeminent public building in Idaho and is a symbol of Idaho's sovereignty. The legislature recognizes that the restoration and preservation of the capitol building represents a vital public interest. The legislature further recognizes that there exist alternative project delivery methods for public works construction including construction manager at-risk services. The legislature intends that construction management at-risk services may be used on the capitol building project.

(2) Notwithstanding any other provision of law to the contrary, with respect to any contract to be entered into for any capitol building project or projects, and any part thereof, the director of the department of administration, or his designee, may enter into a contract for construction manager at-risk services. If construction manager at-risk services are used, the following conditions shall apply:

(a) Selection of the individual or firm providing construction manager at-risk services shall be made pursuant to section 67-2320, Idaho Code; and

(b) An individual or firm providing construction manager at-risk services is subject to all requirements, including licensing and bonding requirements, applicable to contractors subject to chapter 19, title 54, Idaho Code.

(3) For purposes of this section:

(a) "Construction management services" means services provided by an individual licensed under chapter 45, title 54, Idaho Code, or a firm having a certificate of authority under chapter 45, title 54, Idaho Code, which services may include involvement with design, constructability reviews, prequalification, preparation and coordination of bid packages, scheduling, cost control, value engineering, evaluation, preconstruction services and construction administration.

(b) "Construction management at-risk services" means services provided by an individual or firm that:

(i) Provides construction management services for a project throughout the preconstruction and construction phases;

(ii) Is licensed under chapter 19, title 54, Idaho Code, as a public works contractor;

(iii) Acts as a general contractor in accordance with the construction manager at-risk contract; and

(iv) Guarantees the cost of the project.

(c) "Construction manager at-risk contract" means a contract by which an individual or firm agrees to provide construction management at-risk services and which may provide for the individual or firm to self-perform portions of the project and may require the individual or firm to satisfy applicable prequalification criteria on any self-performed work and to select or prequalify contractors or subcontractors in the same manner as if such selection or

prequalification were done directly by the department of administration.

(d) "Firm" means any business organization, including individuals, partnerships, corporations, associations or any combination thereof acting as a unit.

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 shall be null, void and of no force and effect on and after June 30, 2010.

Approved April 14, 2006.

CHAPTER 455
(S.B. No. 1491)

AN ACT

RELATING TO CAPITOL RESTORATION AND RELOCATION; PROVIDING A SHORT TITLE; STATING FINDINGS OF THE LEGISLATURE; AUTHORIZING THE TRANSFER OF MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE PERMANENT BUILDING FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION AND PUBLIC WORKS AND TO THE LEGISLATIVE COUNCIL FOR THE LEGISLATIVE SERVICES OFFICE FOR FISCAL YEAR 2006; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2007; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR PUBLIC WORKS, TO THE LEGISLATIVE COUNCIL FOR THE LEGISLATIVE SERVICES OFFICE AND TO THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2007; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF ADMINISTRATION FOR PUBLIC WORKS AND FOR THE IDAHO STATE CAPITOL COMMISSION, AND TO THE LEGISLATIVE COUNCIL FOR THE LEGISLATIVE SERVICES OFFICE; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT LIMITED SERVICE POSITIONS; AND DECLARING AN EMERGENCY FOR SECTIONS 3 AND 4 OF THIS ACT.

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

SECTION 1. This act shall be known and may be cited as the "Capitol Restoration and Relocation Act of 2006."

SECTION 2. Pursuant to House Concurrent Resolution No. 47, adopted by the Second Regular Session of the Fifty-eighth Idaho Legislature which authorized the restoration of the State Capitol Building, the construction of two-story garden level atrium additions at the east and west ends of the State Capitol Building and other related improvements, and which supported and recommended the Idaho Capitol Commission, the Department of Administration and the State Building Authority to pursue a design and construction schedule allowing the restoration of the State Capitol Building to begin following the 2007 legislative session, the Legislature finds that necessary resources are required for the several state agencies to implement the provisions of House Concurrent Resolution No. 47.

SECTION 3. On the effective date of this act, or as soon thereafter as possible, the State Controller shall transfer the sum of $2,000,000 from the Economic Recovery Reserve Fund to the Permanent Building Fund.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Administration and to the Legislative Council the following amounts for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2005, through June 30, 2006:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. DEPARTMENT OF ADMINISTRATION			
A. IDAHO STATE CAPITOL COMMISSION:			
FROM:			
Capitol Endowment Income Fund		$ 750,000	$ 750,000
B. PUBLIC WORKS:			
FROM:			
Permanent Building Fund	$ 5,000	$2,750,000	$2,755,000
TOTAL	$ 5,000	$3,500,000	$3,505,000
II. LEGISLATIVE COUNCIL			
LEGISLATIVE SERVICES OFFICE:			
FROM:			
Permanent Building Fund	$10,000	$ 10,000	$ 20,000
GRAND TOTAL	$15,000	$3,510,000	$3,525,000

SECTION 5. There is hereby appropriated to the Department of Administration for the Idaho State Capitol Commission the following amounts to be expended according to the designed expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
IDAHO STATE CAPITOL COMMISSION:				
FROM:				
Capitol Endowment Income Fund		$327,200		$327,200
Permanent Building Fund	$115,000	56,100	$5,000	176,100
TOTAL	$115,000	$383,300	$5,000	$503,300

SECTION 6. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Administration, to the Legislative Council and to the Idaho State Historical Society, the following amounts for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. DEPARTMENT OF ADMINISTRATION PUBLIC WORKS:				
FROM:				
Permanent Building Fund	$231,000	$ 19,800		$ 250,800
II. LEGISLATIVE COUNCIL LEGISLATIVE SERVICES OFFICE:				
FROM:				
Permanent Building Fund	$120,000	$126,500	$818,500	$1,065,000
III. IDAHO STATE HISTORICAL SOCIETY:				
FROM:				
Permanent Building Fund	$225,200	$305,800	$ 16,000	$ 547,000
GRAND TOTAL	$576,200	$452,100	$834,500	$1,862,800

SECTION 7. There is hereby reappropriated to the Department of Administration, the unexpended and unencumbered balance of the Permanent Building Fund appropriated for Public Works by Section 4 of this act, for the period July 1, 2006, through June 30, 2007. There is hereby reappropriated to the Department of Administration for the Idaho State Capitol Commission the unexpended and unencumbered balance of the Capitol Endowment Income Fund appropriated by Section 4 of this act and by Section 1, Chapter 300, Laws of 2005, to be used for the period July 1, 2006, through June 30, 2007. There is hereby reappropriated to the Legislative Council, the unexpended and unencumbered balance of the Permanent Building Fund appropriated for the Legislative Services Office by Section 4 of this act, for the period July 1, 2006, through June 30, 2007.

SECTION 8. In addition to any other authorization provided by law, the following full-time equivalent limited service positions are authorized during the period July 1, 2006, through June 30, 2007: for the Department of Administration, two and one-half (2.5) full-time equivalent positions; for the Idaho State Capitol Commission, two (2) full-time equivalent positions; for the Idaho State Historical Society, four (4) full-time equivalent positions; and for the Legislative Council, two (2) full-time equivalent positions. The additional positions authorized in this section are limited service positions with a maximum term of three (3) years.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, Sections 3 and 4 of this act shall be in full force and effect on and after passage and approval.

Approved April 14, 2006.

CHAPTER 456
(H.B. No. 851)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2007; APPROPRIATING ADDITIONAL MONEYS FOR FISCAL YEAR 2006; 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; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND DECLARING AN EMERGENCY FOR SECTION 2 OF THIS ACT.

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, 2006, through June 30, 2007:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT AND SUPPORT:					
FROM:					
State Highway Fund (Dedicated)	$ 12,400,300	$ 7,791,100	$ 700,100		$ 20,891,500
State Highway Fund (Federal)	105,400	160,500			265,900
State Highway Fund (Billing)	19,900	191,800			211,700
TOTAL	$ 12,525,600	$ 8,143,400	$ 700,100		$ 21,369,100
II. PLANNING:					
FROM:					
State Highway Fund (Dedicated)	$ 571,000	$ 495,200	$ 110,100	$ 155,400	$ 1,331,700
State Highway Fund (Federal)	2,281,900	1,975,900		155,400	4,413,200
TOTAL	$ 2,852,900	$ 2,471,100	$ 110,100	$ 310,800	$ 5,744,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. MOTOR VEHICLES:					
FROM:					
State Highway Fund (Dedicated)	$ 11,180,100	$ 9,180,500	$ 225,200		$ 20,585,800
IV. HIGHWAY OPERATIONS:					
FROM:					
State Highway Fund (Dedicated)	$ 64,124,900	$39,336,000	$ 16,513,600		$119,974,500
State Highway Fund (Federal)	10,061,200	1,746,100		$ 2,462,500	14,269,800
State Highway Fund (Billing)		388,600			388,600
State Highway Fund (Local)	189,000	100,100			289,100
TOTAL	$ 74,375,100	$41,570,800	$ 16,513,600	$ 2,462,500	$134,922,000
V. CAPITAL FACILITIES:					
FROM:					
State Highway Fund (Dedicated)			$ 7,202,000		$ 7,202,000
State Aeronautics Fund (Dedicated)			50,000		50,000
TOTAL			$ 7,252,000		$ 7,252,000
VI. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:					
FROM:					
State Highway Fund (Dedicated)		$ 2,593,500	$ 33,468,900	$ 36,700	$ 36,099,100
State Highway Fund (Federal)		10,881,200	240,320,800	3,185,800	254,387,800
State Highway Fund (Local)		24,300	6,778,900	202,600	7,005,800
TOTAL		$13,499,000	$280,568,600	$ 3,425,100	$297,492,700
VII. AERONAUTICS:					
FROM:					
State Aeronautics Fund (Dedicated)	$ 793,800	$ 476,700	$ 59,800	$ 641,000	$ 1,971,300
State Aeronautics Fund (Federal)	17,900	244,500		1,000,000	1,262,400
State Aeronautics Fund (Billing)	75,600	121,100			196,700
TOTAL	$ 887,300	$ 842,300	$ 59,800	$ 1,641,000	$ 3,430,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VIII. PUBLIC TRANSPORTATION:					
FROM:					
State Highway Fund (Dedicated)	$ 168,900	$ 51,600	$ 5,900	$ 380,400	$ 606,800
State Highway Fund (Federal)	433,800	50,600		7,855,800	8,340,200
TOTAL	$ 602,700	$ 102,200	$ 5,900	$ 8,236,200	$ 8,947,000
GRAND TOTAL	$102,423,700	$75,809,300	$305,435,300	$16,075,600	$499,743,900

SECTION 2. In addition to the appropriation made in Section 1, Chapter 249, Laws of 2005, there is hereby appropriated to the Idaho Transportation Department the following amount to be expended for the designated program according to the designated expense class from the listed fund for the period July 1, 2005, through June 30, 2006:

CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:

FOR:	
Capital Outlay	$3,725,400
FROM:	
State Highway Fund (Federal)	$3,725,400

SECTION 3. 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, 2006, through June 30, 2007, 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 4. 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 5. 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 2006, to be used for Contract Construction and Right-of-Way Acquisition only for the period July 1, 2006, through June 30, 2007.

SECTION 6. 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 2006, to be used for Airport Development Grants for the period July 1, 2006, through June 30, 2007.

SECTION 7. 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 and Labor during fiscal year 2007. This transfer will provide the matching fund support of the Gateway Visitor Centers.

SECTION 8. The Idaho Transportation Department is hereby directed to allocate salary savings, based on performance, to provide for employee salary needs before other operational budget priorities are considered. Where applicable, employees whose salaries are below the midpoint of their pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

SECTION 9. 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 14, 2006.

CHAPTER 457
(H.B. No. 854)

AN ACT

RELATING TO HIGHWAY TRANSPORTATION PROJECTS; APPROVING BONDING AUTHORITY TO FINANCE CERTAIN HIGHWAY TRANSPORTATION PROJECTS; PROVIDING A LIST OF HIGHWAY TRANSPORTATION PROJECTS TO BE FINANCED WITH BOND PROCEEDS; AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE; PROVIDING LEGISLATIVE INTENT AUTHORIZING THE STATE TRANSPORTATION BOARD TO ADJUST ALLOCATION OF BOND PROCEEDS; EXPRESSING LEGISLATIVE DESIRE THAT THE DEPARTMENT USE A FEDERAL APPROPRIATION ON PROJECTS WITH THE GREATEST PUBLIC SAFETY NEEDS; PROVIDING THAT THIS ACT DOES NOT PROHIBIT FUTURE REQUESTS FOR BONDING AUTHORITY; DECLARING AN EMERGENCY AND PROVIDING THAT BONDS AUTHORIZED BE ISSUED NOT LATER THAN JULY 1, 2007.

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

SECTION 1. The Idaho Legislature hereby approves bonding authority for the issuance of Grant Anticipation Revenue Vehicle (GARVEE) bonds by the Idaho Housing and Finance Association in a principal amount sufficient to finance the highway transportation projects listed in Section 2 of this act in an amount up to $200,000,000.

SECTION 2. The Legislature finds that the bonding authority provided in Section 1 of this act should be used in a manner that does not obligate future legislatures or governors for additional bonding. Further, the Legislature finds that the bonding authority provided in Section 1 of this act should be used to finance those projects which are of the highest critical need based on safety, traffic volume or projected demand. The bonding authorized in Section 1 of this act shall be used to

finance the following projects, providing the amounts listed below for construction, engineering, right-of-way acquisition, program management costs and bond financing costs:

(1) U.S. Highway 95, Worley to Setters.....$45,600,000
(2) Interstate Highway 84, Caldwell to Meridian.....$70,000,000
(3) U.S. Highway 30, McCammon to Soda Springs.....$30,500,000
(4) Interstate Highway 84 to South Emmett.....$ 5,000,000
(5) U.S. Highway 95, Garwood to Sagle.....$35,000,000
(6) Interstate Highway 84, Orchard to Isaacs Canyon.....$13,900,000

SECTION 3. The Idaho Transportation Board is hereby authorized to transfer up to $688,000 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 2007.

SECTION 4. It is the intent of the Legislature that the Idaho Transportation Board has the authority to adjust GARVEE bond proceeds allocated among the projects as listed in Section 2 of this act, provided that such an adjustment is necessary due to unanticipated reasons; and provided further that no proceeds shall be used for any projects not listed in Section 2 of this act.

SECTION 5. The Legislature acknowledges that the Idaho Transportation Board has a federal appropriation of over $291,000,000 at its discretion and it is the desire of the Legislature that, to the extent possible, the Idaho Transportation Department focus on those projects with the greatest public safety needs, as defined by the Idaho Transportation Board.

SECTION 6. Nothing in this act shall be construed as prohibiting the Idaho Transportation Board and future governors from requesting future bonding authority.

SECTION 7. 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. The bonds described herein shall be issued not later than July 1, 2007.

Approved April 14, 2006.

CHAPTER 458
(H.B. No. 868)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

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

SECTION 1. On July 1 or as soon thereafter as possible, the State Controller shall transfer the sum of $650,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Physical Health Services Program in the Department of Health and Welfare $650,000 from the Economic Recovery Reserve Fund for trustee and benefit payments for the period July 1, 2006, through June 30, 2008. These funds shall be used for a rural health care access grant to Terry Reilly Health Services for the development of a community health center in Caldwell, Idaho. Such moneys shall be distributed by the Department of Health and Welfare upon the request of Terry Reilly Health Services throughout this period of time to purchase medical equipment, supplies, and for any operational costs to sustain the clinic over a two-year period. Terry Reilly Health Services shall provide an accounting of the moneys spent to the Department of Health and Welfare. Any moneys not used for this purpose shall be reverted to the Economic Recovery Reserve Fund after June 30, 2008.

Approved April 14, 2006.

CHAPTER 459
(H.B. No. 874)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE GENERAL FUND TO THE ECONOMIC RECOVERY RESERVE FUND; DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS FROM THE ECONOMIC RECOVERY RESERVE FUND TO THE RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION REVOLVING LOAN FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE AND LABOR FOR FISCAL YEAR 2007 THROUGH FISCAL YEAR 2008.

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

SECTION 1. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer the sum of $5,000,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 2. On July 1, 2006, or as soon thereafter as possible, the State Controller shall transfer $5,000,000 from the Economic Recovery Reserve Fund to the Rural Economic Development and Integrated Freight Transportation Revolving Loan Fund.

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Idaho Department of Commerce and Labor $5,000,000 from the Rural Economic Development and Integrated Freight Transportation Revolving Loan Fund for the period July 1, 2006, through June 30, 2008. Such moneys shall be used for revolving loans to upgrade, expand, rehabilitate, purchase or modernize equipment and facilities for short line rail or intermodal freight shipping infrastructure.

Approved April 14, 2006.

SENATE JOINT RESOLUTIONS

(S.J.R. No. 107)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE VII OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 18, ARTICLE VII, OF THE CONSTITUTION OF THE STATE OF IDAHO, TO CREATE AN IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND, TO PROVIDE THAT THE FUND SHALL CONSIST OF EIGHTY PERCENT OF THE MONEYS RECEIVED EACH YEAR BY THE STATE OF IDAHO ON AND AFTER JANUARY 1, 2007, PURSUANT TO THE MASTER SETTLEMENT AGREEMENT ENTERED INTO BETWEEN TOBACCO PRODUCT MANUFACTURERS AND THE STATE OF IDAHO, AND ANY OTHER MONEYS THAT MAY BE APPROPRIATED OR OTHERWISE DIRECTED TO THE FUND BY THE LEGISLATURE, INCLUDING OTHER MONEYS OR ASSETS THAT THE FUND RECEIVES BY BEQUEST OR PRIVATE DONATION, TO PROVIDE THAT SUCH MONEYS SHALL REMAIN INVIOLATE AND INTACT EXCEPT THAT EACH YEAR THE STATE TREASURER SHALL DISTRIBUTE FIVE PERCENT OF THE PERMANENT ENDOWMENT FUND'S AVERAGE MONTHLY FAIR MARKET VALUE FOR THE FIRST TWELVE MONTHS OF THE PRECEDING TWENTY-FOUR MONTHS TO THE IDAHO MILLENNIUM INCOME FUND, TO PROVIDE THAT SUCH DISTRIBUTION SHALL NOT EXCEED THE PERMANENT ENDOWMENT FUND'S FAIR MARKET VALUE ON THE FIRST BUSINESS DAY OF JULY, TO CREATE AN IDAHO MILLENNIUM INCOME FUND SUBJECT TO APPROPRIATION AS PROVIDED BY LAW, TO PROVIDE THAT THE INCOME FUND SHALL CONSIST OF THE DISTRIBUTION FROM THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND AND OTHER MONEYS THAT MAY BE APPROPRIATED OR OTHERWISE DIRECTED TO THE FUND AS PROVIDED BY LAW, TO PROVIDE THAT THE REMAINING TWENTY PERCENT OF THE MONEYS RECEIVED BY THE STATE OF IDAHO ON AND AFTER JANUARY 1, 2007, PURSUANT TO THE MASTER SETTLEMENT AGREEMENT ENTERED INTO BETWEEN TOBACCO PRODUCT MANUFACTURERS AND THE STATE OF IDAHO AND THE EARNINGS THEREON, SHALL BE DEPOSITED TO THE IDAHO MILLENNIUM FUND, TO PROVIDE THAT THE MILLENNIUM FUND MAY CONSIST OF ANY OTHER MONEYS THAT MAY BE APPROPRIATED OR OTHERWISE DIRECTED TO THE FUND BY THE LEGISLATURE, INCLUDING OTHER MONEYS OR ASSETS THAT THE FUND RECEIVES BY BEQUEST OR PRIVATE DONATION, TO PROVIDE THAT MONEYS IN THE MILLENNIUM FUND SHALL BE ALLOWED TO ACCUMULATE, BUT SHALL NOT EXCEED A MAXIMUM LIMIT AS DETERMINED BY LAW, TO PROVIDE THAT ANY AMOUNTS SO ACCUMULATING IN THE IDAHO MILLENNIUM FUND WHICH EXCEED THE MAXIMUM LIMIT, SHALL BE TRANSFERRED, NO LESS THAN ONCE A YEAR, TO THE IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND AND TO PROVIDE THAT SUCH MONEYS AND EARNINGS SO TRANSFERRED TO THE PERMANENT ENDOWMENT FUND SHALL

ALSO REMAIN INVIOLATE AND INTACT; 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 1. That Article VII of the Constitution of the State of Idaho be amended by the addition of a NEW SECTION, to be known and designated at Section 18, Article VII of the Constitution of the State of Idaho and to read as follows:

SECTION 18. IDAHO MILLENNIUM PERMANENT ENDOWMENT FUND -- IDAHO MILLENNIUM INCOME FUND -- IDAHO MILLENNIUM FUND. There is hereby created in the state treasury an Idaho Millennium Permanent Endowment Fund. The fund shall consist of eighty percent of the moneys received each year by the state of Idaho on and after January 1, 2007, pursuant to the master settlement agreement entered into between tobacco product manufacturers and the state of Idaho, and any other moneys that may be appropriated or otherwise directed to the fund by the legislature, including other moneys or assets that the fund receives by bequest or private donation. The moneys received annually for deposit to the fund, including earnings, shall forever remain inviolate and intact. No portion of the permanent endowment fund shall ever be transferred to any other fund, or used, or appropriated, except as follows: each year, the state treasurer shall distribute five percent of the permanent endowment fund's average monthly fair market value for the first twelve months of the preceding twenty-four months, to the Idaho Millennium Income Fund, and provided, that such distribution shall not exceed the permanent endowment fund's fair market value on the first business day of July.

The Idaho Millennium Income Fund, which is hereby created in the state treasury, is subject to appropriation as provided by law, and shall consist of the distribution from the Idaho Millennium Permanent Endowment Fund and other moneys that may be appropriated or otherwise directed to the fund as provided by law.

The remaining twenty percent of the moneys received by the state of Idaho on and after January 1, 2007, pursuant to the master settlement agreement entered into between tobacco product manufacturers and the state of Idaho and the earnings thereon, shall be deposited to the Idaho Millennium Fund. The fund may consist of any other moneys that may be appropriated or otherwise directed to the fund by the legislature, including other moneys or assets that the fund receives by bequest or private donation. Moneys in the fund shall be allowed to accumulate, but shall not exceed a maximum limit as determined by law. Any amounts so accumulating in the Idaho Millennium Fund which exceed the maximum limit, shall be transferred, no less than once a year, to the Idaho Millennium Permanent Endowment Fund, and such moneys and earnings in the permanent endowment fund shall also remain inviolate and intact.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall the Constitution of the State of Idaho be amended by the addition of a new Section 18, Article VII, to create an Idaho Millennium Permanent Endowment Fund to consist of eighty percent of the moneys received each year by the state of Idaho on and after January 1, 2007, pursuant to the Master Settlement Agreement entered into between tobacco product manufacturers and the state of Idaho, and any other moneys that may be appropriated or otherwise directed to the Idaho Millennium Permanent Endowment Fund by the legislature, including other moneys or assets that the Idaho Millennium Permanent Endowment Fund receives by bequest or private donation, to provide that such moneys shall remain inviolate and intact except that the state treasurer shall distribute five percent of the Idaho Millennium Permanent Endowment Fund's average monthly fair market value for the first twelve months of the preceding twenty-four months to the Idaho Millennium Income Fund, to provide that such distribution shall not exceed the Idaho Millennium Permanent Endowment Fund's fair market value on the first business day of July; to create an Idaho Millennium Income Fund, subject to appropriation as provided by law, to consist of the distribution from the Idaho Millennium Permanent Endowment Fund and other moneys that may be appropriated or otherwise directed to the Idaho Millennium Income Fund as provided by law; and to provide that the remaining twenty percent of the moneys received by the state of Idaho on and after January 1, 2007, pursuant to the Master Settlement Agreement entered into between tobacco product manufacturers and the state of Idaho and the earnings thereon, shall be deposited to the Idaho Millennium Fund, to provide that the Idaho Millennium Fund may consist of any other moneys that may be appropriated or otherwise directed to the Idaho Millennium Fund by the legislature, including other moneys or assets that the Idaho Millennium Fund receives by bequest or private donation, to provide that moneys in the Idaho Millennium Fund shall be allowed to accumulate, but shall not exceed a maximum limit as determined by law, to provide that any amounts so accumulating in the Idaho Millennium Fund which exceed the maximum limit, shall be transferred, no less than once a year, to the Idaho Millennium Permanent Endowment Fund and to provide that such moneys and earnings in the permanent endowment fund shall also remain inviolate and intact?".

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Adopted by the Senate March 1, 2006
Adopted by the House March 16, 2006

HOUSE JOINT RESOLUTIONS

(H.J.R. No. 2)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO ARTICLE III OF THE CONSTITUTION OF THE STATE OF IDAHO, BY THE ADDITION OF A NEW SECTION 28, ARTICLE III, TO PROVIDE THAT A MARRIAGE BETWEEN A MAN AND A WOMAN IS THE ONLY DOMESTIC LEGAL UNION THAT SHALL BE VALID OR RECOGNIZED IN THIS STATE; 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 1. That Article III of the Constitution of the State of Idaho be amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28, Article III, of the Constitution of the State of Idaho and to read as follows:

SECTION 28. MARRIAGE. A marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this state.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Article III, of the Constitution of the State of Idaho be amended by the addition of a new Section 28, to provide that a marriage between a man and a woman is the only domestic legal union that shall be valid or recognized in this state?".

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Adopted by the House February 6, 2006
Adopted by the Senate February 15, 2006

SENATE JOINT MEMORIALS

(S.J.M. No. 113)

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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Judge N. Randy Smith has been nominated by President George W. Bush to serve on the Ninth Circuit U.S. Court of Appeals; and

WHEREAS, Judge N. Randy Smith received his law and undergraduate degrees from Brigham Young University; and

WHEREAS, Judge N. Randy Smith served as Sixth District Judge in Pocatello, Idaho, since 1996 and serves as the presiding judge of the felony drug court in the Sixth District; and

WHEREAS, Judge N. Randy Smith has served as pro tem justice on the Idaho Supreme Court and the Idaho Court of Appeals; and

WHEREAS, Judge N. Randy Smith has taught legal and business classes as part of the College of Business faculty at Idaho State University, Brigham Young University and Boise State University; and

WHEREAS, as a partner with Merrill and Merrill, Chartered, from 1982 to 1996, Judge N. Randy Smith's practice included federal and state court practice in all areas of litigation; and

WHEREAS, Judge N. Randy Smith served as corporate counsel for the J. R. Simplot Company from 1976 to 1982; and

WHEREAS, Judge N. Randy Smith received a Lawyer's AV rating from Martindale-Hubbell; and

WHEREAS, Judge N. Randy Smith has served in various capacities, including president, of the Idaho District Judges Association; and

WHEREAS, Judge N. Randy Smith has been a member of the Idaho Judicial Council, which recommends disciplinary actions for judges, since 1991; and

WHEREAS, Judge N. Randy Smith served as the chairman of the Idaho Small Lawsuit Resolution Act Committee and as a member of the Idaho State Evidence Rules and Criminal Rules Advisory Committees; and

WHEREAS, Judge N. Randy Smith served on the United States Ninth Circuit U.S. Court of Appeals Judicial Conference Executive Committee from 1991 to 1995 and the United States District Court Civil Justice Reform Act Committee for Idaho from 1991 to 1996; and

WHEREAS, Judge N. Randy Smith has been a member of numerous American Bar Association sections, including the litigation, labor law and judicial sections; and

WHEREAS, Judge N. Randy Smith was awarded the distinguished George G. Granta, Jr. Award for Professionalism in 2004, based upon his significant contributions over a substantial period of time to the Idaho judicial system and his status as a role model in the community; and

WHEREAS, Judge N. Randy Smith was awarded the prestigious Idaho State University "Statesman of the Year" Award in 2005, which recognized his significant contributions to the welfare of Idaho and his commitment to reducing crime and preventing offenders from returning to criminal behavior; and

WHEREAS, Judge N. Randy Smith is a highly respected jurist, attorney, mediator and community member all across the state.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support the confirmation of the appointment of Judge N. Randy Smith to serve on the Ninth Circuit U.S. Court of Appeals.

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 January 18, 2006
Adopted by the House January 30, 2006

(S.J.M. No. 114)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE UNITED STATES SECRETARY OF ENERGY, TO THE LEADERSHIP OF THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, 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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States of America has become excessively dependent upon foreign sources of oil, and that dependence threatens the security of the American people and economy; and

WHEREAS, it is in the best interests of the United States and Idaho to become as energy independent and diversified as possible to avoid economic dislocations instigated by foreign oil interests, markets and the effects of natural disasters; and

WHEREAS, comprehensive energy legislation signed into law in 2005 advocates the expansion of nuclear energy for the production of electrical power and hydrogen, as well as the development of bioenergy and

other alternative fuels to reduce dependence on foreign sources of oil; and

WHEREAS, the United States Department of Energy (DOE) is the federal agency that has primary responsibility for carrying out the directives of the President and the Congress relative to enabling and enhancing the energy security of the nation; and

WHEREAS, the DOE's Idaho National Laboratory (INL) is a key national research, development and demonstration resource wherein the federal government has invested significant tax dollars 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 that has occurred in accordance with the 1995 Settlement Agreement, and is committed to hosting continued broad-spectrum, national priority nuclear research in Idaho as fully allowed by that agreement; and

WHEREAS, such nuclear research promises to advance our national interests and critical need for safe, greenhouse gas free generation of abundant energy with dramatically reduced waste concerns.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support and encourage the DOE, the Administration and the Congress to identify, commit and sustain the funding necessary to allow design, development, testing and demonstration in Idaho at INL of safe, state of the art, advanced nuclear energy 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, hydropower, fuel reforming and related alternative and renewable energy research in Idaho at INL, and hereby requests that the DOE, 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 long-term well-being of these United States.

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 Energy of the United States, 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 January 25, 2006
Adopted by the House February 2, 2006

(S.J.M. No. 118)

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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, arsenic is a widely distributed, naturally occurring element present in trace amounts in all living organisms and concentrations in drinking water come primarily from natural sources with higher levels being found more frequently in ground water than surface water and also being found more frequently in the West; and

WHEREAS, the Environmental Protection Agency (EPA) is charged with setting standards for contaminants in drinking water and adopted a maximum contaminant level for arsenic of 50 parts per billion (PPB) in 1975 based on a standard that was originally established in 1942 by the Public Health Service; and

WHEREAS, in 2001, the EPA set a new standard for arsenic, reducing the maximum contaminant level for arsenic in drinking water to 10 PPB based on its reliance on a Taiwanese study relating to an assessment of risks associated with dose response curves and since that time, the EPA's primary reliance on the study has been questioned and criticized; and

WHEREAS, the level of 10 PPB becomes enforceable on January 23, 2006, for public water systems, and such systems will be found in violation if they exceed an annual average of 10 PPB during any four quarters; and

WHEREAS, over 90 city and community water systems in Idaho, and similar systems throughout the nation, typically rely on wells for drinking water, and arsenic tends to occur in higher levels in those areas and all of these water systems are now burdened with constructing water facilities at costs in the millions of dollars to comply with the 10 PPB standard; and

WHEREAS, a number of ecological studies conducted in the United States and elsewhere have found no association between cancer and arsenic in drinking water at 10 to 50 PPB; and

WHEREAS, a recent study of cancer mortality and arsenic in drinking water conducted by Professor Emeritus Lynden Williams of Ohio University finds colon cancer mortality rates are inversely associated with arsenic levels; being highest in those counties where arsenic levels in drinking water are lowest and lowest in those counties where arsenic levels are highest, suggesting that removal of arsenic will increase colon cancer mortality rates.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the enforcement of the reduced maximum contaminant level for arsenic in drinking water be suspended until such time as definitive scientific evidence within the United States validates that consumption of water between 10 to 50 PPB of arsenic increases cancer mortality, or produces some other health problem, and that the health benefit of removing trace amounts of arsenic from drinking water is commensurate with the associated costs of compliance with the new standard.

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 February 17, 2006
Adopted by the House March 16, 2006

(S.J.M. No. 119)

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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, on Monday, June 27, 2005, the U.S. Supreme Court concluded in two razor thin majorities of 5-4 that it is consistent with the First Amendment to display the Ten Commandments in an outdoor public square in Texas but not on the courthouse walls of two counties in Kentucky; and

WHEREAS, many Americans are deeply puzzled as to how the U.S. Supreme Court could produce two opposite results involving the same Ten Commandments; and

WHEREAS, it is appropriate to observe that based on the Kentucky decision it is permissible to display the Ten Commandments in a county courthouse provided that you do not believe in God; and

WHEREAS, in the Kentucky case, Justice Scalia used the following words to emphasize the importance of the Ten Commandments to most Americans:

> "The three most popular religions in the United States, Christianity, Judaism, and Islam - which combined account for 97.7% of all believers - are monotheistic .... All of them, moreover (Islam included), believe that the Ten Commandments were given by God to Moses, and are divine prescriptions for a virtuous life."; and

WHEREAS, very recent polling data by a major Washington, D.C., paper revealed that a huge majority of the American people support posting the Ten Commandments:

> "Seventy percent of Americans would have no objection to posting the Ten Commandments in government buildings, and eighty-five percent would approve if the Commandments are included as "one document among many historical documents" when displayed in public buildings, according to a survey conducted for the First Amendment Center."; and

WHEREAS, S 520 and HR 1070 are federal bills that will allow the display of the Ten Commandments in public places in America, providing in relevant part as follows:

"Notwithstanding any other provision of this chapter, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any matter to the extent that relief is sought against an entity of Federal, State, or local government, or against an officer or agent of Federal, State, or local government (whether or not acting in official or personal capacity), concerning that entity's, officer's, or agent's acknowledgment of God as the sovereign source of law, liberty, or government."; and

WHEREAS, hearings were held on the same language in June 2004 in the Constitution, Civil Rights and Property Rights Subcommittee of the Senate Judiciary Committee and hearings were also held on this language in September 2004 in the Courts Subcommittee of the House Judiciary Committee; and

WHEREAS, Chief Justice Rehnquist in the Texas case used these words to describe the obvious duplicity of the U.S. Supreme Court in telling local governments in America that they cannot display the Ten Commandments in local buildings in their communities while at the same time allowing these same Ten Commandments to be present on these specific places on the building housing the U.S. Supreme Court:

"Since 1935, Moses has stood, holding two tablets that reveal portions of the Ten Commandments written in Hebrew, among other lawgivers in the south frieze. Representations of the Ten Commandments adorn the metal gates lining the north and south sides of the Courtroom as well as the doors leading into the Courtroom. Moses also sits on the exterior east facade of the building holding the Ten Commandments tablets."; and

WHEREAS, the Kentucky decision will be used by litigants who want to remove God from the public square in America and sooner or later, this effort will take place in our states. Reports have indicated that it is now underway in at least twenty-five different places in America, namely, to require the removal of the Ten Commandments from public buildings or public parks.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature requests Congress to adopt S 520 and HR 1070 and in so doing protect the ability of the people of Idaho to:

(1) Display the Ten Commandments in public buildings and places in our states;

(2) Express their faith in public;

(3) Retain God in the Pledge of Allegiance;

(4) Retain "In God We Trust" as our national motto; and

(5) Utilize Article 3, 2.2 of the U.S. Constitution to except these areas from the jurisdiction of the U.S. Supreme Court.

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 8, 2006
Adopted by the House March 24, 2006

(S.J.M. No. 120)

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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, we recognize that federal agencies exchange and divest small or insignificant parcels of land; and

WHEREAS, almost sixty-four percent of Idaho is federal land; and

WHEREAS, there exists in the Congress of the United States a proposal to sell a significant portion of Idaho's federal land; and

WHEREAS, this federal land contributes to Idaho's economy in many ways including grazing, mining, timber production and recreation; and

WHEREAS, federal land in Idaho provides average Americans access to wild, natural areas; and

WHEREAS, the federal government has purchased significant amounts of land over the years with general fund moneys and land and water conservation funds; and

WHEREAS, there are many areas of the state where the federal government has increased their holdings such as the Stanley Basin; and

WHEREAS, if the federal government identifies surplus lands, they should cede them to the state through a public comment process as promised, to be managed for the benefit of public access and education; and

WHEREAS, Idahoans value outdoor experiences very highly and generations of Idahoans and other Americans have enjoyed this federal land through activities such as hunting, fishing, camping and hiking; and

WHEREAS, most Idahoans have found special places on federal land which give their lives meaning and enjoyment and the sale of a significant portion of this land would prohibit many from utilizing these places in the future.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we are opposed to any proposals which lead to a significant sale of federal land located in the state of Idaho.

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 16, 2006
Adopted by the House March 27, 2006

HOUSE JOINT MEMORIALS

(H.J.M. No. 10)

A JOINT MEMORIAL

TO THE UNITED STATES SECRETARY OF THE INTERIOR, TO THE GOVERNOR OF MONTANA, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF MONTANA IN THE CONGRESS OF THE UNITED STATES, TO THE GOVERNOR OF THE STATE OF IDAHO 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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the U.S. Fish and Wildlife Service reintroduced the gray wolf into central Idaho with the goal of reestablishing a viable, self-sustaining population; and

WHEREAS, the U. S. Fish and Wildlife Service determined that the existence of 30 breeding pairs of wolves spread out over the states of Idaho, Montana and Wyoming for three consecutive years would constitute a recovered population; and

WHEREAS, the gray wolf populations of Idaho and Montana alone far exceed the aforementioned recovered population standard; and

WHEREAS, the states of Idaho and Montana have produced wolf conservation and management plans deemed adequate by the U. S. Fish and Wildlife Service; and

WHEREAS, the Wyoming state wolf management plan was rejected by the U. S. Fish and Wildlife Service; and

WHEREAS, the state of Wyoming and the federal government are litigating the U. S. Department of the Interior's decision to reject Wyoming's wolf management plan; and

WHEREAS, it could take years for this litigation to work its way through the courts.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature urges the Secretary of the Interior Gale Norton to meet with representatives from Idaho and Montana to consider and agree upon alternative strategies to immediately delist the gray wolf within Idaho and Montana as requested in the October 7, 2005, letter from Montana Governor Schweitzer and Idaho Governor Kempthorne to Secretary Norton.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Repre-

sentatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the Secretary of the Interior Gale Norton, the Governor of Montana Brian Schweitzer, the congressional delegation representing the State of Montana in the Congress of the United States, the Governor of Idaho Dirk Kempthorne and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 8, 2006
Adopted by the Senate February 21, 2006

(H.J.M. No. 11)

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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, it is essential for the state of Idaho to monitor gray wolves and fulfill its obligations under the Wolf Recovery Plan approved by the Idaho Legislature in 2002, the U.S. Fish and Wildlife Service 10j rule of 2005, as well as maintain minimum counts as required by the Endangered Species Act, which also requires, prior to de-listing wolves, that the state have adequate regulatory mechanisms in place and recovery goals achieved; and

WHEREAS, because the state formally took over wolf management responsibilities on January 5, 2006, and due to the fact that the wolf population is now estimated in excess of 500 in 36 breeding pairs distributed across the state, it is critical for the state to gain a better understanding of pack activity and their use of the wilderness; and

WHEREAS, over the last decade, backpacking, horse packing, and using steel foothold traps in monitoring efforts have proven largely unsuccessful in collaring wolves in the wilderness and the Department of Fish and Game wants to employ other techniques for obtaining information about wolves; and

WHEREAS, it is estimated that there are a minimum of eight packs of gray wolves currently using the wilderness areas that do not have radio monitoring collars, and radio telemetry is important to determine pack size, breeding success, rendezvous and denning sites as well as pack territory; and

WHEREAS, in early 2005, the state of Idaho requested permission from the U.S. Forest Service to allow the Department of Fish and Game to land helicopters in federally protected wilderness areas during the winter months when wilderness use is minimal, snow typically protects any underlying vegetation from damage during landings, and concentration of wolves is optimal for the purpose of monitoring in those areas; and

WHEREAS, if granted permission to land helicopters, the state of Idaho proposed collaring up to 16 gray wolves and this research activity would support Idaho's wolf recovery plan by providing information on

wolf demographics and behavior, movement patterns, and activity sites within the wilderness; and

WHEREAS, use of aircraft, including helicopters, in wilderness areas is permitted only at established airstrips, or as minimally necessary for the administration of the area as a wilderness and this determination must be made by the U.S. Forest Service Regional Forester for the area through issuance of a special use permit; and

WHEREAS, the state worked with the U.S. Forest Service in completing a minimum requirements analysis that indicated that the use of a helicopter would be the minimum tool to accomplish the project objectives in comparison with the use of trappers traveling into the wilderness using established landing strips, by foot or by horseback during the summer months and locating, luring and trapping wolves via leg hold traps, a method that is less successful, requires significantly more time, and has a greater potential for damage to captured wolves; and

WHEREAS, on December 4, 2005, the Regional Forester published a Scoping Notice, consisting of a two-page summary of the proposal and the minimum requirements analysis, seeking public comment and, although expected to make a decision on January 10, 2006, the U.S. Forest Service Regional Forester has now delayed decision pending further analysis of public comments and issues related to the request; and

WHEREAS, this delay significantly hinders Idaho's efforts at monitoring during a time of year when wolves are easier to find, potentially forcing the state to deploy field efforts during the summer months when there is higher human use of the wilderness areas and catching wolves will be more intrusive.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, urging that the U.S. Forest Service enter a decision as soon as possible granting a special use permit allowing the Idaho Department of Fish and Game to land helicopters in wilderness areas as requested for the purpose of monitoring gray wolves in those areas which is essential for the state of Idaho to fulfill its obligations under the Idaho Wolf Recovery Plan of 2002, the U.S. Fish and Wildlife Service 10j rule of 2005, as well as requirements imposed by the Endangered Species Act.

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 February 8, 2006
Adopted by the Senate February 21, 2006

(H.J.M. No. 12)

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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, since the beginning of time, the ability of man to provide food, fiber, and fuel for himself and others has determined his independence, freedom, and security; and

WHEREAS, when man began to colonize, the strength of each and every colony was directly related to his ability to provide a safe and reliable source of food, fiber, and fuel for his people; and

WHEREAS, when nations began to form, only nations with such ability rose to the top and since then many have fallen because they lost such ability; and

WHEREAS, agriculture is and will continue to be a fundamental and vital industry in Idaho, our nation, and the entire world; and

WHEREAS, a strong and viable agricultural industry is a very important part of our national security and overall well-being; and

WHEREAS, the primary source of funding for building schools, roadways, fire stations, and providing police protection in our rural communities comes from the taxes generated by agriculture and other natural resource industries; and

WHEREAS, American farmers, ranchers, and food processors are held by federal, state, and local laws to meet the highest standards in the world when it comes to environmental protection, worker safety, wage rates, and food safety concerns; and

WHEREAS, the family farm unit is the foundation of agriculture and one of the basic strengths of this nation.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge that American farmers, ranchers, and food processors be enabled to compete freely and trade fairly in foreign markets on a strictly level playing field.

BE IT FURTHER RESOLVED, that because of the importance of the standards to which American producers and food processors are held, primarily standards concerning food safety, we urge that foreign countries wishing to participate in markets that lie within the boundaries of the United States be held to the same standards.

BE IT FURTHER RESOLVED, when determining the economic values of international trade agreements, we urge that these standards be quantified and considered in such determinations.

BE IT FURTHER RESOLVED, that we encourage the education of the general public as to the importance of the role agriculture plays in the development of a society, recognizing that such public education is critical in the preservation and strengthening of the family farm unit and the overall preservation and strengthening of the agricultural industry itself.

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 February 24, 2006
Adopted by the Senate March 6, 2006

(H.J.M. No. 13)

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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

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

WHEREAS, that goal can best be achieved by providing the Idaho kindergarten through twelfth grade public education system the flexibility to capitalize on Idaho's unique resources and population; and

WHEREAS, Idaho has been a national leader in school improvement reform as exemplified by the passage of the Idaho Reading Initiative, the creation of academic standards, the alignment of Idaho public school curricula, and the creation of the Idaho Standards Achievement Test (ISAT); and

WHEREAS, Idaho applauds and supports the implementation and expansion of Secretary Spellings' flexibility framework for new NCLB policy announced April 7, 2005, including the implementation of pilot programs to study use of growth models in calculating Adequate Yearly Progress (AYP); and

WHEREAS, education stakeholders in Idaho are committed to providing the best public education possible for our children; and

WHEREAS, providing a quality education requires that certain aspects of NCLB be further enhanced.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress to support federal legislation that will address the following:

(1) Correcting difficulties in the calculation of AYP;

(2) Providing states the flexibility to effectively and efficiently use resources by targeting sanctions to students who actually need assistance;

(3) Providing states local control over their education systems by allowing waivers to accommodate high-quality state accountability systems, including the use of measures of progress;

(4) Providing states more individualized measures of success in calculating AYP for students with disabilities and limited English proficient students; and

(5) Placing funding triggers in the federal program so that the most costly sanctions are not implemented in any year in which Congress does not provide adequate funding to 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 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 27, 2006
Adopted by the Senate March 10, 2006

(H.J.M. No. 14)

A JOINT MEMORIAL

TO THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF INTERIOR, TO THE MAJORITY AND MINORITY LEADERSHIP OF THE SENATE AND THE 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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Federal Lands Recreation Enhancement Act, H.R. 3283, 108th United States Congress, was introduced in the United States House of Representatives and would have authorized the United States Forest Service, the United States Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the United States Bureau of Reclamation to charge visitor fees for recreation on publicly owned lands; and

WHEREAS, H.R. 3283 was not voted on separately in the United States House of Representatives and was not introduced in, did not have hearings in, and was not approved by the United States Senate, but instead was attached to the omnibus spending bill, H.R. 4818, by the 108th United States Congress, as an appropriation rider; and

WHEREAS, the 108th United States Congress enacted H.R. 4818, and the Federal Lands Recreation Enhancement Act is now codified as 16 U.S.C. sections 6801 through 6814; and

WHEREAS, the Federal Lands Recreation Enhancement Act includes criminal penalties and is substantive legislation that fundamentally changes the way public land in the state is funded and managed; and

WHEREAS, the concept of paying fees to use public land is contrary

to the idea that public land belongs to the people of the state and is land where every person is granted access and is welcome, a concept that has been and should remain in place; and

WHEREAS, recreational fees constitute double taxation and bear no relationship to the actual costs associated with recreational use such as hiking, picnicking, observing wildlife, or scenic driving on state roads and public rights-of-way; and

WHEREAS, the fees imposed by the Federal Lands Recreation Enhancement Act are a regressive tax that places an undue burden on the people living in rural areas adjacent to or surrounded by large areas of federal land and discriminates against lower-income and working Idahoans by placing financial obstacles in the way of their enjoyment of public land; and

WHEREAS, the public land access fees in the Federal Lands Recreation Enhancement Act are controversial and are opposed by hundreds of organizations, several state legislatures and millions of rural Americans; and

WHEREAS, the Federal Lands Recreation Enhancement Act establishes an interagency pass that may be used to cover entrance fees and recreational amenity fees for federal public land and water, disregarding the substantially different ways in which national parks and other federal public land are managed and funded; and

WHEREAS, the limited means of expressing opposition to and the lack of public debate in the implementation of the fee program raises the concern that some citizens may be deterred from visiting and enjoying public land in the state and throughout the United States; and

WHEREAS, tourism is an important industry to the state, and the imposition of recreational use fees will have a negative effect on state and local economies.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho demands that the Federal Lands Recreation Enhancement Act, which was enacted on December 8, 2004, be repealed and that no recreational fees authorized under the Federal Lands Recreation Enhancement Act be imposed to use federal public land 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 be sent to the Honorable George W. Bush, President of the United States; the Honorable Richard B. Cheney, Vice-President of the United States and President of the U.S. Senate; the Honorable Gale Norton, United States Secretary of the Interior; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Ted Stevens, President Pro Tempore of the U.S. Senate, the Honorable William H. Frist, Majority Leader of the U.S. Senate; the Honorable Harry Reid, Minority Leader of the U.S. Senate; the Honorable John Boehner, Majority Leader of the U.S. House of Representatives; the Honorable Nancy Pelosi, Minority Leader of the U.S. House of Representatives; and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 7, 2006
Adopted by the Senate March 15, 2006

(H.J.M. No. 16)

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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the state of Idaho is home to a large number of species considered to be threatened or endangered and many citizens of Idaho are directly affected by actions taken under the provisions of the Endangered Species Act; and

WHEREAS, the citizens of Idaho are performing many voluntary measures to help in the conservation and recovery of species which are or may become listed as threatened or endangered; and

WHEREAS, the Endangered Species Act as structured has not created meaningful incentives to engage private landowners in conservation and has failed to achieve its ultimate aim in the recovery of endangered species; and

WHEREAS, United States Senator Mike Crapo has introduced Senate Bill 2110, Collaboration for the Recovery of Endangered Species Act (CRESA); and

WHEREAS, CRESA will focus on species recovery, prioritize recovery efforts, expand the role of states for managing listed species, and compensate landowners for their efforts in species protection.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support the efforts of Senator Mike Crapo to reform and improve the Endangered Species Act through the enactment of CRESA, and promote species conservation and preservation within the state of Idaho and the United States of America.

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 February 22, 2006
Adopted by the Senate February 28, 2006

(H.J.M. No. 18, As Amended)

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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the success of all of America's students attending our nation's public schools is of great concern to the citizens of the United States; and

WHEREAS, many of these students arrive at our public school classrooms from myriad cultures and with no or extremely limited exposure to the English language; and

WHEREAS, it is self-evident that a student new to the English language is not proficient in reading or comprehending academic English; and

WHEREAS, the No Child Left Behind Act currently requires school districts to include in determinations of adequate yearly progress (AYP) the participation of all limited English proficient students, including those who have not been enrolled in school on a full-time basis for a sufficient period of time to develop skills that will assure the required tests are providing reliable information regarding these students' educational levels; and

WHEREAS, the No Child Left Behind Act also currently requires states to include all students in their annual academic assessments, including those with limited English proficiency, regardless of the length of time they have been attending public school; and

WHEREAS, Idaho's statewide assessment used to meet the provisions of the No Child Left Behind Act, the Idaho Standard Achievement Test, is administered in English; and

WHEREAS, it is demoralizing and frustrating for a student to be forced to take a test she or he cannot understand; and

WHEREAS, grade-level tests administered in English to beginning English language learners do not help teachers or school administrators understand the instructional needs of these students and do not provide an accurate portrayal of the performance of the school in which these students are enrolled.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge your support for and adoption of amendments proposed to the No Child Left Behind Act which would:

(1) Allow states to exclude from AYP determinations the performance of any limited English proficient student who has not been enrolled in the state for three (3) full school years and whose parents and educators agree that such an exclusion is educationally appropriate for the student; and

(2) Allow states to exclude from the required annual academic assessment of student performance in mathematics, reading or language arts and science any limited English proficient student who has not been enrolled in the state for three (3) full school years and whose parents and educators agree that such an exclusion is educationally appropriate for the student.

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 13, 2006
Adopted by the Senate March 24, 2006

(H.J.M. No. 20)

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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Federal Lands Recreation Enhancement Act, H.R. 3283, 108th United States Congress, was introduced in the United States House of Representatives and would have authorized the United States Forest Service, the United States Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the United States Bureau of Reclamation to charge visitor fees for recreation on publicly owned lands; and

WHEREAS, H.R. 3283 was not voted on separately in the United States House of Representatives and was not introduced in, did not have hearings in, and was not approved by the United States Senate, but instead was attached to the omnibus spending bill, H.R. 4818, by the 108th United States Congress, as an appropriation rider; and

WHEREAS, the sponsors of the Federal Lands Recreation Enhancement Act and others have an unrealistic expectation that recreation fees will pay for much of the cost of management of public lands even though users cannot control costs associated with such management, including costs relating to federal mandates and costs associated with subsequent legal actions; and

WHEREAS, the establishment of state or regional recreational resource advisory committees as required under the Federal Lands Recreation Enhancement Act has not occurred; and

WHEREAS, most of the state's 400-plus licensed outfitters and guides require special use permits from federal land management agencies in order to operate legally on Idaho's public lands and waters and the Federal Lands Recreation and Enhancement Act permits the return of the special use permit fee that outfitters pay for the privilege of operating on public lands and waters to the source from which it is generated rather than being deposited into the Federal Treasury; and

WHEREAS, the Idaho outfitter and guide industry is a major component of the outdoor recreation sector of the Idaho tourism industry and the Idaho Legislature recognizes the benefit that the Idaho outfitter and guide industry provides to the public and the economy of the state of Idaho, particularly to the rural economy of the state of Idaho, recog-

nizing that approximately 200,000 visitors use Idaho outfitter and guide services annually and contribute an estimated $50,000,000 to the Idaho economy.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho declares that should the Federal Lands Recreation Enhancement Act be repealed, then the authority for permitting outfitters and guides on public lands should be replaced immediately to allow for outfitter and guide operations to continue uninterrupted.

BE IT FURTHER RESOLVED, that should the Federal Lands Recreation Enhancement Act be repealed that the outfitter special use fee that is currently assessed shall be reauthorized under a new authority and returned to the managing agency for outfitter permit administration rather than being designated for other uses.

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 7, 2006
Adopted by the Senate March 15, 2006

(H.J.M. No. 21)

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 Second Regular Session of the Fifty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the United States Forest Service administers the management of 39% of the land base in the state of Idaho, and an additional 22% is administered by the United States Bureau of Land Management; and

WHEREAS, pursuant to 16 U.S.C. Section 471, an 1891 law authorizing the President to establish national forests, the purpose for establishing and administering national forests was to set aside public lands reserved as national forests to be controlled and administered, to the extent practical, in accordance with the Act which provided that "no national forest may be established except to improve and protect the forest, or to secure favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens"; and

WHEREAS, it has long been the intent and policy of the federal government to hold rural communities harmless from the creation of federal lands and in 1906 the Committee on Public Lands recognized that the presence of federal lands could create a hardship for many counties, as they provided little revenue or commerce at that time; and

WHEREAS, in 1908, Congress created the Twenty-five Percent Fund Act to pay states and counties 25% of receipts collected from national forests and mandated that payments were to be spent on schools and roads, recognizing that viable communities adjacent to the public lands, with adequate roads and schools, were essential for the development and preservation of the national forests; and

WHEREAS, the federal policy of holding counties harmless from the creation of public lands within counties was reiterated in 1916 with the creation of the Oregon and California Grant Lands under the Chamberlain-Ferris Act, and again in 1937 with passage of the Oregon and California Grant Lands Act; and

WHEREAS, the forest resources were intended to be managed in such an environmentally responsible manner that they would produce long-term sustainable revenue to share with schools and counties as well as products for the nation; and

WHEREAS, in 2000, Congress passed the Secure Rural Schools and Community Self-Determination Act, commonly known as public law 106-393, which restored historical payment levels previously made to states and counties from the federal government for road and school purposes due to declining levels of actual forest receipts; and

WHEREAS, the reauthorization of public law 106-393 is pending before the United States Congress and Idaho counties are on record as being strongly supportive of a fully-funded approval of this Act; and

WHEREAS, recently, federal land managers have been faced with an ever-present funding shortage and rural counties will be faced with higher property taxes or a reduction in services if the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated; and

WHEREAS, there is continued concern that if the Act is reauthorized and appropriated it may be the last time it occurs and a long-term solution to these issues is necessary; and

WHEREAS, the state of Idaho is dependent upon healthy national forest system lands for economic benefit, recreation and scenic beauty and it is time to demonstrate a new initiative and commitment to the intent and policy of the federal government to hold counties and schools harmless from the creation of federal lands and construct a path leading to economic stability for rural communities and schools; and

WHEREAS, transfer of the management of the national forest system lands that are not designated as wilderness, proposed or recommended wilderness, wild and scenic river, or national recreation area, or designated roadless area in Idaho, to the state of Idaho would promote better stewardship of the public lands, provide financial returns to the counties, secure public access, meet Congress's intent to hold rural communities harmless from the creation of federal lands, and fund schools, road and bridge infrastructure which would offset significant tax increases in rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006 reauthorization; and

WHEREAS, precedent for state administration of federally-owned lands exists in the state of Idaho at the City of Rocks area in southern Idaho and campground-related facilities and land at Lake Cascade; and

WHEREAS, a transfer of management to the state of Idaho would demonstrate a new initiative and commitment to the intent and policy of the federal government to hold rural counties and schools harmless from the

consequences of the reservation of federal lands and construct a process leading to economic stability for rural communities and schools; and

WHEREAS, lands for which management responsibility is transferred to the state of Idaho could be administered by the Idaho Department of Lands in cooperation with county officials and with cooperative oversight by the United States Forest Service and state and local government could establish, or use existing natural resource advisory committees composed of a diverse cross-section of the public, with all decisions and actions relating to the lands being required to comply with every federal and state environmental law; and

WHEREAS, the management of these lands would have to meet the mandates of the Healthy Forest Initiative, the National Fire Plan, and state and county fire mitigation plans.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the Congress to support federal legislation transferring management of national forest system lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools with the state of Idaho being held harmless from the costs of administration.

BE IT FURTHER RESOLVED that Congress is urged to provide that any transfer of management authority would not affect any rights or authority of the state with respect to fish and wildlife, or repeal or modify any provision of law that permits the state or political subdivisions of the state to share in the revenues from federal lands, or any provision of law that provides that fees or charges collected at particular federal areas be used for or credited to specific purposes or special funds.

BE IT FURTHER RESOLVED that Congress is urged to provide that fees or revenues collected under state management be allocated 75%, or other appropriate percentage, for the benefit of the counties and schools in which the national forest system lands are located and 25%, or other appropriate percentage, for the benefit of the national forest in which the lands administered by the state of Idaho are located to be paid at the end of the year to the Secretary of the Treasury, and that amounts allocated to the counties should not be taken into account for purposes of the Twenty-five Percent Fund pursuant to 16 U.S.C. Section 500.

BE IT FURTHER RESOLVED that Congress is urged to seek a long-term solution to the significant issues that will face rural counties in the event the Secure Rural Schools payments are not reauthorized or are allowed to expire following the 2006 reauthorization.

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 16, 2006
Adopted by the Senate March 22, 2006

(H.J.M. No. 22)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, 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, TO THE DIRECTOR-GENERAL OF THE WORLD HEALTH ORGANIZATION AND THE REPRESENTATIVE OF THE TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE UNITED STATES.

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

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is crucial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases such as AIDS; and

WHEREAS, Taiwan's achievements in the field of health care are substantial, including life expectancy levels that are some of the highest in Asia, maternal and infant mortality rates that are comparable to those of western countries, free hepatitis B vaccinations for children and the eradication of polio, cholera, smallpox and the plague; and

WHEREAS, the Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a willingness to assist financially and technically, the international aid and health activities supported by the World Health Organization; and

WHEREAS, Taiwan's population of twenty-three million is larger than that of seventy-five percent of World Health Organization member states; and

WHEREAS, the United States, in its 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

WHEREAS, Taiwan's participation in the World Health Organization could bring many benefits to the state of health, not only in Taiwan, but also regionally and globally.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we support the participation by Taiwan in a meaningful and appropriate way in the World Health Organization.

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, 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, to the Director-General of the World Health Organization and the representative of the Taipei Economic and Cultural Representative Office in the United States.

Adopted by the House March 16, 2006
Adopted by the Senate March 28, 2006

(H.J.M. No. 25)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, AND TO THE UNITED STATES SECRETARIES OF THE INTERIOR AND OF ENERGY.

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

WHEREAS, policies of the federal government have placed much of the Outer Continental Shelf off-limits to oil and natural gas production; and

WHEREAS, development of oil and natural gas resources, where allowed off our shore, has coexisted for decades with recreational and commercial activities while benefitting the entire nation; and

WHEREAS, America's increased dependence on foreign energy supplies and global competition for oil and natural gas will create a threat to our national security; and

WHEREAS, since 2000, natural gas and oil prices have more than doubled; and

WHEREAS, rising energy costs are taking a toll on poor families throughout the nation and, in a recent annual survey by the National Energy Assistance Directors' Association, 32% of families had to sacrifice medical care, 24% failed to make their rent or mortgage payment, 20% were without food for at least a day, and 44% skipped paying or paid less than their home energy bill in the past year; and

WHEREAS, the nation's farming and ranching sectors depend on a reliable and affordable supply of energy to run equipment, fertilize crops, and transport products to market; and

WHEREAS, the Economic Research Service of the United States Department of Agriculture estimates that farmers' fuel expenses for 2005 exceeded their 2004 fuel expenses by 37%, and higher energy prices mean increased costs to farmers and ranchers, who already face tremendous economic challenges; and

WHEREAS, in spite of significant progress in energy efficiency, the United States will still need 32% more energy to support economic growth by 2025; and

WHEREAS, inland states throughout the west are doing more to increase domestic energy production, and the public lands that lie off our nation's coasts also hold enormous potential for energy production, which could significantly help to meet the energy needs of all Americans.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we encourage the President of the United States of America, the Honorable George W. Bush, to revoke administrative withdrawals on offshore energy development on the nation's Outer Continental Shelf and direct the Minerals Management Service to contract for test wells to be drilled in order to provide needed

energy resources to the United States in an environmentally responsible manner.

BE IT FURTHER RESOLVED, that we encourage the Congress of the United States of America to make the nation's Outer Continental Shelf available for energy development in an environmentally responsible manner.

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 of America, the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States, and the United States Secretaries of the Interior and of Energy.

Adopted by the House March 27, 2006
Adopted by the Senate April 3, 2006

(H.J.M. No. 26)

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, THE PRESIDENT OF THE GOVERNMENT OF THE BASQUE AUTONOMOUS REGION OF SPAIN, THE PRIME MINISTER OF SPAIN, AND THE PRIME MINISTER OF FRANCE.

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

WHEREAS, during the early part of the twentieth century, a wave of Basque immigrants left the Basque region of northern Spain and southern France to come to Idaho and other states of the American West; and

WHEREAS, the state of Idaho has long been known as the North American center of the Basque population and many citizens of this state have kept close ties to the homeland of their forefathers in the Basque region of Spain and France; and

WHEREAS, from the time of the government of Francisco Franco of Spain until the present, the Basque Homeland has experienced decades of terror and violence in large part due to a group organized under the name of Euskadi ta Askatasuna (ETA); and

WHEREAS, in the year 1972, the Second Regular Session of the Forty-first Idaho Legislature adopted Senate Joint Memorial No. 115, condemning the government of Francisco Franco of Spain and urging peace and democracy in the Basque Homeland of Spain; and

WHEREAS, in the year 2002, the Second Regular Session of the Fifty-sixth Idaho Legislature adopted Senate Joint Memorial No. 114, which condemned ETA and all other terrorist organizations operating in the world and expressed strong support for an immediate end to violence in the Basque Homeland and for the establishment of peace through all lawful means; and

WHEREAS, Senate Joint Memorial No. 114, 2002, condemned all acts of terrorism and violence committed by any and all organizations and individuals within the Basque Homeland and throughout the world, such as ETA; and

WHEREAS, on March 22, 2006, ETA announced that it is permanently ending its campaign of violence and laying down its arms; and

WHEREAS, the governments of the Basque Autonomous Region and Spain have vigorously and endlessly opposed violence in the Basque Homeland and have engaged in an active effort to end the violence and establish a lasting peace.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the state of Idaho recognizes ETA's decision to lay down its arms and commends and congratulates the governments of the Basque Autonomous Region and of Spain and all other parties in Spain and France for their actions to promote the cessation of violence and to achieve a lasting peace in the Basque Homeland and all of Europe.

BE IT FURTHER RESOLVED that the state of Idaho extends its encouragement and support to these governments in their ongoing efforts to establish a process to bring a lasting peace in accordance with the democratic voting process, as well as enhance an appropriate degree of governmental autonomy for the Basque Homeland of Spain.

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, the President of the Government of the Basque Autonomous Region of Spain, the Prime Minister of Spain, and the Prime Minister of France.

Adopted by the House April 10, 2006
Adopted by the Senate April 11, 2006

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 123)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOGNIZING AND HONORING THE IDAHO ATHLETES PARTICIPATING IN THE WINTER OLYMPIC GAMES IN TURIN, ITALY.

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

WHEREAS, the XX Winter Olympics will be held in February in Turin, Italy; and

WHEREAS, the Winter Olympics bring together the finest athletes in the world in their respective sports; and

WHEREAS, the Winter Olympics bring out, to the fullest extent, the drama of human athletic competition with "the thrill of victory and the agony of defeat" with the resultant display of good sportsmanship by the competitors; and

WHEREAS, there are seven Idahoans at the 2006 Winter Olympics and they are Jeret Peterson, 2000 Timberline High School graduate in freestyle skiing, Kristine Holzer, 1992 Centennial High School graduate who also attended the University of Idaho, in long track speedskating (3000 meters), Nate Holland, 1997 Sandpoint High School graduate, in snowboardcross, Graham Watanabe, 2000 Wood River High School graduate, in snowboardcross, Lars Flora, 1996 Wood River High School graduate, in cross country skiing, Courtney Yamada, born in Idaho Falls and a resident of Boise, in the skeleton, and Werner Hoeger, Boise State University kinesiology professor and Boise resident, in the luge representing Venezuela; and

WHEREAS, we wish Jeret soft sweet landings, Kristine's blades to run true, Nate's line to be sweet and fast, Lars and Graham to ski speedily 'cross the frozen snow, Courtney's sled to speed like a bullet down the track, and Werner's experience to propel him to the front of the pack and that we wish that all Idaho Olympians achieve their potential during the games without injury; and

WHEREAS, all Idahoans in the Winter Olympic Games are to be especially commended for being the best athletes in the world in their particular sport.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the members of the Legislature take this opportunity to recognize and honor the Idaho athletes

participating in the Winter Olympic Games and wish them the best of luck in their respective athletic competitions.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is directed to forward a copy of this resolution to Jeret Peterson, Kristine Holzer, Nate Holland, Graham Watanabe, Lars Flora, Courtney Yamada and Werner Hoeger.

Adopted by the Senate February 21, 2006
Adopted by the House February 24, 2006

(S.C.R. No. 124)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THE DEPARTMENT OF HEALTH AND WELFARE TO DEVELOP AN INFORMAL DISPUTE RESOLUTION PROCESS WHICH IS PARTIALLY INDEPENDENT FROM THE DEPARTMENT FOR INTERMEDIATE CARE FACILITIES.

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

WHEREAS, intermediate care facilities for the mentally retarded are subject to inspections by the Department of Health and Welfare, Bureau of Facility Standards; and

WHEREAS, other providers, including skilled nursing facilities have informal dispute resolution processes which are partially independent from the Department of Health and Welfare, in order to dispute inspection findings made by the department; and

WHEREAS, intermediate care facilities for the mentally retarded do not have an informal dispute resolution process available to them which is partially independent from the department; and

WHEREAS, an informal dispute resolution process which is partially independent from the department is beneficial to providers, as it provides an avenue to discuss disputed findings; and

WHEREAS, an informal dispute resolution process, which is partially independent from the department, is beneficial to the department as it provides a check and balance to the department.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Department of Health and Welfare is requested to develop an informal dispute resolution process, which is partially independent from the Department, for intermediate care facilities. The Department of Health and Welfare should work with representatives of such facilities to develop the specific guidelines for this resolution process and its implementation including:

(1) Ethics and guiding principles;

(2) How the process will be partially independent from the department, who will serve on the panel and how decisions will be made; and

(3) Timing of the process, including: frequency of hearings, how a facility will apply for an informal dispute hearing and when decisions will be communicated to the facility.

Adopted by the Senate March 6, 2006
Adopted by the House March 29, 2006

(S.C.R. No. 125)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE IDAHO STATE BOARD OF DENTISTRY.

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 Idaho State Board of Dentistry are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 19.01.01, rules of the Idaho State Board of Dentistry, adopted as pending rules under Docket Number 19-0101-0503, 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 March 6, 2006
Adopted by the House March 24, 2006

(S.C.R. No. 126)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DEPARTMENT OF HEALTH AND WELFARE GOVERNING THE MEDICAL ASSISTANCE PROGRAM.

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

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

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Health and Welfare governing the Medical Assistance Program are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.09, rules of the Department of Health and Welfare governing the Medical Assistance Program, adopted as pending rules under Docket Number 16-0309-0503, 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 March 6, 2006
Adopted by the House March 24, 2006

(S.C.R. No. 128)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH EXCEPTIONS, AND REJECTING CERTAIN AGENCY RULES THAT ARE NOT APPROVED.

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 certain sections of Rules of the Department of Health and Welfare governing residential care or assisted living facilities in Idaho, and certain Rules of the Department of Lands governing exploration and surface mining in Idaho are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Idaho Real Estate Commission are to be applied retroactively to October 1, 2005; 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 Second Regular Session of the Fifty-eighth 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 2006 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 16.03.22, Rules of the Department of Health and Welfare, Rules Governing Residential Care or Assisted Living Facilities, Section 009, concerning Criminal History and Background Checks, Section 011, Subsections 15, concerning the Definition of Licensee, and 28, concerning the Definition of Non-Repudiation only, Section 055, concerning Special Waiver, Section 220, Subsection 03, concerning Notification of Populations Served only, Section 250, Subsections 13, concerning Residents Required to Go Outside, and 14, concerning Covered Cement Walks only, Section 260, Subsection 05.b, relating to changes of clean bed linen and sets of towels on hand for each licensed bed only, Section 451, Subsection 01.b, relating to menus being different the same days each week and adjusted for seasonal change only, Section 705, Subsection 05, concerning Personal Property Inventory only, and Section 730, Subsection 01.i, relating to documentation by the licensed professional nurse only, adopted as pending fee rules under Docket Number 16-0322-0502.

IDAPA 20.03.02, Rules of the Department of Lands, Rules Governing Exploration and Surface Mining in Idaho, Section 160, Subsection 01, pertaining to Right of Inspection only, adopted as pending fee rules under Docket Number 20-0302-0502.

BE IT FURTHER RESOLVED that IDAPA 16.03.22, Rules of the Department of Health and Welfare, Rules Governing Residential Care or Assisted Living Facilities, Section 009, concerning Criminal History and Background Checks, Section 011, Subsections 15, concerning the Definition of Licensee, and 28, concerning the Definition of Non-Repudiation only, Section 055, concerning Special Waiver, Section 220, Subsection 03, concerning Notification of Populations Served only, Section 250, Subsections 13, concerning Residents Required to Go Outside, and 14, concerning Covered Cement Walks only, Section 260, Subsection 05.b, relating to changes of clean bed linen and sets of towels on hand for each licensed bed only, Section 451, Subsection 01.b, relating to menus being different the same days each week and adjusted for seasonal change only, Section 705, Subsection 05, concerning Personal Property Inventory only, and Section 730, Subsection 01.i, relating to documentation by the licensed professional nurse only, adopted as pending fee rules under Docket Number 16-0322-0502, and IDAPA 20.03.02, Rules of the Department of Lands, Rules Governing Exploration and Surface Mining in Idaho, Section 160, Subsection 01, pertaining to Right of Inspection only, adopted as pending fee rules under Docket Number 20-0302-0502, and the same 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 IDAPA 33.01.01, Rules of the Idaho Real Estate Commission relating to certain license fees, adopted as pending fee rules under Docket Number 33-0101-0502, the entire rulemaking docket be, and the same is hereby approved, and pursuant to Section 67-5224(5)(a), Idaho Code, made effective and applied retroactively to October 1, 2005.

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.

Adopted by the Senate March 8, 2006
Adopted by the House March 27, 2006

(S.C.R. No. 129)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND APPROVING AND EXTENDING TEMPORARY RULES REVIEWED BY THE LEGISLATURE, WITH EXCEPTIONS.

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 Second Regular Session of the Fifty-eighth 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 2006 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, with the exception of the following enumerated temporary rules:

IDAPA 17.02.08, rules of the Industrial Commission relating to miscellaneous provisions, adopted as temporary rules under Docket Number 17-0208-0501, the entire rulemaking docket.

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 First Regular Session of the Fifty-ninth 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 are excepted from approval hereunder or which were not submitted to the Legislature for review during the 2006 legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Fifty-eighth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Adopted by the Senate March 8, 2006
Adopted by the House March 24, 2006

(S.C.R. No. 130)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT THE DEPARTMENT OF ENVIRONMENTAL QUALITY STUDY AND PREPARE A REPORT REGARDING METHODS TO ENCOURAGE REGIONAL WATER AND WASTEWATER SERVICES.

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

WHEREAS, it is in the public interest to promote the effective and efficient provision of water and wastewater services to communities in Idaho; and

WHEREAS, the regionalization of water and wastewater infrastructure

will allow for more efficient and cost-effective provision of water and wastewater services; and

WHEREAS, well-designed regional approaches to the provision of public water and wastewater services benefit the environment by helping to reduce the amount of pollutants reaching Idaho rivers and lakes; and

WHEREAS, regionalization of water and wastewater infrastructure helps to create a long-term sustainable and reliable source of clean and safe water for Idaho communities; and

WHEREAS, regionalization encourages local government officials to find innovative, cost-effective solutions to the provision of water and wastewater services and strengthens the partnership between local governments; and

WHEREAS, the Department of Environmental Quality, with its role in the regulation and funding of drinking water and wastewater facilities, is uniquely suited to work with cities, counties and other entities to find methods of encouraging the regional provision of water and wastewater services.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Department of Environmental Quality is requested to study, with the input from cities, counties, water and sewer districts and other relevant entities, methods to encourage and provide incentives for the development and operation of regional water and wastewater services, and to prepare a report and submit its findings to the Legislature by December 31, 2006.

Adopted by the Senate March 15, 2006
Adopted by the House March 24, 2006

(S.C.R. No. 132)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A THOROUGH ASSESSMENT OF THE ROLE AND MISSION OF POSTSECONDARY PROFESSIONAL-TECHNICAL AND ACADEMIC EDUCATION IN IDAHO.

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

WHEREAS, Idaho citizens understand the importance of offering postsecondary professional-technical and academic educational opportunities that are delivered in an efficient, affordable and accessible manner; and

WHEREAS, we acknowledge the outstanding efforts of institutions of higher education, both public and private, in providing postsecondary educational services; and

WHEREAS, we acknowledge the importance of a well-trained and well-educated work force as essential to Idaho's citizens and economy; and

WHEREAS, we believe a strong postsecondary educational system will enhance Idaho's reputation as a leader in today's newly-emerging economy, which is becoming increasingly international in scope; and

WHEREAS, this new economy will require Idaho's workforce to be bet-

ter educated in order for Idaho's businesses to compete nationally and globally; and

WHEREAS, business leaders are anxious to work directly with educational leaders to design curricula for educational partnerships, and to provide business experts who will participate in projects throughout the educational partnerships; and

WHEREAS, Idaho businesses will continue to contribute to the programs through taxes, scholarships, in-kind donations, subsidizing employer costs to the educational programs and providing well-educated business persons as faculty; and

WHEREAS, at the present time, minimal community college functions are being provided in Idaho; and

WHEREAS, private foundations are being sought as partners to obtain funding to assist in enhancing postsecondary educational offerings; and

WHEREAS, issues of local control and funding of an efficient, affordable and accessible postsecondary system of education, remain unresolved.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a thorough assessment of the role and mission of postsecondary professional-technical and academic education in Idaho. 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 the appointed committee shall involve and request information from representatives of both public and private partnerships, educational institutions including professional-technical education, the Office of the State Board of Education, and members of the business community, Legislature and other interested persons or organizations.

BE IT FURTHER RESOLVED that the appointed committee shall make recommendations as necessary for changes to existing statutes regarding such postsecondary issues as the role, mission, funding, governance and academic programs of community colleges, and the burdens placed on community college taxing districts and professional-technical programs.

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 report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Fifty-ninth Idaho Legislature.

Adopted by the Senate March 17, 2006
Adopted by the House April 10, 2006

(S.C.R. No. 136)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND REQUESTING THE IDAHO WATER RESOURCE BOARD TO PREPARE AND SUBMIT A COMPREHENSIVE AQUIFER MANAGEMENT PLAN FOR THE EASTERN SNAKE RIVER PLAIN AQUIFER FOR LEGISLATIVE REVIEW AND APPROVAL.

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

WHEREAS, the extended drought, changes in irrigation practices and ground water pumping have resulted in reduced spring discharges and reach gains from the Eastern Snake River Plain Aquifer and areas of declining aquifer levels; and

WHEREAS, declining aquifer levels have resulted in insufficient water supplies to satisfy existing beneficial uses; and

WHEREAS, declining aquifer levels have lead to conflicts between holders of water rights diverting from surface and ground water; and

WHEREAS, the conflict between water users poses a significant threat to the state's economy; and

WHEREAS, the welfare of the people of the state of Idaho is dependent upon the management of the Eastern Snake River Plain Aquifer in accordance with state law; and

WHEREAS, the Idaho Legislature has enacted legislation to create water measurement districts for gathering and reporting of water diversion data; and

WHEREAS, the Idaho Legislature has enacted legislation authorizing the creation of ground water districts for the purpose of implementing mitigation plans; and

WHEREAS, the Idaho Department of Water Resources has expanded and created new water districts for water sources hydraulically connected to the Eastern Snake River Plain Aquifer for the purpose of conjunctively administering all surface and ground water rights diverting from the interconnected sources; and

WHEREAS, the Idaho Legislature provided funding to facilitate implementation of water supply projects through the Idaho Department of Commerce and to ground water users for implementation of the Sandy Pipeline Project in 2004; and

WHEREAS, the Idaho Legislature's Natural Resource Interim Committee in 2004 and 2005 sought resolution of the Eastern Snake River Plain Aquifer water supply conflicts and has provided support for voluntary mediation between affected parties; and

WHEREAS, Section 42-1734, Idaho Code, provides authority to the Idaho Water Resource Board to cooperate in water studies, planning and research; and

WHEREAS, the Idaho Water Resource Board prepared an inventory of data and information as part of the Board's comprehensive basin planning study of the Eastern Snake River Plain Aquifer and tributary basins entitled the "Resource Inventory Upper Snake River Basin," in 1998, which provides information for the development of a comprehensive aquifer management plan; and

WHEREAS, the state of Idaho has taken initial steps to address the Eastern Snake River Plain water supply conflict through funding and

development of, among other things, a Conservation Reserve Enhancement Program; and

WHEREAS, the Idaho Legislature enacted Section 42-620, Idaho Code, in 2005, to provide for funding necessary to support and to expand the Eastern Snake River Plain monitoring and data gathering activities of the Idaho Department of Water Resources; and

WHEREAS, certain holders of surface and ground water rights have been engaged in good faith negotiations to develop a potential framework for resolution of the Eastern Snake River Plain surface/ground water rights conflict; and

WHEREAS, the Idaho Legislature is determined to facilitate and encourage a resolution of the surface/ground water rights conflict that respects existing water rights.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we request that the Idaho Water Resource Board expeditiously pursue, with support from the Idaho Department of Water Resources, development of a comprehensive aquifer management plan for the Eastern Snake River Plain Aquifer for submission to and approval by the Idaho Legislature.

BE IT FURTHER RESOLVED that the Idaho Water Resource Board receive public input regarding the development of goals, objectives and methods for management of the Eastern Snake River Plain Aquifer from affected water right holders, cities and counties, the general public and relevant state and federal agencies; and

BE IT FURTHER RESOLVED that the Idaho Water Resource Board is requested to report to the First Regular Session of the Fifty-ninth Idaho Legislature on the status of the development of the comprehensive Eastern Snake River Plain Aquifer management plan. The report should set forth a framework for the plan, including appropriate interim goals and objectives in accordance with state law, a method to fund implementation of the plan and a time schedule for finalization of the plan.

Adopted by the Senate April 3, 2006
Adopted by the House April 5, 2006

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 30)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE SECOND REGULAR SESSION OF THE FIFTY-EIGHTH 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 Second Regular Session of the Fifty-eighth Idaho Legislature in the Chamber of the House of Representatives at 7 p.m. on Monday, January 9, 2006.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth 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 9, 2006, at 7 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 9, 2006
Adopted by the Senate January 9, 2006

(H.C.R. No. 31)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ACKNOWLEDGING THE SERIOUSNESS OF SUICIDE BY ENDORSING IDAHO'S SUICIDE PREVENTION PLAN AND SUPPORTING SAID PLAN'S COMPREHENSIVE APPROACH.

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

WHEREAS, between 1999 and 2001, 559 Idahoans died from suicide;

WHEREAS, suicide is second only to unintentional injury as the leading cause of death for Idahoans age fifteen to thirty-four years, and is the ninth leading cause of death overall;

WHEREAS, Idaho has the seventh highest state per capita suicide rate in the nation;

WHEREAS, there were an estimated 40 suicide attempts for every completed suicide in Idaho during 2001;

WHEREAS, four out of five young people exhibited recognizable warning signs of suicide prior to attempting suicide;

WHEREAS, Idaho's Suicide Prevention Plan was developed to address the problem of suicide in Idaho;

WHEREAS, Idaho's Suicide Prevention Plan provides a guide for agencies, organizations and individuals in developing specific plans of action in preventing suicide at the state, regional and local levels;

WHEREAS, Idaho's Suicide Prevention Plan focuses on current Idaho activities and needs.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the state of Idaho acknowledges the seriousness of the suicide crisis facing the state and the importance of suicide prevention by endorsing Idaho's Suicide Prevention Plan.

BE IT FURTHER RESOLVED that the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, support Idaho's Suicide Prevention Plan's comprehensive approach towards reducing the risk of both suicide attempts and completions for all Idahoans through the efforts and coordination of all concerned agencies, organizations, advocacy groups and individuals.

Adopted by the House February 22, 2006
Adopted by the Senate March 1, 2006

(H.C.R. No. 32)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND DESIGNATING THE WEEK OF SEPTEMBER 10 THROUGH 16, 2006, AS BULLYING AWARENESS WEEK.

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

WHEREAS, the school shooting on April 20, 1999, at Columbine High School in Littleton, Colorado, during which fifteen students and a teacher were killed and 23 other students were wounded, was an event set apart in our hearts and memories; and

WHEREAS, it behooves each of us, as parents, students, educators and citizens to recognize the lessons to be learned from this tragedy and identify changes to prevent repetition; and

WHEREAS, many organizations, school districts, educators and parents have publicly expressed concern about the bullying of children; and

WHEREAS, it is important that we acknowledge the serious issues and the negative effects of bullying, including the long-term damage which may be caused for our youth and the risks of teenage suicide; and

WHEREAS, playground observations identify that at least one incident of bullying occurs every seven minutes; and

WHEREAS, bullying may consist of physical incidents of hitting, kicking, or choking, verbal threats, teasing and taunting, or systematic exclusion from activities; and

WHEREAS, providing a safe physical and emotional environment is a significant goal and a personal responsibility of each individual; and

WHEREAS, in remembrance of the Columbine shootings, and as a symbol of our year-round struggle against bullying, it is appropriate that we designate a week to emphasize the importance of our endeavors.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that, on behalf of the citizens of the state of Idaho, the Legislature designates the week of September 10 through 16, 2006, as Bullying Awareness Week.

Adopted by the House February 23, 2006
Adopted by the Senate March 3, 2006

(H.C.R. No. 33)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE RELATING TO CIVIC AND HISTORICAL EDUCATION AND URGING THE SECRETARY OF STATE TO CONVENE A SUMMIT FOR CIVIC AND HISTORICAL LEARNING, PROVIDING COMPOSITION OF THE COMMITTEE AND REQUIRING A REPORT.

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

WHEREAS, civic and historical learning encourages young people to be thoughtful and productive members of their communities and future leaders of the state; and

WHEREAS, it is crucial to the future health of our republic form of government that all young people be knowledgeable about democratic principles and practices of a republic form of government and the rule of law, be engaged in their communities and in politics, and be committed to individual freedom which will ensure the public good; and

WHEREAS, on the National Assessment of Educational Progress in 1998, only twenty-five percent of students at the upper elementary and secondary levels were proficient in civics and government; and

WHEREAS, nationally, under twenty percent of eligible 18 to 25 year-olds voted in the 2004 presidential election; and

WHEREAS, according to "The Civic and Political Health of the Nation: A Generational Portrait" nearly one-half of 15 to 25 year-olds indicate that civic education increases their interest and participation in civic affairs; and

WHEREAS, individuals who have a clear understanding of the rights and responsibilities of citizenship in a republic form of government under the rule of law are more likely to exercise those rights and responsibilities to be competent and responsible citizens; and

WHEREAS, the need for civic and historical learning in our state is crucial to the long-term social and political health of the state and is a part of the thoroughness in education provided in section 33-1612, Idaho Code; and

WHEREAS, the eight principles of thoroughness are: a safe environment conducive to learning is provided; educators are empowered to maintain classroom discipline; the basic values of honesty, self-discipline, unselfishness, respect for authority and the central importance of work are emphasized; the skills necessary to communicate effectively are

taught; a basic curriculum necessary to enable students to enter academic or professional-technical postsecondary educational programs is provided; the skills necessary for students to enter the work force are taught; the students are introduced to current technology; and the importance of students acquiring the skills to enable them to be responsible citizens of their homes, schools and communities is emphasized.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Secretary of State, with the assistance of the Department of Education, is urged to establish a committee to convene a Summit for Civic and Historical Learning at Boise State University with a goal of determining a strategy for enhancing long-term civic engagement and learning within the state, and recommending a plan for improving civic engagement and learning to the First Regular Session of the Fifty-ninth Idaho Legislature.

BE IT FURTHER RESOLVED that the committee should be composed of a diverse range of student, teacher and administrator representatives from grades K through 12 and postsecondary education, media, civic organizations, and elected officials, and shall be facilitated by the Department of Education's Office of Civics, Service, Character and International Education.

BE IT FURTHER RESOLVED that the committee shall report its findings and recommendations for future action to the Office of the Secretary of State and the Office of the Superintendent of Public Instruction no later than December 1, 2006.

Adopted by the House February 23, 2006
Adopted by the Senate March 3, 2006

(H.C.R. No. 34)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE CONCERNING THE IMPACTS OF COLON CANCER ON THE CITIZENS OF IDAHO AND DECLARING THE MONTH OF MARCH AS "COLORECTAL CANCER AWARENESS MONTH."

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

WHEREAS, colorectal cancer in the United States is the second leading cause of cancer deaths in men and women combined; and

WHEREAS, it is estimated that in 2006, over 147,000 new cases of colorectal cancer will be diagnosed in the United States; and

WHEREAS, in 2006, the disease is expected to kill nearly 57,000 individuals in this country; and

WHEREAS, in 2005, there were approximately 540 new colorectal cancer cases diagnosed in Idaho; and

WHEREAS, screening for colorectal cancer is underutilized, and less than 50% of the individuals over the age of 50 years receive annual screenings for colorectal cancer; and

WHEREAS, regular screenings can save lives by detecting polyps that lead to colorectal cancer; and

WHEREAS, the benefits of early detection of colorectal cancer are

dramatic, with a 5-year survival rate of 90% when it is found at an early stage and 66% when it has spread only to nearby organs or lymph nodes; and

WHEREAS, currently, only 38% of colon cancers are found at the earliest and most treatable stages and the 5-year survival rate is less than 10% when found at later stages; and

WHEREAS, the American Cancer Society is taking a leadership role in educating the public on the methods of prevention and symptoms for early detection; and

WHEREAS, the state and federal governments have a leadership role to play in fighting colon cancer through public education and improved awareness of early detection through screening.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we join in the designation of March 2006, as "Colorectal Cancer Awareness Month" and urge all citizens to recognize the importance of colon cancer screening and early detection in fighting this deadly disease.

Adopted by the House February 15, 2006
Adopted by the Senate February 22, 2006

(H.C.R. No. 36)

A CONCURRENT RESOLUTION
APPROVING APPLICATIONS TO APPROPRIATE WATER FOR MINIMUM STREAMFLOW.

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

WHEREAS, the Idaho Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream to establish a minimum streamflow; and

WHEREAS, under the provisions of Section 42-1503, Idaho Code, an approved application shall not become finally effective until affirmatively acted upon by the Legislature, except that if the Legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved; and

WHEREAS, on November 1, 2004, the Department of Water Resources approved two applications by issuing a Preliminary Order, which became a Final Order on February 14, 2005, authorizing the appropriation of water for minimum streamflows in Niagara Springs Creek, tributary to the Snake River and Niagara Springs and its creeks tributary to the Snake River as follows:

Identification Number:	36-8347
Location: Subreach A:	Beginning at the third (last) Idaho Power Company diversion, located in Lot 1 (NE1/4NE1/4), Section 10, Township 9 South, Range 15 East, Boise-Meridian, Gooding County, and extending down-

stream approximately one-eighth (1/8) of a mile to a point in Lot 11 (SW1/4NW1/4), Section 11, Township 9 South, Range 15 East, Boise-Meridian, Gooding County, where the outflow stream widens into the Niagara Springs Estuary. The downstream terminus of Subreach A is approximately located at the outflow of the Idaho Power Fish Hatchery.

Rate of Flow for Subreach A: 45 cubic feet per second ("cfs") year-round.

Location: Subreach B: Beginning at a point where the Niagara Springs outflow stream widens into an estuary located in Lot 11 (SW1/4NW1/4), Section 11, Township 9 South, Range 15 East, Boise-Meridian, Gooding County (at the approximate location of the outlet of the Idaho Power Fish Hatchery), and extending downstream to the confluence of the Niagara Springs Estuary and the Snake River, all located within Lot 11, Section 11, Township 9 South, Range 15 East, Boise-Meridian, Gooding County.

Rate of Flow for Subreach B: 110 cubic feet per second ("cfs") year-round.

Purpose: Recreation, aesthetics, fish and wildlife.

Priority Date: January 29, 1988.

Identification Number: 36-8670

Location: Beginning at the head of Niagara Springs located in Lot 1 (NE1/4NE1/4), Section 10, Township 9 South, Range 15 East, and Lot 3 (NW1/4NW1/4), Section 11, Township 9 South, Range 15 East, Boise-Meridian, Gooding County, and continuing downstream to the Rim View Diversion located within Lot 1 (NE1/4NE1/4), Section 10, Township 9 South, Range 15 East, Boise-Meridian, Gooding County.

Rate of Flow 264 cubic feet per second ("cfs") year-round.

Purpose: Aesthetics and recreation.

Priority Date: March 24, 1992.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the same is hereby

approved subject to the conditions and limitations contained in the Preliminary Order issued by the Department of Water Resources on November 1, 2004, which became a Final Order on February 14, 2005.

Adopted by the House February 27, 2006
Adopted by the Senate March 15, 2006

(H.C.R. No. 37)

A CONCURRENT RESOLUTION
APPROVING APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAMFLOW.

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

WHEREAS, the Idaho Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream to establish a minimum streamflow; and

WHEREAS, under the provisions of Section 42-1503, Idaho Code, an approved application shall not become finally effective until affirmatively acted upon by the Legislature, except that if the Legislature fails to act prior to the end of the regular session to which the application was submitted, the application shall be considered approved; and

WHEREAS, on January 13, 2006, the Department of Water Resources approved an application by issuing an Amended Preliminary Order, that became a Final Order on January 28, 2006, authorizing the appropriation of water for minimum streamflows in the North Fork of the Clearwater River as follows:

Identification Number:	83-11962
Location:	Beginning at the confluence with Kelly Creek in the SW1/4SW1/4, Section 18, T39N, R10E, B.M., Clearwater County, and extending downstream 44.6 river miles to the confluence with Beaver Creek in Lot 7 (NE1/4SE1/4NE1/4), Section 6, T40N, R07E, B.M.
Rate of Flow:	1,349 cfs from January 1 through January 31; 1,838 cfs during the month of February; 2,885 cfs March 1 through March 31; 5,863 cfs from April 1 through April 30; 10,396 cfs from May 1 through May 31; 8,470 cfs from June 1 through June 30; 2,331 cfs from July 1 through July 31; 1,128 cfs from August 1 through August 31; 873 cfs from September 1 through September 30; 828 cfs from October 1 through October 31; 1,239 cfs from November 1 through November 30; 1,237 cfs from December 1 through December 31.
Purpose:	Provides for fish habitat.
Priority Date:	April 1, 2005.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the same is hereby

approved subject to the conditions and limitations contained in the Amended Preliminary Order issued by the Department of Water Resources on January 13, 2006, which became a Final Order on January 28, 2006.

Adopted by the House February 27, 2006
Adopted by the Senate March 15, 2006

(H.C.R. No. 38)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE EXPRESSING SUPPORT FOR THE DEVELOPMENT OF THE IDAHO BIRDING TRAIL, RECOGNIZING THE ECONOMIC OPPORTUNITIES AND BENEFITS THE TRAIL WILL AFFORD TO COMMUNITIES IN THE STATE OF IDAHO, AND ACKNOWLEDGING THE IMPORTANCE OF OUR NATIVE BIRDS AND THEIR HABITATS.

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

WHEREAS, eco-tourism, or nature-tourism, has become a big business for many communities, with birds often being a central attraction; and

WHEREAS, within the last decade there has been an emerging interest in the development of "birding trails," which consist of self-guided driving routes and trail systems along the nation's interstates and byways that highlight the best spots for birding, linking premier birding habitats in convenient loops and spurs; and

WHEREAS, more than a dozen birding and wildlife-watching trails now have been developed and mapped, crisscrossing the country on federal and state land, and more are on drawing boards in various stages of development; and

WHEREAS, a partnership of groups and individuals, including state agencies, visitors' bureaus, educators, wildlife agencies, recreationists, and chapters of the Audubon Society, have worked together for the development of such sites; and

WHEREAS, the growth of birding trails, combined with America's love of the automobile, has helped build interest and spread birder tourism dollars and communities with trail sites have learned that birders are a boon to their economies, providing a means of diversification, especially for rural areas, with trail maps often providing information on lodging, restaurants and other places of interest; and

WHEREAS, birding trails are often located along the major North American flyways, including the "Pacific Flyway" that, in part, traverses the panhandle and Snake River valley of Idaho, and these flyways provide suitable habitat for native birds; and

WHEREAS, watching wildlife is the fastest growing outdoor activity in the United States, and approximately sixty percent of Idahoans regularly engage in wildlife watching, about half a million of whom participate specifically in watching birds on an annual basis; and

WHEREAS, the Idaho Department of Fish and Game has developed a birding trail, and associated trail guide, for a trail to be known as the "Idaho Birding Trail" and hopes to introduce the state trail in time for International Migratory Bird Day in May of 2006; and

WHEREAS, the Idaho Birding Trail will consist of a series of four

loops, estimated at approximately 2,000 miles, consisting of the Northern Loop extending from the Canadian border south to Riggins, the Southwestern Loop, covering Riggins south to the Owyhee Mountains and the Oregon border east to Twin Falls, the Southeastern Loop encompassing the Twin Falls area east to the Wyoming border and Bear Lake north to Island Park, and the East-Central Loop consisting of the Sun Valley/Stanley area northeast to Salmon; and

WHEREAS, the four loops will guide visitors to two hundred sites, including such sites as the Snake River Birds of Prey National Conservation Area, Ponderosa State Park, Market Lake Wildlife Management Area, Camas National Wildlife Refuge, Coeur d'Alene River Wildlife Management Area, and Kootenai National Wildlife Refuge; and

WHEREAS, the Idaho Birding Trail will offer the public educational and recreational experiences as well as benefit nearby communities and offer such communities economic opportunities associated with the resulting increase in tourism to these areas.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we express our support for the development of the Idaho Birding Trail, recognize the economic opportunities and benefits the trail will afford to communities in the state of Idaho, declare it to be the official Idaho birding trail, and encourage the Idaho Department of Commerce and Labor to include the Idaho Birding Trail in its promotional literature.

Adopted by the House March 3, 2006
Adopted by the Senate March 17, 2006

(H.C.R. No. 39)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND COMMENDING MOST MEMBERS OF THE IDAHO MEDICAL ASSOCIATION FOR PROVIDING HEALTH CARE TO MILITARY PERSONNEL AND THEIR FAMILIES DURING DEPLOYMENT.

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

WHEREAS, the United States of America has a declared commitment against the war on terror;

WHEREAS, many soldiers have been called to active duty and have been put on alert to mobilize for active duty; and

WHEREAS, the Department of Defense has instructed our citizen soldiers and their families to put their personal, financial and other affairs in order in the event of an overseas deployment; and

WHEREAS, every family member, neighbor or medical provider could be affected by this ongoing military mobilization; and

WHEREAS, upon this mobilization of military personnel, the Idaho Army National Guard, the U.S. Army, the U.S. Air Force, the U.S. Navy, and the U.S. Marines, and their families will be enrolled in the Department of Defense TRICARE insurance program; and

WHEREAS, military personnel and their families will be in insurance transition during these difficult times and require the full support of all Idaho medical providers; and

WHEREAS, most of the medical providers of the Idaho Medical Association have responded to the call of the state's Commander in Chief, Governor Dirk Kempthorne that no soldier or his/her family will be denied needed medical care during this deployment and active duty against the War on Terror.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that, on behalf of the citizens of the State of Idaho commend:

1. Most of the medical providers of the Idaho Medical Association for their spirit of public good faith in support of military personnel and their families during insurance benefit transition.

2. Most medical providers of the Idaho Medical Association for their spirit of patriotism and sacrifice for military personnel and their families that no soldier or his/her family will be denied needed medical care during this deployment and active duty against the War on Terror.

3. Most medical providers of the Idaho Medical Association for their spirit of commitment against the War on Terror.

BE IT FURTHER RESOLVED that we request all medical providers in Idaho to accept the Department of Defense TRICARE insurance program for Idaho military personnel on active duty and their families.

Adopted by the House February 21, 2006
Adopted by the Senate March 1, 2006

(H.C.R. No. 40)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THE DEPARTMENT OF HEALTH AND WELFARE AND THE OFFICE OF THE ATTORNEY GENERAL TO DEVELOP A STATEWIDE, UNIVERSAL SYSTEM AND FORM FOR PHYSICIAN ORDERS FOR LIFE-SUSTAINING TREATMENT AND TO REPORT THEIR PROPOSALS TO THE LEGISLATURE.

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

WHEREAS, physician orders for life-sustaining treatment are voluntary and are intended to help the patient and the patient's physician or nurse practitioner discuss and develop plans that reflect the patient's wishes; and

WHEREAS, physician orders for life-sustaining treatment are written instructions stating the patient's intent on how the patient's medical decisions are to be made if the patient is unable to make that decision; and

WHEREAS, physicians, nurses, emergency medical personnel and health care facilities strive to honor and carry out patient intent on life-sustaining treatment; and

WHEREAS, Idaho does not have a statewide, universal form for physician orders for life-sustaining treatment; and

WHEREAS, some physician orders for life-sustaining treatment are recognized in some care settings but not in others and may not be recognized by emergency medical personnel or other health care providers.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Department of Health and Welfare and the Office of the Attorney General are requested to develop a statewide, universal system or form for physician orders for life-sustaining treatment. The Department of Health and Welfare and the Office of the Attorney General are requested to work with representatives of emergency medical services, hospitals, physicians, health care facilities and other interested parties to develop the specific system or form for physician orders for life-sustaining treatment, including the statewide and universal application and implementation guidelines. These parties are requested to bring a report to the First Regular Session of the Fifty-ninth Idaho Legislature outlining their proposals. Legislation, if necessary, may be drafted by the Office of the Attorney General to implement these suggestions.

Adopted by the House February 27, 2006
Adopted by the Senate March 6, 2006

(H.C.R. No. 45)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND PROCLAIMING SEPTEMBER 14 AS MISSING PERSONS DAY.

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

WHEREAS, according to the Federal Bureau of Investigation's National Crime Information Center there were 876,213 missing person entries (juveniles and adults) in the year 2001, with an average of 2,001 children disappearing daily including children from the state of Idaho; and

WHEREAS, as of March 31, 2003, there were 97,297 active missing person cases in the United States and of those missing approximately 54,194 were juveniles and 43,113 were reports of individuals eighteen and older and these statistics include citizens of the state of Idaho; and

WHEREAS, in response to these alarming trends, nonprofit organizations such as Project Jason, Center for Hope and the Carole Sund/Carrington Memorial Reward Foundation were founded for the purpose of educating the public in an effort to prevent future abductions and disappearances and to provide assistance to families of the missing; and

WHEREAS, all missing persons deserve to be searched for, regardless of their age; and

WHEREAS, citizens, media and law enforcement must be made aware of the plight of missing persons regardless of their age; and

WHEREAS, our awareness, support, efforts and search for missing persons must continue; and

WHEREAS, every missing person is someone's son or daughter, father or mother, brother or sister, husband or wife; and

WHEREAS, the state of Idaho is committed to the safety and well-being of all its citizens, both children and adults.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representa-

tives and the Senate concurring therein, that we hereby proclaim September 14 as Missing Persons Day, and the song "The Room We Never Go In" shall be commemorated as the song for Missing Persons Day and do hereby urge all citizens to take due note of the observance.

Adopted by the House March 21, 2006
Adopted by the Senate March 30, 2006

(H.C.R. No. 46)

A CONCURRENT RESOLUTION
PROCLAIMING APRIL 19 AS PATRIOT'S DAY IN COMMEMORATION OF THE EVENTS OF APRIL 19, 1775.

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

WHEREAS, April 19, 1775, marks the date when the Massachusetts towns of Lexington and Concord were marched upon by British regulars in an effort to confiscate the munitions stored there for the local militia; and

WHEREAS, near the hour of 5 a.m., British troops numbering between six hundred and eight hundred men, encountered seventy-five patriots, under the command of Captain Parker, at Lexington Green, where Captain Parker ordered, "Stand your ground! Don't fire unless fired upon; but if they mean to have a war, let it begin here."; and

WHEREAS, the result was the "shot heard 'round the world" and by the day's end, the British troops had retreated from the field; and

WHEREAS, the events of this day were the spark that ignited the passions of the colonial patriots resulting in the American Revolutionary War and the founding of a great nation; and

WHEREAS, the states of Arkansas, Florida, Massachusetts, Missouri, Tennessee and Wisconsin celebrate April 19 as Patriot's Day each year, and in Maine and New Jersey, Patriot's Day is the third Monday in April; and

WHEREAS, Patriot's Day is an opportunity to focus on the historic nature of our revolution and the sacrifices endured over the course of a great eight-year struggle leading to our independence celebrated on the Fourth of July.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we proclaim April 19 of every year as Patriot's Day in the state of Idaho in commemoration of the opening events of the American Revolutionary War and the struggle through which the nation passed in its early days to be established as the great land of freedom in which we live today.

Adopted by the House February 27, 2006
Adopted by the Senate March 8, 2006

(H.C.R. No. 47)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS, RESTATING THE LEGISLATURE'S SUPPORT FOR THE RESTORATION, PRESERVATION AND MAINTENANCE OF THE STATE CAPITOL BUILDING, REQUESTING AND AUTHORIZING THE IDAHO CAPITOL COMMISSION TO MODIFY ITS MASTER PLAN FOR THE RESTORATION OF THE STATE CAPITOL BUILDING TO PROVIDE FOR CERTAIN LISTED MODIFICATIONS AND IMPROVEMENTS, AUTHORIZING AND APPROVING THE DEPARTMENT OF ADMINISTRATION TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY, UNDER SUCH TERMS AND CONDITIONS AS MAY BE REASONABLE AND NECESSARY, TO PROVIDE FINANCING AND TO RESTORE AND REFURBISH THE STATE CAPITOL BUILDING AND CONSTITUTING PRIOR LEGISLATIVE APPROVAL IN ACCORDANCE WITH SECTION 67-6410, IDAHO CODE, AND SUPPORTING AND RECOMMENDING A DESIGN AND CONSTRUCTION SCHEDULE THAT WILL ALLOW THE RESTORATION OF THE STATE CAPITOL BUILDING TO BEGIN FOLLOWING THE 2007 LEGISLATIVE SESSION, AND TO BE COMPLETED PRIOR TO THE BEGINNING OF THE 2010 LEGISLATIVE SESSION.

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

WHEREAS, the State Capitol Building is the most vital and preeminent public building in Idaho and a symbol of Idaho's sovereignty; and

WHEREAS, the restoration, preservation and maintenance of the State Capitol Building represents a vital public interest; and

WHEREAS, to ensure the State Capitol Building's long history and legacy, the Idaho Capitol Commission was created by the 1998 Legislature with a vision of restoring the State Capitol Building to its original splendor; and

WHEREAS, the Idaho Capitol Commission, pursuant to Section 67-1608, Idaho Code, has developed a comprehensive, multiyear Master Plan for the restoration of the State Capitol Building that would address modifications, improvements and preservation; and

WHEREAS, the Legislature in 2001 adopted House Concurrent Resolution No. 21 supporting the Master Plan approved by the Capitol Commission for the comprehensive restoration and refurbishment of the State Capitol Building; and

WHEREAS, in the intervening years the need for an expansion of the State Capitol Building to accommodate larger public hearing rooms has coincided with the Legislature's desire to maintain the State Capitol Building as a working Capitol; and

WHEREAS, a task force appointed by and consisting of majority and minority legislative leadership has met throughout the interim in 2005 to examine numerous alternatives for providing additional public hearing rooms and related office space to meet current and future needs, and to obtain information relating to building designs, projected costs, architectural integrity, site geotechnical analysis, phased development of the Capitol Mall, adjacent office space, and relocation options during the State Capitol restoration; and

WHEREAS, the task force has recommended an approach to restoration and expansion of the State Capitol Building that will accommodate the needs for public hearing rooms and maintain Idaho's Capitol Building as a working Capitol Building into the future without compromising the Capitol's architectural integrity and uniqueness; and

WHEREAS, the Legislature and the Governor intend that the Capitol restoration move forward without delay.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature restates its support for the restoration, preservation and maintenance of the State Capitol Building.

BE IT FURTHER RESOLVED that the Legislature requests and authorizes the Idaho Capitol Commission to modify its Master Plan for the restoration of the State Capitol Building to provide for the following modifications and improvements:

(1) The construction of two-story garden level atrium additions at the east and west ends of the State Capitol Building of approximately fifty thousand (50,000) square feet each, designed to accommodate large, state-of-the-art public hearing rooms, adjacent committee and staff office space and corridors for Legislator access and egress in each atrium addition.

(2) Provisions to allow future connectivity between the State Capitol Building and its garden level atrium wings with other adjoining state buildings on the Capitol Mall.

(3) New high-speed elevators at the east and west ends of the existing State Capitol Building sufficient to connect legislative chambers and offices with the new atrium additions and also to provide emergency access and egress from the upper floors of the State Capitol Building.

(4) A reassessment and reconfiguration of the Master Plan's assignment of space throughout the Capitol Building and any other necessary design changes to accommodate the atrium additions and high-speed elevators, offices within the building for legislative staff, and the relocation of legislative hearing rooms and attendant offices.

BE IT FURTHER RESOLVED that the Legislature authorizes and approves the Department of Administration to enter into an agreement or agreements with the Idaho State Building Authority, under such terms and conditions as may be reasonable and necessary, to provide financing and to restore and refurbish the State Capitol Building, and that this resolution shall constitute prior legislative approval in accordance with Section 67-6410, Idaho Code.

BE IT FURTHER RESOLVED that the Legislature supports and recommends that the Idaho Capitol Commission, the Department of Administration and the Idaho State Building Authority pursue a design and construction schedule that will allow the restoration of the State Capitol Building to begin following the 2007 legislative session, and to be completed prior to the beginning of the 2010 legislative session.

Adopted by the House March 7, 2006
Adopted by the Senate March 15, 2006

(H.C.R. No. 48)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE DEPARTMENT OF HEALTH AND WELFARE TO ELIMINATE PARTIAL CARE SERVICES FOR LOW-INCOME

CHILDREN AND ADULTS WITHOUT SERIOUS MENTAL HEALTH DISORDERS AND TO LIMIT MEDICAID MENTAL HEALTH BENEFITS FOR LOW-INCOME CHILDREN WITHOUT SERIOUS EMOTIONAL DISTURBANCE AND WORKING-AGE ADULTS WITHOUT SEVERE AND PERSISTENT MENTAL ILLNESS, ENCOURAGING THE ESTABLISHMENT OF A HEALTH RISK ASSESSMENT FOR CERTAIN INDIVIDUALS, ENCOURAGING CONTINUING THE PROVISION OF INTENSIVE MENTAL HEALTH TREATMENT BENEFITS FOR CERTAIN INDIVIDUALS, ENCOURAGING THE EXPLORATION OF MODIFICATIONS OF MENTAL HEALTH BENEFITS FOR INDIVIDUALS WITH DISABILITIES OR SPECIAL HEALTH NEEDS AND REQUESTING A REPORT TO THE LEGISLATURE.

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

WHEREAS, the Medicaid Program in the state of Idaho is unsustainable in its current form and should be reformed so that eligibility, benefits and delivery systems match client health needs; and

WHEREAS, the United States Congress has indicated its support for additional flexibility in state management of Medicaid Programs as evidenced by the Medicaid-related provisions in the Deficit Reduction Omnibus Reconciliation Act of 2005; and

WHEREAS, the First Regular Session of the Fifty-eighth Idaho Legislature directed the Department of Health and Welfare to develop appropriate levels of mental health services to meet client needs, which may include limiting hours of service; and

WHEREAS, Idaho has existing systems of care for children with serious emotional disturbances and adults with severe and persistent mental illness that should be supported by Medicaid through design of appropriate benefits.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho encourages the Department of Health and Welfare to eliminate partial care services for low-income children and adults without serious mental health disorders, and to limit the Medicaid mental health benefits for low-income children without serious emotional disturbance and working-age adults without severe and persistent mental illness to twenty-six hours per year of outpatient mental health therapy services and to ten days per year of inpatient mental health care.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Health and Welfare to establish a health risk assessment that provides meaningful diagnostic information about whether Medicaid-eligible children have serious emotional disturbances and whether Medicaid-eligible adults have severe and persistent mental illness.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Health and Welfare to continue the provision of intensive mental health treatment benefits, without regard to the limitations set forth above, for Medicaid-eligible children diagnosed as having serious emotional disturbances and Medicaid-eligible adults diagnosed as having severe and persistent mental illness.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Health and Welfare to continue to explore modifications of mental health benefits for individuals with disabilities or special health needs in order to be consistent with best clinical practices.

BE IT FURTHER RESOLVED that the Department of Health and Welfare is

requested to report the results of such benefit changes to the First Regular Session of the Fifty-ninth Idaho Legislature along with recommendations for any further legislative actions.

Adopted by the House March 15, 2006
Adopted by the Senate March 24, 2006

(H.C.R. No. 49)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE DEPARTMENT OF HEALTH AND WELFARE TO PROCEED WITH THE DEVELOPMENT AND DESIGN OF INTEGRATED PROGRAMS FOR FINANCING MEDICARE EXCLUDED PRESCRIPTION DRUGS COVERED UNDER IDAHO MEDICAID IN SUCH A WAY THAT CREATES A SEAMLESS DELIVERY SYSTEM FOR PRESCRIPTION DRUG BENEFITS FOR THOSE INDIVIDUALS DUALLY ELIGIBLE FOR MEDICAID AND MEDICARE AND WHICH REDUCES PROGRAM COSTS AND REQUESTING A REPORT TO THE LEGISLATURE.

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

WHEREAS, the Medicaid Program in the state of Idaho is unsustainable in its current form and should be reformed so that eligibility, benefits and delivery systems match client health needs; and

WHEREAS, the Idaho Medicaid Program is required by federal law to cover certain services for low-income seniors and adults who are dually eligible for Medicaid and Medicare; and

WHEREAS, the Idaho Medicaid Program will continue to provide coverage for prescription drugs excluded from coverage under Medicare Part D prescription drug benefits; and

WHEREAS, the implementation of Medicare Part D prescription drug benefits under the federal Medicare Modernization Act has highlighted the need for improved coordination between the Medicaid and Medicare Programs.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Department of Health and Welfare is encouraged to proceed with the development of integrated programs for financing Medicare excluded prescription drugs covered under Idaho Medicaid.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Health and Welfare to design such programs in a way that creates a seamless delivery system for prescription drug benefits for those individuals dually eligible for Medicaid and Medicare, and which reduces overall program costs through the efficiencies gained through such integrated programs.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Health and Welfare to continue to develop integrated programs for financing other Medicaid covered services for persons dually eligible for Medicaid and Medicare.

BE IT FURTHER RESOLVED that the Legislature acknowledges that such programs will require approval of the federal Centers for Medicare and Medicaid Services (CMS) prior to implementation.

BE IT FURTHER RESOLVED that the Department of Health and Welfare is requested to report the results of such programs to the First Regular Session of the Fifty-ninth Idaho Legislature along with recommendations for any further legislative action.

Adopted by the House March 15, 2006
Adopted by the Senate March 24, 2006

(H.C.R. No. 50, As Amended)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE DEPARTMENT OF HEALTH AND WELFARE TO ESTABLISH COST-SHARING IN THE FORM OF PREMIUMS FOR CERTAIN IDAHO MEDICAID PARTICIPANTS, ENCOURAGING THE DEPARTMENT OF HEALTH AND WELFARE TO PERMIT MEDICAID PARTICIPANTS TO PAY PART OR ALL OF THEIR PREMIUMS WITH FUNDS IN PERSONAL HEALTH ACCOUNTS ASSIGNED TO THE PARTICIPANTS AND HELD BY THE DEPARTMENT, ENCOURAGING THE DEPARTMENT TO JOIN A DRUG PURCHASING POOL WITH THE RESULTING SAVINGS TO BE USED TO FUND THE PERSONAL HEALTH ACCOUNTS AND REQUESTING A REPORT TO THE LEGISLATURE.

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

WHEREAS, the Medicaid Program in the state of Idaho is unsustainable in its current form and should be reformed so that eligibility, benefits and delivery systems match client health needs; and

WHEREAS, individual contributions to the cost of coverage through premium payments may help encourage more individual responsibility over health care choices and dissuade "crowding out" of private coverage; and

WHEREAS, health insurance premium payments are a standard beneficiary cost-sharing mechanism employed by the private health financing sector; and

WHEREAS, limited Medicaid premiums may help to increase Medicaid participants' ability to understand and take advantage of future opportunities for private health insurance coverage; and

WHEREAS, graduated premium amounts according to participant poverty level ensure equity of program design.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho encourages the Department of Health and Welfare to implement limited premiums for Medicaid participants in the proposed state plan for low-income children and working-age adults.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Health and Welfare to establish Medicaid cost-sharing premiums so that premiums for Medicaid participants who have family incomes above one hundred thirty-three percent and equal to or less than one hundred fifty percent of the federal poverty guideline should consist of not more than ten dollars per person per month and premiums for participants with family incomes above one hundred fifty percent and equal to or less than one hundred eighty-five percent of the federal poverty guideline should consist of not more than ten dollars per person per month for

medical benefits and an additional five dollars per person per month for dental benefits.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Health and Welfare to permit Medicaid participants to pay part or all of their premiums with funds in personal health accounts assigned to the participants and held by the Department of Health and Welfare.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Health and Welfare to join a prescription drug purchasing pool for purchase of Medicaid-financed prescription drugs and that the resulting savings be used to fund Medicaid participants' personal health accounts for the purpose of payment of premiums.

BE IT FURTHER RESOLVED that the Department of Health and Welfare is requested to report the results of this program change to the First Regular Session of the Fifty-ninth Idaho Legislature along with recommendations for any further legislative action.

Adopted by the House March 22, 2006
Adopted by the Senate March 27, 2006

(H.C.R. No. 51)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, ENCOURAGING THE DEPARTMENT OF HEALTH AND WELFARE TO CONTRACT WITH A LIMITED NUMBER OF PROVIDERS OF CERTAIN MEDICAID PRODUCTS AND SERVICES AND TO SEEK ADDITIONAL OPPORTUNITIES FOR CONSOLIDATED PURCHASING AND REQUESTING A REPORT TO THE LEGISLATURE.

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

WHEREAS, the Medicaid Program in the state of Idaho is unsustainable in its current form and should be reformed so that eligibility, benefits and delivery systems match client health needs; and

WHEREAS, limiting the number of contracts between the Idaho Department of Health and Welfare and suppliers of certain health-related products and services will increase the purchasing power of public funds and may provide opportunities to control quality; and

WHEREAS, selective contracting is a standard health management tool employed by the private health financing sector.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho encourages the Department of Health and Welfare to contract with a limited number of providers of certain Medicaid products and services including, but not limited to, dental services, transportation brokers and durable medical equipment such as incontinence supplies.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Health and Welfare to seek additional opportunities for consolidated purchasing.

BE IT FURTHER RESOLVED that the Legislature acknowledges that this initiative will require approval of the federal Centers for Medicare and Medicaid Services (CMS) prior to implementation.

BE IT FURTHER RESOLVED that the Department of Health and Welfare is requested to report the results of such programs to the First Regular Session of the Fifty-ninth Idaho Legislature along with recommendations for any further legislative action.

Adopted by the House March 15, 2006
Adopted by the Senate March 24, 2006

(H.C.R. No. 52)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE DEPARTMENT OF HEALTH AND WELFARE TO PROCEED WITH DEVELOPMENT OF A LONG-TERM CARE OPTIONS COUNSELING PROGRAM AS PART OF THE PLANNED AGING RESOURCE CENTER INITIATIVE AND REQUESTING A REPORT TO THE LEGISLATURE.

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

WHEREAS, the Medicaid Program in the state of Idaho is unsustainable in its current form and should be reformed so that eligibility, benefits and delivery systems match client health needs; and

WHEREAS, Medicaid financed long-term care is one of the most expensive Medicaid benefits and contributes to rapidly increasing Medicaid costs; and

WHEREAS, the use of reverse mortgages and similar vehicles for seniors to finance their own long-term care promotes individual responsibility for long-term care costs and avoids the need for publicly funded support; and

WHEREAS, long-term care options counseling promotes alternatives to Medicaid financed long-term care and greater consistency of advice to Idaho seniors.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Department of Health and Welfare is encouraged to proceed with the development of a Long-Term Care Options Counseling Program.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Health and Welfare to develop this program as part of the planned Aging Resource Center Initiative. The Legislature further encourages the Department of Health and Welfare to provide that, except for necessary personnel and operating costs excluded by the grant, this initiative be funded by a federal grant award.

BE IT FURTHER RESOLVED that the Department of Health and Welfare is requested to report the results of this program change to the First Regular Session of the Fifty-ninth Idaho Legislature along with recommendations for any further legislative action.

Adopted by the House March 15, 2006
Adopted by the Senate March 24, 2006

(H.C.R. No. 53)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE DEPARTMENT OF HEALTH AND WELFARE TO REQUIRE INDIVIDUALS ELIGIBLE FOR MEDICARE PARTS A, B AND D TO ENROLL IN MEDICARE AS A CONDITION OF ELIGIBILITY FOR THE IDAHO MEDICAID PROGRAM AND REQUESTING THE DEPARTMENT TO REPORT TO THE LEGISLATURE.

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

WHEREAS, the Medicaid Program in the state of Idaho is unsustainable in its current form and should be reformed so that eligibility, benefits and delivery systems match client health needs; and

WHEREAS, a number of Idaho Medicaid recipients who are eligible for Medicare coverage are not enrolled in the Medicare Program; and

WHEREAS, the state of Idaho will pay the Medicare premiums, deductibles and copayments (except for Part D) for these individuals with low income and/or special needs and who are eligible for Medicare; and

WHEREAS, there would be a reduction in the use of state general funds to provide, at a minimum, the same level of benefits for these individuals that they currently receive.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature of the State of Idaho encourages the Department of Health and Welfare to pursue changes in the Idaho Medicaid Program that would require individuals eligible for Medicare Parts A, B and D to enroll in Medicare as a condition of eligibility for the Idaho Medicaid Program.

BE IT FURTHER RESOLVED that the Department of Health and Welfare is requested to report the results of this encouraged program change to the First Regular Session of the Fifty-ninth Idaho Legislature along with recommendations for any further legislative action.

Adopted by the House March 15, 2006
Adopted by the Senate March 24, 2006

(H.C.R. No. 54)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE RELATING TO THE BIOSCIENCES IN IDAHO, REQUESTING THE CREATION OF A TASK FORCE ON POTENTIAL TAX AND INVESTMENT INCENTIVES FOR THE BIOSCIENCES IN IDAHO AND PROVIDING FOR A REPORT.

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

WHEREAS, technology and the biosciences have become an increasingly important part of the Idaho economy and more than seventy percent of state export revenues come from technology products; and

WHEREAS, the biosciences have been identified as one of Idaho's core competency areas in technology; and

WHEREAS, all of the state's public universities have recognized and adopted the biosciences as a core area of emphasis and all of the state's colleges and universities have a collaborative grant program that supports biomedical research and cooperation among all entities; and

WHEREAS, the Idaho National Laboratory has expertise in the bioscience area that will provide support; and

WHEREAS, Idaho led the nation from 2001 through 2004 in the percentage increase in new National Institutes of Health grant support; and

WHEREAS, Idaho is on the development threshold of several bioscience technologies including biofuels which are important to the national economy;

WHEREAS, the state has a unique environment that provides opportunities in the biotechnology area in connection with our natural resource industries, and agriculture biotechnology could add value to crops and result in higher paying job opportunities for Idahoans; and

WHEREAS, the Idaho State Department of Agriculture has recognized the importance of and opportunities in the biosciences by launching a biotechnology task force; and

WHEREAS, biomedical research adds great public value to the future of healthcare in Idaho, and the state is well positioned to receive significant future grants; and

WHEREAS, there are myriad opportunities in the growing biosciences field worldwide with new companies creating high-salary jobs; and

WHEREAS, as other countries and states in the United States offer more tax and investment incentives for this expanding field and Idaho needs to remain competitive; and

WHEREAS, there are opportunities for our rural communities to increase jobs and expand economically through bioscience fields; and

WHEREAS, a Legislative Biotechnology Task Force met in 2005 and determined that a number of infrastructure deficiencies exist and need to be addressed to better enable and foster the state's biosciences sector; and

WHEREAS, it is critical that the state of Idaho create a supportive business climate so that the biosciences can thrive in Idaho by taking advantage of opportunities for tax and investment incentives in the biosciences to Idaho companies so they can create economic and employment opportunities for Idaho citizens and that such incentives should be conditioned on the creation of jobs in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully request that a task force be convened by the Office of Science and Technology in the Idaho Department of Commerce and Labor to study specific tax and investment incentive proposals for the biosciences and report its findings to the First Regular Session of the Fifty-ninth Idaho Legislature by December 1, 2006.

Adopted by the House March 6, 2006
Adopted by the Senate March 17, 2006

(H.C.R. No. 55)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DIVISION OF BUILDING SAFETY GOVERNING ELECTRICAL SPECIALTY 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 certain rules of the Division of Building Safety governing electrical specialty licensing are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 07.01.04, rules of the Division of Building Safety governing electrical specialty licensing, adopted as a pending rule under Docket Number 07-0104-0502, 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 10, 2006
Adopted by the Senate March 20, 2006

(H.C.R. No. 56)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE IDAHO TRANSPORTATION DEPARTMENT GOVERNING OVERLEGAL PERMITTEE RESPONSIBILITY AND TRAVEL RESTRICTIONS AND GOVERNING SALE OF NO LONGER USEFUL OR USABLE REAL PROPERTY.

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 Idaho Transportation Department governing overlegal permittee responsibility and travel restrictions and governing sale of no longer useful or usable real property are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 39.03.11, rules of the Idaho Transportation Department governing overlegal permittee responsibility and travel restrictions, adopted as pending rules under

Docket Number 39-0311-0501, the entire rulemaking docket, and IDAPA 39.03.45, rules of the Idaho Transportation Department governing sale of no longer useful or usable real property, adopted as pending rules under Docket Number 39-0345-501, the entire rulemaking docket, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 6, 2006
Adopted by the Senate March 16, 2006

(H.C.R. No. 58)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND URGING THE ESTABLISHMENT AND PROMOTION OF PROGRAMS TO IMPROVE THE TRAINING OF ELEMENTARY SCHOOL TEACHERS IN THE DISCIPLINES OF MATHEMATICS AND SCIENCE.

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

WHEREAS, before there can be children with solid education credentials in mathematics and science, there must be teachers in the elementary schools who can impart the needed knowledge; and

WHEREAS, before there can be elementary school teachers with the required skill and training in mathematics and science to teach the children, there must be programs at the college and university level that will produce such teachers; and

WHEREAS, before there can be such mathematics and science educator programs, there must be the commitment to establish and promote such programs.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Idaho's colleges and universities are urged to commit themselves to the establishment and promotion of programs to improve the training of elementary school teachers in the disciplines of mathematics and science so that Idaho's children may so benefit.

Adopted by the House March 8, 2006
Adopted by the Senate March 17, 2006

(H.C.R. No. 59)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DEPARTMENT OF FISH AND GAME GOVERNING THE IMPORTATION, POSSESSION, RELEASE, SALE OR SALVAGE OF WILDLIFE.

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

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

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Fish and Game governing the importation, possession, release, sale or salvage of wildlife are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 13.01.10, rules of the Department of Fish and Game governing the importation, possession, release, sale or salvage of wildlife, adopted as pending rules under Docket Number 13-0110-0501, 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 8, 2006
Adopted by the Senate March 22, 2006

(H.C.R. No. 60)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE CONCERNING HUNGER AND FOOD INSECURITY IN IDAHO AND DESIGNATING THE MONTH OF OCTOBER 2006 AS "HUNGER AND FOOD INSECURITY AWARENESS MONTH," COMMENDING EFFORTS TO ADDRESS HUNGER AND FOOD INSECURITY AND ENCOURAGING IDAHOANS TO SUPPORT AND ACTIVELY PARTICIPATE IN THE 2006 IDAHO SUMMIT ON HUNGER AND FOOD SECURITY.

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

WHEREAS, the Hunger in America 2006 Idaho Report has documented that hunger and food insecurity are serious problems that affect at least 89,700 Idahoans every year; and

WHEREAS, every Idahoan should have enough to eat and sufficient nutrition to carry out the daily tasks of life and work; and

WHEREAS, the charitable food banking network is playing a Herculean role in responding to hunger and food insecurity in Idaho; and

WHEREAS, Idaho's hunger and food insecurity cannot be solved solely through the efforts of emergency food banks, soup kitchens, and shelters; and

WHEREAS, the Idaho Interfaith Roundtable Against Hunger, representing Idahoans of all faiths, issued a Call to Action on February 23, 2006, seeking support for an Idaho Summit on Hunger and Food Security to be held in the fall of 2006; and

WHEREAS, the Idaho Summit on Hunger and Food Security will bring together concerned Idahoans to examine the problems of hunger and food insecurity in Idaho and to seek solutions to those problems; and

WHEREAS, the Governor's Coordinating Council on Families and Children has called for support for the Idaho Summit on Hunger and Food Security; and

WHEREAS, the food banking and interfaith communities are committed to raising the funds necessary to support the Idaho Summit on Hunger and Food Security to ensure that the Summit will have no budgetary impact for the state.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that October 2006 is designated "Hunger and Food Insecurity Awareness Month," that the efforts of the Idaho Interfaith Roundtable Against Hunger to convene a fall 2006 Idaho Summit on Hunger and Food Security are commended, and encouraging all Idahoans to support and actively participate in the Summit.

Adopted by the House March 8, 2006
Adopted by the Senate March 15, 2006

(H.C.R. No. 62)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND REQUESTING THE LEGISLATIVE COUNCIL INTERIM COMMITTEE ON ENERGY, ENVIRONMENT AND TECHNOLOGY TO DEVELOP 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 TO INVOLVE REPRESENTATIVES OF LOCAL GOVERNMENT, BUSINESS, AGRICULTURE AND INDUSTRY, THE ENVIRONMENTAL COMMUNITY, THE HEALTH CARE COMMUNITY AND STATE AGENCIES IN ITS STUDY AND INQUIRY AND TO REPORT BACK TO THE LEGISLATURE.

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

WHEREAS, in 2005, the Legislature adopted House Concurrent Resolution No. 16 which 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 First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the state of Idaho needs 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, the Interim Committee on Energy, Environment and Technology may be requested to meet before the end of the 2006 regular legislative session to begin to develop recommendations relating to an integrated energy plan; and

WHEREAS, the Interim Committee on Energy, Environment and Technology needs to identify existing air and water quality standards and to determine which air and water quality and siting standards apply to certain in-state coal fired power plants as part of an integrated Idaho state energy plan; and

WHEREAS, Idaho has firm power needs in the near future, and the Legislature and state government should work to ensure that those needs are met; and

WHEREAS, it is the goal of the Legislature to establish Idaho's air

quality standards for certain coal fired power plants 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.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council Interim Committee on Energy, Environment and Technology is requested to develop 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.

BE IT FURTHER RESOLVED that the Legislative Council Interim Committee on Energy, Environment and Technology is requested to consider the air and water quality impacts, effects on existing industries, and allocation of water resources with regard to energy development.

BE IT FURTHER RESOLVED that the Interim Committee on Energy, Environment and Technology is requested to involve representatives of local government, business, agriculture and industry, the environmental community, the health care community and state agencies in its study and inquiry, and to make a report of its findings, recommendations and suggested legislation, if any, to the First Regular Session of the Fifty-ninth Idaho Legislature, including a recommendation as to whether the Interim Committee on Energy, Environment and Technology should be reappointed by the Legislative Council following the 2007 legislative session to continue its study and inquiry.

Adopted by the House March 21, 2006
Adopted by the Senate March 28, 2006

(H.C.R. No. 63)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE CURRENT MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT DELIVERY SYSTEMS IN IDAHO AND TO REVIEW ALTERNATIVE WAYS TO PROVIDE THESE SERVICES.

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

WHEREAS, the Department of Health and Welfare has grown too large as an agency to effectively manage substance abuse treatment and mental health services for children and adults; and

WHEREAS, the district and magistrate courts, the Department of Correction and the Department of Juvenile Corrections and counties are being adversely affected by our inability to address the needs of those with mental health or substance abuse issues and those who are dual-diagnosed; and

WHEREAS, the staggering cost of mental health and substance abuse treatment systems without accountability measures in either should not be sustained; and

WHEREAS, the Legislature has struggled to find methods to provide guidance for substance abuse and mental health treatment design, delivery and accountability;

WHEREAS, mental health services funded through Medicaid have been subject to some scrutiny through the pilot credentialing authorized by the Legislature in 2005 in the Department of Health and Welfare's appropriation; and

WHEREAS, there is a policy question as to whether substance abuse services and adult and children's mental health services ought to be removed from the Department of Health and Welfare and be combined into a new stand alone agency.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth 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 current mental health and substance abuse treatment delivery systems in Idaho and to review alternative ways to provide these services and make recommendations for any changes the committee would see as appropriate, with specific attention paid to a system that meets the needs of, and provides accountability to, Idahoans. 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 report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Fifty-ninth Idaho Legislature.

Adopted by the House March 23, 2006
Adopted by the Senate April 10, 2006

(H.C.R. No. 64)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO EVALUATE, ADOPT AND IMPLEMENT CERTAIN STANDARDS AND RULES RELATING TO WATER QUALITY.

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

WHEREAS, the Department of Environmental Quality has been designated by the Legislature as the primary agency to meet the goals and requirements of the Clean Water Act and to coordinate and administer Idaho's ground water quality protection programs; and

WHEREAS, surface water quality standards under the Clean Water Act include designated uses for navigable waters and criteria for such designated uses, and revisions of those uses and criteria must be submitted to the U.S. Environmental Protection Agency for approval; and

WHEREAS, surface water quality standards under the Clean Water Act may also include provisions regarding mixing zones, variances and low flows and the decision to include such provisions in the water quality standards is reserved to the state under the Clean Water Act; and

WHEREAS, decisions concerning ground water are within the sole jurisdiction of the state, and state ground water quality standards do not require the approval of the U.S. Environmental Protection Agency; and

WHEREAS, any changes in Idaho's water quality standards proposed by the Department of Environmental Quality must comply with the provisions of the Idaho Environmental Protection and Health Act and will be subjected to legislative review and approval; and

WHEREAS, the Idaho Environmental Protection and Health Act states the Legislature's intent that environmental quality programs be promulgated and managed so that the benefits of pollution control measures have a reasonable relationship to the public health costs, private property rights and the environmental and economic impacts of such measures; and

WHEREAS, the Idaho Water Quality Act states the Legislature's intent that the state of Idaho fully meet the goals and requirements of the Clean Water Act and that the rules promulgated to implement the Clean Water Act not impose requirements beyond those of the Clean Water Act; and

WHEREAS, it is the Legislature's intent that Idaho's surface water quality standards not apply to manmade waterways and private waters within the state unless otherwise required by the Clean Water Act; and

WHEREAS, the Legislature recognizes that the federal Safe Drinking Water Act regulates public water systems and that drinking water standards may not be appropriate for use as water quality standards when natural conditions make such standards unattainable, such as in the case of arsenic; and

WHEREAS, the Legislature recognizes that the water quality standards and the ground water quality rules both contain provisions that allow the use of natural background as a standard when natural conditions exceed numeric standards.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature encourages the Department of Environmental Quality to evaluate, adopt and implement water quality standards, rules and other provisions that fully consider natural conditions that exist in Idaho for all criteria and that the Department adopt uses for water bodies that are attainable.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Environmental Quality to propose changes to its rules regarding mixing zones, variances and low flows only when there is broad agreement among affected parties concerning those changes.

BE IT FURTHER RESOLVED that the Legislature encourages the Department of Environmental Quality to take full advantage of the flexibility

available under the Clean Water Act, the Idaho Ground Water Quality Plan and Idaho laws and rules in defining, adopting and implementing mixing zones, variances, site-specific conditions, criteria and water quality standards.

Adopted by the House March 27, 2006
Adopted by the Senate March 31, 2006

(H.C.R. No. 65)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THE IDAHO STATE BOARD OF EDUCATION TO CONDUCT A STUDY OF PERSONNEL ISSUES AND CHALLENGES FACING IDAHO'S INSTITUTIONS OF HIGHER EDUCATION INCLUDING THE AREAS OF RECRUITMENT AND RETENTION, AND TO REPORT ITS FINDINGS TO THE COMMERCE AND HUMAN RESOURCES COMMITTEES AND EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE DURING THE FIRST REGULAR SESSION OF THE FIFTY-NINTH IDAHO LEGISLATURE.

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

WHEREAS, the Legislature acknowledges the importance of an educated citizenry and work force as essential to Idaho's economy and the well-being of its citizens; and

WHEREAS, the Legislature acknowledges the efforts of Idaho's public postsecondary institutions to provide outstanding educational opportunities; and

WHEREAS, the Legislature acknowledges the importance of recruiting and retaining highly educated, qualified and respected faculty to ensure continued educational excellence at Idaho's institutions of higher education; and

WHEREAS, the Legislature acknowledges that Idaho's postsecondary institutions compete nationally and internationally with other institutions when recruiting and retaining faculty.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho State Board of Education is hereby requested to conduct a study of personnel issues and challenges facing Idaho's institutions of higher education and that such study should include the areas of faculty recruitment and retention.

BE IT FURTHER RESOLVED that the Idaho State Board of Education shall report its findings, recommendations and proposed legislation, if any, to the Commerce and Human Resources Committee and the Education Committee of the House of Representatives and to the Commerce and Human Resources Committee and the Education Committee of the Senate during the First Regular Session of the Fifty-ninth Idaho Legislature.

Adopted by the House March 27, 2006
Adopted by the Senate March 31, 2006

(H.C.R. No. 66)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING THE IDAHO STATE BOARD OF EDUCATION TO PROPOSE CHANGES TO THE IDAHO NO CHILD LEFT BEHIND COMPLIANCE AGREEMENT PLAN THAT WOULD PLACE A TEMPORARY SUSPENSION ON THE IMPOSITION OF SANCTIONS FOR NON-TITLE I SCHOOLS UNTIL TWELVE MONTHS AFTER STATE FUNDING IS MADE AVAILABLE.

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

WHEREAS, the 2001 Reauthorization of the Elementary and Secondary Education Act of 1965, commonly referred to as the No Child Left Behind Act (NCLB), raises the accountability of the state and local education agencies to increase the academic achievement of students at all levels of public education; and

WHEREAS, NCLB requires that all students achieve at proficiency or above in reading, mathematics and science within twelve (12) years of enactment; and

WHEREAS, schools and district and charter local education agencies and the state are challenged to implement programs and procedures that will help students who are not reaching proficiency improve academic achievement to the proficient level or above within this time frame; and

WHEREAS, under NCLB, federal funding is provided under Title I to schools with student populations composed of more than forty percent of students who participate in the free and reduced lunch program; and

WHEREAS, the Idaho State Board of Education places specific sanctions on the schools and district and charter local education agencies that do not meet Adequate Yearly Progress; and

WHEREAS, under NCLB, the Title I schools receive an allocation of federal funds each year for supplemental services to remediate and provide the instruction and programs needed in the schools and classrooms to facilitate students who are not meeting the proficiency standards on the Idaho Standards Achievement Test (ISAT). Federal funding for supplemental services in Title I schools includes certified remedial teachers and paraprofessionals who help children meet the proficiency standards in reading, math and, beginning in 2007, science; and

WHEREAS, under the NCLB Compliance Agreement Plan submitted by the Idaho State Board of Education to the United States Department of Education, the sanctions of NCLB apply to both Title I and non-Title I schools in the state of Idaho; and

WHEREAS, under NCLB, no federal funding is provided for remediation at non-Title I schools; and

WHEREAS, non-Title I schools educate thousands of children who qualify for the free and reduced lunch program, with many of these schools comprised of twenty percent or more of the student population participating in the free and reduced lunch program; and

WHEREAS, parents and teachers in non-Title I schools are making heroic efforts to raise funds for reading and math programs and to provide parent volunteers and additional teaching time to raise these students to proficient levels in reading and math; however, parent volunteers and teachers in non-Title I schools cannot provide adequate resources in comparison to Title I schools; and

WHEREAS, the state of Idaho provides no additional remediation funding to non-Title I schools to address the Adequate Yearly Progress deficiencies.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho State Board of Education is urged to propose changes to the NCLB Compliance Agreement Plan implementing NCLB in the state of Idaho that would place a temporary suspension on the imposition of sanctions on the non-Title I schools until twelve months after state funding is made available.

Adopted by the House March 27, 2006
Adopted by the Senate April 5, 2006

(H.C.R. No. 67)

A CONCURRENT RESOLUTION

PROVIDING LEGISLATIVE FINDINGS AND RECOGNIZING, HONORING AND COMMENDING CARL F. BIANCHI FOR HIS YEARS OF SERVICE TO THE LEGISLATURE OF THE STATE OF IDAHO AND TO THE IDAHO COURTS UPON HIS RETIREMENT.

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

WHEREAS, in August 1993, Carl F. Bianchi was hired by the Legislative Council as the first Director of Legislative Services and helped establish the tradition of a professional centralized nonpartisan staff serving Idaho's citizen legislators; and

WHEREAS, Carl, prior to his legislative staff tenure, had a distinguished career as Administrative Director of the Courts in Idaho from 1973 to 1993; and

WHEREAS, Carl is a graduate of Hamilton College and Duke Law School and is a Fellow of the National Institute for Court Management; and

WHEREAS, Carl is an attorney and has been certified for appointment as a circuit executive by the United States Court of Appeals and as a mediator by the Idaho Supreme Court; and

WHEREAS, Carl has authored the following books, studies and articles over the years: "Justice for the Times: A Centennial History of the Idaho State Courts," "Keep the Children Out of Jail: A Report on an Informal Survey of Juvenile Detention Facilities in Idaho," "Comprehensive Planning and a Judicial Planning Program for the Hawaii Court System," "Are Idaho's Small Claims Departments Working?," "Analysis of Scheduling and Calendar Management Procedures in District Court One of Pierce County, Washington, Tacoma, Washington," "Analysis of Magistrate Court Caseload Management and Records Administration in Three Iowa Jurisdictions: Woodbury (Sioux City), Dickinson and Plymouth Counties," "1977 Report on an Informal Survey of Juvenile Detention Facilities," and "A Training Manual for Court Planners: Translating State Umbrella Goals into Operational Goals and Objectives"; and

WHEREAS, from 1990 to 1994 Carl filled a presidential appointment as a member of the Board of Directors of the State Justice Institute and

also chaired the National Conference of State Court Administrators for two years, and throughout his career has served on many national committees involving the courts; and

WHEREAS, Carl chaired the Council of State Governments West Committee of Legislative Services Agency/Research Directors Committee until 2005 and was a member of the Council of State Government's national Executive Committee; and

WHEREAS, Carl helped the Legislature move into the technology era during his tenure as Director of Legislative Services making the institution both more efficient and accessible to the public; and

WHEREAS, Carl has been the commensurate professional, always treating legislators and members of the public with warmth, friendliness, professionalism and a sense of humor; and

WHEREAS, Carl embodies the culture of customer service of the Legislative Services Office and loyalty to the institution of the Legislature; and

WHEREAS, Carl will be retiring in August 2006 as Director of the Legislative Services Office.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize, honor and commend Carl F. Bianchi for his years of service to the Idaho Legislature, for his positive contributions to the Legislature, its employees and the legislative process, as well as for his years of service to the Idaho courts, and we wish him well in retirement.

Adopted by the House March 30, 2006
Adopted by the Senate April 3, 2006

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 Fifty-eighth Legislature of the State of Idaho, Second Regular Session thereof, which convened January 9, 2006, and which adjourned on April 11, 2006, 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 ninth day of May, 2006.

Ben Ysursa

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. 2005-05

CREATING A CRIMINAL JUSTICE GRANT REVIEW BOARD FOR AWARDING FEDERAL GRANT FUNDS

WHEREAS, combating crime and protecting citizens from criminal depredation is of vital concern to government: and

WHEREAS, it is in the best interests of the citizens of the State of Idaho that government promote efficiency and effectiveness of the criminal justice system and, where possible, create partnerships among criminal justice professionals to achieve this effectiveness and efficiency: and

WHEREAS, under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968, the Violence Against Women Act of 1994, and the Crime Control Act of 2005, each state is encouraged to develop and implement a competitive mechanism for award of certain federal grant funds;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, do hereby establish the Idaho Criminal Justice Grant Review Board and charge this body with the responsibility to disburse such grant funding as may come within its purview with the overall mission of reducing crime in Idaho.

The Idaho Criminal Justice Grant Review Board shall consist of seventeen (17) members comprised of the following representatives (or their designees) who shall serve a one-year term at the pleasure of the Governor:

The Attorney General of the State of Idaho
The Chief Justice of the Idaho Supreme Court
The Director of the Idaho Department of Correction
The Director of the Idaho Department of Law Enforcement
The Director of the Idaho Department of Juvenile Corrections
Two (2) Chiefs of Police
Two (2) Sheriffs
Two (2) Prosecuting Attorneys
One (1) representative of the Idaho Council on Domestic Violence
The State Appellate Public Defender
One (1) representative of the juvenile justice system
One (1) representative of private security organizations
Two (2) citizens-at-large

The Governor shall appoint the Chair of the Criminal Justice Grant Review Board.

This Executive Order shall cease to be effective one year after its entry into force.

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 2nd day of June in the year of our Lord two thousand and five, and

of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred fifteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-06

EXPANDING MEMBERSHIP IN THE CRIMINAL JUSTICE COMMISSION FOR OVERSIGHT OF THE STATE'S CRIMINAL JUSTICE SYSTEM REPEALING AND REPLACING EXECUTIVE ORDER 2005-01

WHEREAS, it is in the best interests of the citizens of the State of Idaho that government promote efficiency and effectiveness of the criminal justice system and, where possible, encourage dialogue among the respective branches of government to achieve this effectiveness and efficiency; and

WHEREAS, combating crime and protecting citizens from criminal depredation is of vital concern to government; and

WHEREAS, communication and cooperation among the various facets of the community of criminal justice professionals is of utmost importance in promoting efficiency and effectiveness; and

WHEREAS, providing policy makers and criminal justice decision makers with accurate information results in better decisions which improves public safety and results in the efficient use of public resources; and

WHEREAS, the continued growth of the State's adult incarcerated offender population necessitates more in-depth analysis of the State's criminal justice system; and

WHEREAS, the manufacture, trafficking and abuse of methamphetamine is a critical issue that plagues communities across the state and is a drain on state and local resources; and

WHEREAS, we need to be increasingly vigilant in the adoption of a zero tolerance policy against emerging gang activity in Idaho;

WHEREAS, Idaho's current criminal justice efforts and initiatives require clear strategic planning and increased coordination;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho, do hereby establish the Idaho Criminal Justice Commission.

1. The Idaho Criminal Justice Commission (the "Commission") shall consist of 22 members. The Commission members representing the judiciary will serve in a non-voting, advisory capacity. The Commission's membership shall be as follows:
   a. A representative from the Governor's Office;
   b. The Attorney General or his or her designee;
   c. The Chair and Ranking Minority member of the Senate Judiciary and Rules Committee;

d. The Chair and Ranking Minority member of the House Judiciary, Rules and Administration Committee;
e. The Director of the Idaho Department of Correction;
f. The Director of the Idaho State Police;
g. The Director of the Idaho Department of Juvenile Corrections;
h. The Executive Director of the Idaho Commission of Pardons and Parole;
i. The Director of the Idaho Department of Health and Welfare;
j. Four (4) representatives of the judiciary as designated by the Chief Justice, including a Supreme Court Justice, Court of Appeals Judge, District Judge and Magistrate Judge;
k. One (1) representative from the Idaho Prosecuting Attorneys Association;
l. One (1) representative from the Office of the Idaho State Appellate Public Defender;
m. One (1) representative from the Idaho Sheriffs' Association;
n. One (1) representative from the Idaho Chiefs of Police Association;
o. Three (3) citizens at large

2. The purpose of the Criminal Justice Commission shall be to provide policy-level direction and to promote efficient and effective use of resources for matters related to the State's criminal justice system. To that end it shall:
   a. Identify critical problems within the criminal justice system and recommend strategies to solve these problems;
      i. Areas to be addressed include, but are not limited to:
         1. Continued growth in the adult incarcerated offender population;
         2. The manufacturing, trafficking and abuse of methamphetamine;
         3. Gang violence;
   b. Advise and develop recommendations for the Governor and the Legislature, when appropriate, on public policy and strategies to improve the State's criminal justice system;
   c. Review and evaluate criminal justice policies and proposed legislation to determine impact on the State's adult and juvenile justice systems;
   d. Promote communication among criminal justice professionals and the respective braches of state government to improve professionalism, create partnerships, and to improve cooperation and coordination at all levels of the criminal justice system.
   e. Research best practices of other states;
   f. Analyze the long-range needs of the criminal justice system, including an assessment of the cost-effectiveness of the use of state and local funds in the criminal justice system;
   g. Partner with Idaho's colleges and universities to conduct research, planning and analysis activities, including, but

not limited to, studies that analyze a variety of crime trends and criminal justice issues.

3. The Criminal Justice Commission members shall be appointed and serve at the pleasure of the Governor.
4. The Commission members shall serve a term of 4 years, with the only exception being the inaugural membership being appointed to serve staggering two (2), three (3) and four (4) year terms.
5. The Chair of the Commission shall be appointed annually by the Governor. A Vice-Chair shall be selected annually by the members of the Commission. The term of office for the Chair and Vice-Chair shall be one year. The Chair and Vice-Chair may succeed themselves if approved by the Governor.
6. The Criminal Justice Commission shall receive administrative staff support from the state agencies represented on the Commission.
7. The Criminal Justice Commission will meet no less than four times annually.
8. The Criminal Justice Commission may appoint sub-committees consistent with the needs of the Commission to pertinent issues that merit more in-depth consideration.
9. Commission members will serve without compensation or reimbursement for expenses, including related travel and per diem to attend Commission meetings.

This Executive Order repeals and replaces Executive Order 2005-01. This Executive Order shall cease to be effective four years after its entry into force.

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 16th day of June in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred fifteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-07

DEFERRED COMPENSATION PROGRAM FOR EMPLOYEES OF THE STATE OF IDAHO REPEALING AND REPLACING EXECUTIVE ORDER NO. 2001-03

WHEREAS, the Idaho Legislature, by and through the implementation of section 59-513, Idaho Code, has provided for the establishment of a Deferred Compensation Program; and

WHEREAS, a Deferred Compensation Program has been presented to and approved by the Board of Examiners of the State of Idaho by the Deferred Compensation Committee; and

WHEREAS, administrative entities on the state level are necessary for proper implementation and maintenance of the plan;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho do hereby order the following:

1. The Deferred Compensation Committee comprised of a representative appointed by the Governor, a representative from the Office of the Attorney General, a representative from the Office of the State Controller, and a representative from the Office of the Secretary of State is hereby named as the policy-making board for the Deferred Compensation Program subject to the authority vested in the Board of Examiners of the State of Idaho by law.
2. The Deferred Compensation Committee shall make the following decisions concerning the implementation and maintenance of a Deferred Compensation Program subject to the approval of the Board of Examiners.
   a. Selection of a third-party administrator
   b. Selection of product companies that sell or offer securities or other assets to the State of Idaho in accordance with the Deferred Compensation Program.
   c. Approval and monitoring of the marketing program to introduce and explain the Deferred Compensation Program to state employees.
   d. Review all summary reports produced by the office of the State Controller and the third-party administrator to insure proper accounting for all funds.
   e. Review on a yearly basis the viability of all product companies associated with the Deferred Compensation Program and to determine if re-bidding is necessary.
   f. Review all financial hardship cases and other unusual circumstances developing with employees enrolled in the Deferred Compensation Program.
   g. Review and remove all plan documents, contracts bylaws, and rules and regulations.
   h. Review the performance of the third-party administrator.
   i. Review all audits of the Deferred Compensation Program.
3. The Deferred Compensation Committee through the third-party administrator shall:
   a. Insure that remittance to the product companies of deferred moneys is made form the periodic payroll.
   b. Review and sign all enrollments, change and claim requests.
   c. Keep or arrange to keep any necessary files concerning the Deferred Compensation Program.
   d. Communicate with state employees concerning routine matters.

This Executive Order repeals and replaces Executive Order No. 2001-03. This Executive Order shall cease to be in effect four years after its entry into force.

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 16th day of June in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred fifteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-08

CREATING THE STATE OF IDAHO CITIZEN CORPS COUNCIL

WHEREAS, enemies of the United States, through acts of terrorism, have already attacked this nation's citizens and critical infrastructure;

WHEREAS, state disaster planning is founded on the principle of self-help at every level of government, including its citizens;

WHEREAS, the health and safety of Idaho citizens are of primary importance;

WHEREAS, education and general awareness are at the core of any preparedness and prevention program; and

WHEREAS, it is the policy of the State of Idaho to strategically prepare its citizens and local communities within the budgetary and legal constrains imposed by the Legislature to respond to and recover from the debilitating impact of both natural and man-caused disasters including hazardous material spills, severe weather, flooding, forest and range fires, earthquakes, acts of terrorism and the use of weapons of mass destruction;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the constitution and the laws of this state hereby establish the Idaho Citizen Corps Council.

It shall be the mission of the State of Idaho Citizen Corps Council to promote disaster preparedness education and training for all Idaho citizens, to support safety and disaster-related volunteer agencies and programs, and to encourage the formation of local Citizen Corps Councils through guidance, information and shared resources to make communities safer, stronger, and better prepared to respond to threats of terrorism, crime, public health issues and disasters of all kinds.

The council's responsibilities shall be:

* To provide opportunities for county, regional, and Citizen Corps Councils to collaborate and exchange information in order to accomplish the shared goals of the Citizen Corps program;
* To provide leadership through the development of standards, provision of technical assistance, monitoring, evaluating and

reporting on the progress of the local councils;

* To promote cooperation among state, tribal, and local public safety agencies in addressing statewide community/citizen preparedness needs in Idaho; and
* To research the best practices of other states.

The Citizen Corps Council shall be comprised of representatives of any of the following statewide agencies and organizations:

* Elected officials and tribal government leaders;
* Emergency mangers and first responders;
* Volunteer groups;
* Community service groups;
* Faith based groups;
* Business owners; and
* Other representatives from other organizations that provide services that support the Citizen Corps mission.

Nothing in this Executive Order changes practices established by existing laws or previously established Executive orders concerning preparedness for natural or man-caused disasters. Rather, this Executive Order establishes a central body to foster collaboration to promote preparedness-related education and training throughout the State of Idaho. This provides an avenue for input and information sharing for the purpose of improving the ability of the citizens of Idaho to be better prepared to respond to threats of terrorism, crime, public health issues, and disasters of all kinds.

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 23rd day of June in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred fifteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-09

SUPPORTING A STREAMLINED SALES TAX PROJECT

WHEREAS, the mission of the Streamlined Sales Tax Project is to develop measures to design, test and implement a sales and use tax system that radically simplifies sales and use taxes; and

WHEREAS, a simplified sales and use tax system would reduce the administrative burden on Idaho businesses who now collect and remit Idaho sales and use taxes; and

WHEREAS, simplified collection of sales and use taxes would benefit Idaho's taxpayers; and

WHEREAS, the ability of out-of-state ("remote") sellers to sell non-exempt items without collecting and reporting Idaho use tax gives the remote sellers an unfair advantage over local Idaho businesses; and

WHEREAS, simplifying the collection of sales and use taxes in a manner that is uniform with the requirements of other states will encourage compliance with Idaho's sales and use tax collection requirements by the remote sellers who do not now collect Idaho taxes, and

WHEREAS, forty-three states and the District of Columbia have agreed to participate in the Streamlined Sales Tax Project, which was created to develop measurements to design, test, and implement a sales and use tax system that radically simplifies sales and use taxes; and

WHEREAS, appropriate executive action is necessary to allow Idaho to be a participating state in the Streamlined Sales Tax Project;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho, do hereby order as follows:

(1) The State of Idaho supports the mission of the Streamlined Sales Tax Project and is committed to simplifying the sales and use tax system for all taxpayers.

(2) The Chairman of the State Tax Commission or his designee shall be Idaho's representative and shall participate in the Streamlined Sales Tax Project. The Chairman or his designee shall have the authority to vote on behalf of the State of Idaho. The Chairman shall name an alternate representative who may vote in the absence of the representative.

(3) The State of Idaho shall participate in the system in accordance with the Structure and Operating Rules of the Streamlined Sales Tax Project adopted on March 20, 2000, as may be amended.

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 July in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred fifteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-10

ESTABLISHMENT OF NON-SMOKING POLICY IN STATE BUILDINGS REPEALING AND REPLACING EXECUTIVE ORDER NO. 2000-01

WHEREAS, it is in the best interest of Idaho citizens for the state to promote public health by increasing the awareness of the dangers and consequences of smoking; and

WHEREAS, it is the state's duty, as an employer, to provide a

healthy work environment, and to protect public buildings against fire damage and other related property damage; and

WHEREAS, a uniform state policy relating to smoking in state-owned and state-leased buildings will promote these goals.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, have determined that a non-smoking policy in public buildings is a prudent one; therefore, I hereby direct that the following policy shall continue to govern officers and employees of the State of Idaho:

All state-owned or state-leased buildings, facilities, or areas occupied by state employees shall be designated as "non-smoking" except for custodial care and full-time residential facilities. The policy governing custodial care and full-time residential facilities may be determined by the directors of such facilities.

FURTHER, I hereby encourage all employees in the State of Idaho to promote a non-smoking policy in all buildings occupied by state employees.

This Executive Order repeals and replaces Executive Order 2000-01.

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 11th day of July in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred fifteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-11

ESTABLISHING THE IDAHO HOMELESSNESS POLICY COUNCIL

WHEREAS, homelessness is one of the most challenging domestic issues facing the United States, and Idaho;

WHEREAS, housing has been found to be the most commonly identified challenge facing those in need; and

WHEREAS, the purpose of this Executive Order is to establish a council and recognize the need to develop a statewide plan that would include short-term and long-term strategies to effectively address the issues facing Idaho's homeless population; and

WHEREAS, the development of the statewide plan by the council should serve to educate all Idahoans about the tragedy of homelessness and engage both governmental agencies and the private sector in finding solutions to this problem; and

WHEREAS, an administrative policy with the goal of ending chronic homelessness must be established as a requirement for federal grant funding.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho do hereby establish the Idaho Homelessness Policy Council.

1. Council members are appointed by the governor to serve at the pleasure of the governor. The initial appointments shall be made for terms of 1, 2 and 3 years, as determined by the Governor. Successive appointments shall be made for 3 year terms.
2. The executive director of the Idaho Housing and Finance Association, or the executive director's designee, shall chair the council. The designation of pertinent agencies and other entities for the Idaho Homelessness Coordinating Committee (IHCC) will be the responsibility of the chair of the council. The chair on an annual basis will report to the Policy council on the progress of the IHCC. The council will appoint representative membership on the IHCC to accomplish directed projects and tasks in order to prepare an action plan for the state of Idaho.
3. Council members will be representatives of appropriate state agencies, with ex-officio representation by the lieutenant governor or the lieutenant governor's designee and by the director of the United States Department of Housing and Urban Development of Idaho or the director's designee.
4. The council may invite to its meetings other non-voting representatives from federal and local government agencies, the business community, providers of services to the homeless, philanthropic agencies, faith-based organizations, homeless persons advocacy organizations, homeless people, and community leaders.

A. The Idaho Homelessness Policy Council shall prepare and submit to the Governor a statewide homeless Idahoans action plan by October 31, 2005. The action plan must include at least the following:

1. Accurate fiscal and demographic information on the homeless in this state, to support policy development;
2. An inventory and analysis of all existing activities and programs in this state that assist the homeless;
3. An inventory and assessment of existing statutory and regulatory provisions relating to the homeless and suggested changes to those provisions needed to implement the plan;
4. Short-term and long-term statewide strategies designed to substantially decrease homelessness in this state within the next 10 years; these strategies should:
   a. Identify funding opportunities to assist homeless people in this state;
   b. Involve non-traditional stakeholders, including business, philanthropic, faith-based, and other community organizations; and
   c. Promote systems integration, including interagency agreements, to reduce duplication among homeless assistance programs;

5. Performance measures and accountability mechanisms to provide policymakers with tools to assess the success of the plan over time.

In addition, the council shall conduct a public hearing on the issue of homelessness.

The council shall monitor and review implementation of the action plan, and shall provide to the Governor an annual report containing the council's findings and recommendations regarding implementation of the plan.

The Idaho Housing and Finance Association shall provide administrative support for the council. In accordance with law, the IHFA may enter into intergovernmental agreements necessary to accomplish the purposes of this Order.

The following general provisions apply to the activities of the council:

1. Council members do not receive compensation as a member of the council. Per Diem and travel expenses for members of the council are the responsibility of the state or federal agency the member represents.
2. To reduce costs, the council may use teleconferencing or other electronic means to the extent practicable in order to gain the widest public participation at minimum cost.
3. The council shall establish procedures for voting and meetings of the council.
4. Meetings of the council shall be conducted, and notice of the meetings provided, in accordance open meetings laws of the State of Idaho.

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 July in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred fifteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-12

ENERGY CONSERVATION CONSIDERATIONS IN STATE BUILDINGS, REPEALING AND REPLACING EXECUTIVE ORDER NO. 2001-04

WHEREAS, the efficient use of energy is of prime importance to the energy supply and economic well-being of the State of Idaho; and

WHEREAS, the State of Idaho uses, in its state building facilities, a considerable portion of the state's energy supply; and

WHEREAS, The Director of Administration did convene a task force for the purposes of identifying energy conservation solutions for the State of Idaho government facilities;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order that all state government facilities shall include, where feasible, energy conservation strategies as identified by the Department of Administration. The strategies shall maintain that:

1. All personal computer systems should be shut down when not in use for more than two hours. This should include all evening and weekend hours. During working hours, screen savers should be disabled and energy-saving, power-down features should be enabled;
2. The temperatures in all State buildings should be held to between 74-to-78 degrees in the summer and 68-to-70 degrees in the winter. Buildings heated with geothermal water may exceed the winter temperature range;
3. Lights in office areas should be turned off during weekends and evenings;
4. Exterior lighting should be shut off during all daylight hours and between midnight to five o'clock a.m. Necessary security and safety lighting should remain on as required;
5. All main heating, ventilation and air-conditioning systems (HVAC) should be reviewed for efficient operations. Setback times should be re-evaluated and adjusted to the absolute minimum time required to heat and cool buildings to prepare for operations. All filter-changing procedures should be re-evaluated to determine if changes need to be done more often for efficient operation of the systems;
6. The use of personal heaters should be limited to energy-efficient heated mats or other high-efficiency heaters;
7. All hot water heaters should be reduced in temperature to 140 degrees. Some State institutions may require higher heat levels to meet code requirements;
8. All hot water circulation loops should be examined to determine their necessity;
9. Office equipment, such as copy machines, should be shut down during off hours;
10. Lights in storage areas should only be turned on when occupied;
11. HVAC systems should not be operated in off hours for small groups of employees. Heating or cooling an entire building for a small group is not energy efficient;
12. All State building exterior surfaces should be evaluated for thermal efficiency. Insulation, window gaskets and seals should be replaced as required;
13. Off-hour security and janitorial crews should be instructed to turn off lights as work is complete in office areas; and
14. All vending machines should have the lights turned off, and any redundant machines should be removed.

This Executive Order repeals and replaces Executive Order 2001-04 and shall cease to be effective four years after its entry into force.

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 July in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred fifteenth.

/s/ DIRK KEMPTHORNE
COVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-13

REVIEWING THE PREPARATION AND ADMINISTRATION OF IDAHO'S PLAN UNDER THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

WHEREAS, the State of Idaho, in accordance with the provisions of the Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. section 5601 ("JJDPA"), is required to designate a state agency to supervise and administer Idaho's plan under the JJDPA and to establish a state juvenile justice advisory group;

WHEREAS, the first regular session of the 53rd Idaho Legislature established the Idaho Department of Juvenile Corrections ("Department") and amended existing law to create a juvenile corrections system based on principles of accountability, community protection, and competency development;

WHEREAS, the purposes and intent of Idaho's Juvenile Corrections Act of 1995 and the JJDPA was better served by transferring the Idaho Juvenile Justice Commission ("Commission") to the Department;

WHEREAS, the Department was designated as the sole agency for supervising the preparation and administration of Idaho's plan under the JJDPA, and the Office for Juvenile Justice and Delinquency Prevention was abolished effective July 1, 1995; and

WHEREAS, the Commission was transferred from the Office of the Governor to the Department effective July 1, 1995, and has functioned as the advisory group referenced in Title 42, Section 5633(a)(3), United States Code.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by Article IV, Section 5, of the Idaho Constitution, and Section 67-802, Idaho Code, do hereby order that:

1. The composition of membership of the Commission shall be in conformity with the JJDPA. The chairman, vice-chairman, and members of the Commission shall be appointed by, and serve at the pleasure of the Governor. Members shall serve a term of three years, except for the youth members who shall serve a term of one year. The chairman and vice-chairman shall serve in such capacities for three years.
2. The Commission shall perform the following functions:

a. Advise the Department on juvenile justice and delinquency prevention issues;
b. Participate in the development and review of Idaho's plan under the JJDPA;
c. Be afforded an opportunity to review and comment on all grant applications under the JJDPA submitted to the Department;
d. Perform such other duties that the JJDPA requires to be performed by the advisory group referenced in Title 42, Section 5633(a)(3), United States Code;
e. Perform such other duties that the JJDPA requires to be performed by the supervisory board referenced in Title 42, Section 5671(c)(1), United States Code, and Title 28, Section 31.102(b), Code of Federal Regulations, until such time as the director of the Department may establish another committee, commission, or board within the Department to perform those duties; and
f. Perform such other duties as requested by the director of the Department, which may include submitting reports to the director of the Department and making decisions on grant applications under the JJDPA submitted to the Department.

This Executive Order repeals and replaces Executive Order No. 1999-09. This Executive Order shall cease to be effective four years after its entry into force.

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 September in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-14

CONTINUING IDAHO COMPREHENSIVE SAFETY AND LOSS CONTROL POLICY REPEALING AND REPLACING EXECUTIVE ORDER NO. 1999-06

WHEREAS, it is in the best interest of state employees, the general public and efficient operation of state government to have a commitment to safety and loss control; and

WHEREAS, the State of Idaho endeavors to provide a safe and healthy working environment for state employees and to protect the public and public property from injury or damage; and

WHEREAS, an effective Safety and Loss Control Policy provides additional benefits of improved productivity, employee confidence, lower insurance costs and improved worker morale; and

WHEREAS, an effective Safety and Loss Control Policy requires full management commitment, cooperation and leadership at all levels of state government;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and Laws of this state, do hereby order as follows:

1. Each department director or other appointing authority will continue to develop, maintain, and monitor a systematic program of safety and loss control for each agency that will minimize the risk of injury or damage to:
   a) The public employee;
   b) The general public;
   c) State property;
   d) The ability of the agency to fulfill its mission; and,
   e) The environment.

The continued development, maintenance, and monitoring of a systematic program of safety and loss control should be a priority objective for each agency.

2. Each department director or other appointing authority will continue to ensure that potential new state employees are appropriately screened, that new employees are systematically and fully trained in safe work practices and the use of all equipment that they are expected to operate, that safe work practices are followed by all employees on the job, that all equipment used is properly maintained and used for its intended purpose, that proper personal protective equipment is worn when needed and that adherence to safety practices is a criterion in employee and supervisor performance evaluations.
3. Each department director or other appointing authority will continue to assume responsibility for reviewing loss reports and accidents involving bodily injury, or property or environmental damage, and to take corrective action to avoid future loss. Where appropriate, assistance from the agencies listed below should be requested to develop and implement appropriate corrective or preventive measures. Each department director or other appointing authority may delegate the authority to perform these duties to a safety officer or committee but shall remain responsible for the performance of the agency's safety and loss control program.
4. All buildings owned or maintained by any state government agency or entity, or constructed or renovated specifically for use or occupancy by any such agency or entity shall conform to all existing state codes, including but not limited to, the Idaho General Safety and Health Standards, the state-adopted building code, the mechanical code and the fire code. If any conflict arises between applicable codes, the more stringent code shall take precedence. Prior to construction, or remodeling of buildings owned or maintained by the State of Idaho

where appropriate and consistent with state law, construction plans shall be reviewed and approved by the Division of Building Safety, the State Fire Marshal's Office, and the Permanent Building Fund Advisory Council.

5. The following agencies shall continue to assist other state agencies by offering the following services:
   a. The Division of Building Safety shall inspect public buildings and places of employment and enforce safety and sanitary conditions and practices.
   b. The Office of the State Fire Marshal shall, through the local fire authorities, inspect public buildings and enforce fire and life safety provisions as contained within the Uniform Fire Code.
   c. The State Insurance Fund shall assist in developing employee safety programs, through consultation with staff agency personnel, and provide detailed reports to agencies on their losses insured through the State Insurance Fund.
   d. The Department of Administration, Bureau of Risk Management, shall, whenever needed or requested, assist agencies in developing their safety and loss control programs. The Department of Administration, Bureau of Risk Management, shall also assist agencies in obtaining other requested services in safety and/or loss control not mentioned above, including, but not limited to general property and casualty loss control, and shall provide detailed reports to agencies on their losses insured through the Bureau of Risk Management.
   e. The Division of Human Resources shall, within available resources, provide training for agency human resources supervisors and management personnel on employment law and practices that impact Safety and Loss Control, as well as develop specific training designed to help promote worker safety and reduce risk of liability, in response to data provided by the Statewide Safety and Loss Control Committee.

6. A Statewide Safety and Loss Control Committee shall be comprised of the Administrator of the Division of Building Safety, the Manager of the State Insurance Fund, the State Fire Marshal, the Director of the Department of Administration (who shall serve as Chairman of the Committee), or their designees, and other state agencies as deemed necessary by the Governor. The purpose of the Committee shall be to:
   a. Monitor and maintain a Statewide Safety and Loss Control Program model of a proactive nature supported by a system to track the progress of the program;
   b. Develop strategies and standards to assist agencies with their safety programs;
   c. Review statewide trends in losses and exposures and make cost-effective recommendations;
   d. Aid in the coordination of the services available to maximize efficiency and reduce unnecessary duplication of inspections;
   e. Coordinate the development of existing statewide resources related to safety and loss control activities and the

sharing of those resources across all state agencies to provide safety and loss control outreach resource services;

f. On behalf of the Governor, periodically review the safety and loss control programs of selected agencies and recommend changes to improve the effectiveness of the programs;

g. Make recommendations to the Governor and Legislature on improving safety and loss control for state government;

h. Convene and meet on a quarterly basis, or more frequently if necessary, to plan, implement and review the Statewide Safety and Loss Control Program; and

i. Perform other related duties as may be requested by the Governor.

This Order repeals and replaces Executive Order No. 1999-06.

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 August in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-15

AUTHORIZING THE TRANSFER OF FUNDS TO THE DISASTER EMERGENCY ACCOUNT

WHEREAS, in May, 2005, in Disaster Proclamation ID-01-2005, I, DIRK KEMPTHORNE, Governor of the State of Idaho declared a state of disaster emergency in Nez Perce County, Latah County, and the Nez Perce Reservation in accordance with title 46, section 1008 of the Idaho Code; and

WHEREAS, tremendous financial obligations and expenses have been incurred by various departments, agencies, Nez Perce County, Latah County, and the Nez Perce Tribe in responding to and assisting in efforts to deal with the extreme threat to public safety, health, property and the environment; 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, DIRK KEMPTHORNE, 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 as follows:

1. The State Controller is directed to transfer money in 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 three hundred thousand dollars ($300,000) be transferred from the General Fund to the Disaster Emergency Account during the current fiscal year.
2. In no event may the revenues made available under this Executive Order exceed, during any fiscal year, one percent (1%) of the annual appropriation of the General Fund Account moneys for the 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 17th day of August in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-16

CONTINUING THE GOVERNOR'S MOTOR CARRIER ADVISORY COMMITTEE REPEALING AND REPLACING EXECUTIVE ORDER NO. 2000-15

WHEREAS, the people of Idaho are dependent upon the motor carrier industry to deliver raw materials, manufactured goods, agricultural products and other necessities; and

WHEREAS, the motor carrier industry, which employs thousands of Idahoans, requires user participation in developing the rules and regulations to guide the industry;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order the continuation of the Governor's Motor Carrier Advisory Committee as follows:

1. The purpose of the committee shall be to review laws, rules, regulations, policies and procedures affecting motor carrier operations; advise state agencies of appropriate program revisions to improve efficiency and effectiveness; and to advise the Governor of the Committee's findings and recommendations. The Committee shall meet quarterly or as needed.

2. The Committee shall consist of seven members, including a chairman, appointed by the Governor. Each Transportation District within the state shall be represented by at least one appointee. The members shall represent the various elements of the trucking industry, including agriculture, logging/wood products, manufactured housing, truck/trailer manufacturing, tankers, interstate/international transport and concrete/aggregate transport as deemed appropriate by the Governor. No industry segment shall have more than one representative on the committee. Each committee member must be actively involved in the trucking industry either through ownership or employment.
3. Appointment of the members to the Committee shall be made by the Governor. The Committee shall assist the Governor in this task by recommending to him the names of at least two persons for appointment to each seat that becomes open on the Committee. Appointments shall be for staggered three-year terms expiring on July 1, three years after appointment.
4. Committee members shall receive no salary for their services. The Idaho Transportation Department shall, however, reimburse Committee members for expenses incurred in attending Committee meetings.
5. A representative from each of the following state agencies shall provide support to the Committee: The Idaho Transportation Department, the Idaho State Police, and the Tax Commission. The Idaho Transportation Department shall be the lead agency responsible for providing administrative support.
6. The Committee shall present all formal recommendations to the participating agencies and to the Governor. It and shall also present to the Governor each December a report of the activities of the Committee during that year.

This Executive Order repeals and replaces Executive Order 2000-15.

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 August in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-17

EXPANDING MEMBERSHIP IN THE CRIMINAL JUSTICE COMMISSION FOR OVERSIGHT OF THE STATE'S CRIMINAL JUSTICE SYSTEM REPEALING AND REPLACING EXECUTIVE ORDER 2005-06

WHEREAS, it is in the best interests of the citizens of the State of Idaho that government promote efficiency and effectiveness of the criminal justice system and, where possible, encourage dialogue among the respective branches of government to achieve this effectiveness and efficiency; and

WHEREAS, combating crime and protecting citizens from criminal depredation is of vital concern to government; and

WHEREAS, communication and cooperation among the various facets of the community of criminal justice professionals is of utmost importance in promoting efficiency and effectiveness; and

WHEREAS, providing policy makers and criminal justice decision makers with accurate information results in better decisions which improves public safety and results in the efficient use of public resources; and

WHEREAS, the continued growth of the State's adult incarcerated offender population necessitates more in-depth analysis of the State's criminal justice system; and

WHEREAS, the manufacture, trafficking and abuse of methamphetamine is a critical issue that plagues communities across the state and is a drain on state and local resources; and

WHEREAS, we need to be increasingly vigilant in the adoption of a zero tolerance policy against emerging gang activity in Idaho;

WHEREAS, Idaho's current criminal justice efforts and initiatives require clear strategic planning and increased coordination;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho, do hereby establish the Idaho Criminal Justice Commission.

1. The Idaho Criminal Justice Commission ("Commission") shall consist of 23 members. The Commission members representing the judiciary will serve in a non-voting, advisory capacity. The Commission's membership shall be as follows:
   a. A representative from the Governor's Office;
   b. The Attorney General or his or her designee;
   c. The Chair and Ranking Minority member of the Senate Judiciary and Rules Committee;
   d. The Chair and Ranking Minority member of the House Judiciary, Rules and Administration Committee;
   e. The Chief Justice of the Idaho State Supreme Court
   f. The Director of the Idaho Department of Correction;
   g. The Director of the Idaho State Police;
   h. The Director of the Idaho Department of Juvenile Corrections;
   i. The Executive Director of the Idaho Commission of Pardons and Parole;
   j. The Director of the Idaho Department of Health and Welfare;

k. Four (4) representatives of the judiciary as designated by the Chief Justice, including a Supreme Court Justice, Court of Appeals Judge, District Judge and Magistrate Judge;
l. One (1) representative from the Idaho Prosecuting Attorneys Association;
m. One (1) representative from the Office of the Idaho State Appellate Public Defender;
n. One (1) representative from the Idaho Sheriffs' Association;
o. One (1) representative from the Idaho Chiefs of Police Association;
p. Three (3) citizens at large

2. The purpose of the Criminal Justice Commission shall be to provide policy-level direction and to promote efficient and effective use of resources for matters related to the State's criminal justice system. To that end it shall:
   a. Identify critical problems within the criminal justice system and recommend strategies to solve these problems;
      i. Areas to be addressed include, but are not limited to:
         1. Continued growth in the adult incarcerated offender population;
         2. The manufacturing, trafficking and abuse of methamphetamine;
         3. Gang violence;
   b. Advise and develop recommendations for the Governor and the Legislature, when appropriate, on public policy and strategies to improve the State's criminal justice system;
   c. Review and evaluate criminal justice policies and proposed legislation to determine impact on the State's adult and juvenile justice systems;
   d. Promote communication among criminal justice professionals and the respective braches of state government to improve professionalism, create partnerships, and to improve cooperation and coordination at all levels of the criminal justice system.
   e. Research best practices of other states;
   f. Analyze the long-range needs of the criminal justice system, including an assessment of the cost-effectiveness of the use of state and local funds in the criminal justice system;
   g. Partner with Idaho's colleges and universities to conduct research, planning and analysis activities, including, but not limited to, studies that analyze a variety of crime trends and criminal justice issues.
3. The Criminal Justice Commission members shall be appointed and serve at the pleasure of the Governor.
4. The Governor may, at any time, increase the number of non-voting members of the Commission.
5. The Commission members shall serve a term of 4 years, with the only exception being the inaugural membership being appointed to serve staggering two (2), three (3) and four (4) year terms.

6. The Chair of the Commission shall be appointed annually by the Governor. A Vice-Chair shall be selected annually by the members of the Commission. The term of office for the Chair and Vice-Chair shall be one year. The Chair and Vice-Chair may succeed themselves if approved by the Governor.
7. The Criminal Justice Commission shall receive administrative staff support from the state agencies represented on the Commission.
8. The Criminal Justice Commission will meet no less than four times annually.
9. The Criminal Justice Commission may appoint sub-committees consistent with the needs of the Commission to pertinent issues that merit more in-depth consideration.
10. Commission members will serve without compensation or reimbursement for expenses, including related travel and per diem to attend Commission meetings.

This Executive Order repeals and replaces Executive Order 2005-06. This Executive Order shall cease to be effective four years after its entry into force.

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 August in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-18

AUTHORIZING "HALF-GALLON PRICING" AT ANALOG GASOLINE PUMPS IN IDAHO

WHEREAS, gasoline prices in the state of Idaho have been impacted by Hurricane Katrina, and as a result gasoline prices are on the rise; and

WHEREAS, there is a requirement in Idaho that a gasoline computing device shall be able to display on the face of the dispenser the unit price at which the device is set to compute; and

WHEREAS, In the face of the hurricane, and to be consistent with other states dealing with older analog gas pumps that are unable to display a unit price greater than $2.99 on the face of the dispenser, Idaho will make an exception to the requirement that: a device shall be able to display on the face of the dispenser the unit price at which the device is set to compute;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this state, do hereby order that:

There shall be an exception allowing analog pumps that have the maximum price capacity of $2.999 to sell by "half-gallon pricing" provided the criteria established by the Idaho State Department of Agriculture, Bureau of Weights and Measures for selling by "half-gallon pricing" is met.

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 2nd day of September in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-19

CONCURRING WITH THE ACTION OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY, TEMPORARILY WAIVING SUMMER GASOLINE AND DIESEL SULFUR FUEL REQUIREMENTS

WHEREAS, the U.S. Environmental Protection Agency, in an attempt to increase gasoline supply and minimize fuel shortages due to the effects of Hurricane Katrina, is waiving the requirement that summer gasoline be sold in all 50 states through September 15; and

WHEREAS, the U.S. Environmental Protection Agency is allowing regulated parties to supply motor vehicle diesel fuel having a sulfur content greater than 500 ppm with visible evidence of red dye. The EPA's diesel waiver will continue until Sept. 15, 2005, or until supplies are depleted; and

WHEREAS, the State of Idaho supports the U.S. Environmental Protection Agency for authorizing the emergency waiver, the State of Idaho agrees with the EPA action; and

NOW THEREFORE, I DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of this State, do hereby order that:

The State of Idaho concurs with the waiver as set forth by the U.S. Environmental Protection Agency to temporarily waive the requirement that summer gasoline be sold in Idaho, and to allow regulated parties to supply motor vehicle diesel fuel having a sulfur content greater than 500 ppm with visible evidence of red dye. The diesel waiver will continue until Sept. 15, 2005, or until supplies are depleted.

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 2nd day of September in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-20

ESTABLISHING THE GOVERNOR'S TASK FORCE ON EVACUEE RESETTLEMENT

WHEREAS, there has been a threat to life, property and the environment of fellow Americans in Louisiana and Mississippi due to a natural disaster -- Hurricane Katrina;

WHEREAS, there is extreme peril to public safety, health, and the environment beyond the control and capability of law enforcement, emergency, and health services in Louisiana and Mississippi;

WHEREAS, the State of Idaho accepts and welcomes the opportunity to take part in efforts to assist our fellow Americans who have been displaced due to Hurricane Katrina -- a natural disaster;

WHEREAS, the State of Idaho understands that the evacuee experience is a major upheaval in the lives of those affected by this catastrophe; and

WHEREAS, the State of Idaho recognizes the opportunity to provide relief and hope to those evacuees who have been displaced by this disaster;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho do hereby order the immediate development of the Governor's Task Force on Evacuee Resettlement.

The purpose of the Task Force shall be to assess the needs of evacuees, evaluate and prepare for their possible integration into the State of Idaho.

The Task Force's responsibilities are to address:

1. The possible relocation of evacuees within Idaho as determined. This shall be a planned endeavor that seeks to identify favorable placement in communities. Such placement should provide the necessary conditions to meet the primary goal of evacuee resettlement, which is self-sufficiency.
2. To ensure the most suitable community placement, the Task Force shall be authorized to coordinate with the following entities and agencies: voluntary agencies ("VOLAGs"); local officials;

state agencies; faith based organizations; and charities.

3. The purpose of the above consultations shall be to determine the availability of food, clothing, shelter, education, employment opportunities, health care, and other needed services and the proximity of supportive institutions and organizations.
4. Upon placement of evacuees in the community, the Task Force shall coordinate the following transitional services for evacuees, in order to assist them during the period they are being prepared for and are actively seeking employment: medical and other assistance, health assessment and follow-up services, emergency services, information and referral, case management, and employment preparation.
5. The above transitional services shall be provided with a view to maximizing their accessibility and cultural appropriateness. The characteristics and concerns of the evacuee communities should be taken into account in the shaping of specific service delivery procedures and mechanisms and the determination of their cultural sensitivity.

The members of the Task Force shall be appointed by and serve at the pleasure of the Governor. The Governor shall appoint the chair of the Task Force.

The Governor's office shall be the lead agency and the Department of Commerce and Labor shall provide support for the Task Force and shall maintain office staff to carry out the activities directed by the Task Force, as funding is available.

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 3rd day of September in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-21

AUTHORIZING THE TRANSFER OF FUNDS TO THE DISASTER EMERGENCY ACCOUNT

WHEREAS, on September 3, 2005, in Disaster Proclamation ID-06-2005 I, DIRK KEMPTHORNE, Governor of the State of Idaho declared a state of disaster emergency for the State of Idaho to support victims of Hurricane Katrina throughout the United States in accordance with title 46, section 1008 of the Idaho Code; and

WHEREAS, the State of Idaho and the United States in support of the Emergency Management Assistance Compact (EMAC) is mobilizing state resources to support the preservation of life, health and safety of victims, evacuees and others impacted by Hurricane Katrina; and

WHEREAS, all funds in the Disaster Emergency Account created by title 46 section, 1005(a) of the Idaho Code, have or soon will be expended; and

WHEREAS, General Fund monies are available for transfer to the Disaster Emergency Account under the requirements set forth in title 46, section 1005A(2)(b) of the Idaho Code; and

WHEREAS, it is my judgment, as Governor of the State of Idaho, that any monies transferred from the General Fund up to the limits provided below would not be required to support the current year's appropriation of these funds.

NOW, THEREFORE, I, DIRK KEMPTHORNE, 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 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 two hundred fifty thousand dollars ($250,000) be transferred for the purposes of this Executive Order from the General Fund to the Disaster Emergency Account during the current fiscal year.
2. In no event may funds made available under this Executive Order exceed, during any fiscal year, one percent (1%) of the annual appropriation of the General Fund Account moneys for the 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 20th day of September in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-22

ESTABLISHING STATEWIDE POLICIES ON COMPUTER, INTERNET AND ELECTRONIC MAIL USAGE BY STATE EMPLOYEES

WHEREAS, computers, the Internet and electronic mail are powerful research, communication, commerce and time-saving tools that are made

available to state employees; and

WHEREAS, use of these effective communication tools is critical and there is the potential for computers, the Internet and electronic mail to be used for inappropriate purposes; and

WHEREAS, perceptions and actions are important and state employees must constantly be aware of how their actions are perceived by the public.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order:

All state employees shall observe the following policies for use of computers, the Internet and electronic mail:

1. Users of the Internet and electronic mail are to comply with all appropriate laws and regulations;
2. The primary purpose of the Internet and electronic mail is to conduct official state business. Occasionally, employees may use the Internet and electronic mail for individual purposes on their personal time, if such use does not violate the terms and conditions of this policy;
3. Users should identify themselves properly when using the Internet and electronic mail, conduct themselves professionally, as representatives of Idaho State Government, and be aware that their activities reflect on the reputation and integrity of all state employees;
4. Each user is individually responsible for the content of any communication sent using electronic mail or placed on the Internet;
5. All employees have a responsibility to ensure a respectful workplace. State equipment shall not be used to visit Internet sites that contain pornographic or sexually explicit information, images, or cartoons;
6. Exceptions to this executive order are only allowed when preapproved in writing by appointed authorities when deemed necessary for official state business, research or investigatory work;
7. It is unacceptable for state employees to:
   a) Create or distribute defamatory, false, threatening, racially offensive, discriminatory or illegal material;
   b) View or distribute obscene, pornographic, profane, or sexually oriented material;
   c) Violate laws, rules, or regulations prohibiting sexual harassment;
   d) Encourage the use of controlled substances;
   e) Engage in any unauthorized activities for personal financial gain;
   f) Place advertisements for commercial enterprises, including but not limited to goods, services or property;
   g) Download, disseminate, store or print materials including articles and software in violation of copyright laws;
   h) Violate or infringe on the protected rights of others;
   i) Conduct business unauthorized by the department;
   j) Restrict or inhibit other users from using the system or the efficiency of the computer systems;
   k) Intentionally cause congestion or disruption of networks or systems;
   l) Transmit incendiary statements, which might incite violence or describe or promote the use of weapons;

m) Conduct political activity; or

n) Use the system for any illegal purpose.

Disregard for the policies or other improper use of the Internet may result in cancellation of a person's access and/or disciplinary action, up to and including dismissal;

Internet and electronic mail may be subject to monitoring;

The above policies are the minimum standards for using computers, the Internet and electronic mail. Individual state agencies may implement more restrictive policies as long as those policies are consistent with those developed by the Governor's Information Technology Resource Management Council (ITRMC). This Executive Order shall cease to be effective four years after its effective date.

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 November in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-23

AUTHORIZING THE TRANSFER OF FUNDS TO THE DISASTER EMERGENCY ACCOUNT

WHEREAS, on September 3, 2005, in Disaster Proclamation ID-06-2005 I, DIRK KEMPTHORNE, Governor of the State of Idaho declared a state of disaster emergency for the State of Idaho to support victims of Hurricane Katrina throughout the United States in accordance with title 46, section 1008 of the Idaho Code; and

WHEREAS, the State of Idaho and the United States, in support of the Emergency Management Assistance Compact (EMAC) are mobilizing state resources to support the preservation of life, health and safety of victims, evacuees and others impacted by Hurricane Katrina; and

WHEREAS, all funds in the Disaster Emergency Account created by title 46 section, 1005(a) of the Idaho Code, have or soon will be expended; and

WHEREAS, General Fund monies are available for transfer to the Disaster Emergency Account under the requirements set forth in title 46, section 1005A(2)(b) of the Idaho Code; and

WHEREAS, it is my judgment, as Governor of the State of Idaho, that any monies transferred from the General Fund up to the limits provided below would not be required to support the current year's appropriation of these funds.

NOW, THEREFORE, I, DIRK KEMPTHORNE, 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 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 $22,800.00, twenty two thousand eight hundred dollars be transferred for the purposes of this Executive Order from the General Fund to the Disaster Emergency Account during the current fiscal year.

2. In no event may funds made available under this Executive Order exceed, during any fiscal year, one percent (1%) of the annual appropriation of the General Fund Account monies for the 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 28th day of October in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-24

GIVING CREDIT TO MCKINLEY HELM FOR THE WORDS OF THE IDAHO STATE SONG USED IN ONE OF THE PROPOSED IDAHO STATE QUARTER DESIGNS

WHEREAS, title 67, section 4503 of the Idaho Code requires credit be given to McKinley Helm for the composition of the chorus of the Idaho State Song "Here We Have Idaho;" and

WHEREAS, one of the proposed designs for the Idaho State Quarter that was submitted to the U.S. Mint includes a portion of the chorus of the Idaho State Song "Here We Have Idaho;" and

WHEREAS, the use of any part of this chorus in any of the proposed designs for the Idaho State Quarter requires that credit for those words be given to McKinley Helm.

NOW, THEREFORE, I, DIRK KEMPTHORNE, 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:

In compliance with title 67, section 4503 of the Idaho Code credit is hereby given to McKinley Helm for the words of the chorus of the Idaho State Song "Here We Have Idaho," as they are depicted by the U.S. Mint for the Idaho State Quarter.

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 November in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2005-25

CONTINUATION OF THE DESIGNATION OF THE IDAHO TRANSPORTATION DEPARTMENT AND ITS DIRECTOR AS THE RECIPIENT OF FEDERAL FUNDS FOR PUBLIC TRANSPORTATION

WHEREAS, the federal government, under authority granted by the Federal Transit Act, as amended, is authorized to provide financial assistance to states to improve public transportation; and

WHEREAS, such aid has been offered to Idaho; and

WHEREAS, it is necessary that an agency of the State of Idaho be designated and authorized to receive and expend such financial assistance; and

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby continue the designation of the Idaho Transportation Department and its Director to receive and expend monies from the federal government for public transportation assistance as provided under the applicable federal statutes.

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 22nd day of December in the year of our Lord two thousand and five, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-01

AUTHORIZING THE ESTABLISHMENT OF THE EAGLE ISLAND STATE PARK PLANNING COMMITTEE

WHEREAS, The Treasure Valley is experiencing rapid population growth; and

WHEREAS, an increasing demand for outdoor recreation opportunities comes with that growth; and

WHEREAS, Eagle Island State Park is uniquely situated near the population center of the Treasure Valley; and

WHEREAS, an opportunity exists to develop Eagle Island State Park to meet a variety of Treasure Valley needs;

NOW, THEREFORE, I, DIRK KEMPTHORNE, 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 Eagle Island State Park Planning Committee is established. The Committee shall:
   a. Review the existing Park Master Plan and formulate the future role of Eagle Island State Park in fulfilling projected needs for outdoor recreation in the Treasure Valley; and
   b. Develop and implement a process for measuring public needs related to the park; and
   c. Research strategies employed by park and recreation agencies for parks of similar size in urban settings; and
   d. Develop and deliver recommendations as to the future role of Eagle Island State Park to the Governor and to the Idaho Park and Recreation Board by July 1, 2006.
2. The Governor shall appoint the Committee Chair.
3. The members of the Committee shall be appointed by and serve at the pleasure of the Governor through calendar year 2006.
4. Members shall consist of at least two State Senators and two State Representatives from the Treasure Valley, representatives of nearby local governments, representatives of affected state agencies, and members of the general public.
5. The Committee may recommend additional members to the Governor as they deem appropriate and may establish subcommittees consistent with the needs of the Committee.
6. The Committee shall meet at least six (6) times during calendar year 2006 as determined by the Chair.
7. The Committee members shall serve without compensation or reimbursement for expenses, including related travel and per diem to attend Committee meetings. Expenses related to fact-finding activities approved by the Chair and agency Director shall be reimbursed by the Idaho Department of Parks and Recreation according to State travel and per diem rates.
8. The Committee shall receive administrative and technical staff support from the Idaho Department of Parks and Recreation.

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 16th day of January in the

year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-02

AUTHORIZING THE ESTABLISHMENT OF THE EASTERN IDAHO STATE PARK SEARCH COMMITTEE

WHEREAS, Eastern Idaho is experiencing rapid population growth; and

WHEREAS, an increasing demand for outdoor recreation opportunities comes with that growth; and

WHEREAS, state park development has not kept pace with growing needs in Eastern Idaho; and

WHEREAS, an opportunity exists to develop a new state park in Eastern Idaho;

NOW, THEREFORE, I, DIRK KEMPTHORNE, 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 Eastern Idaho State Park Search Committee is established. The Committee shall:
   a. Review existing studies and plans that may impact a decision regarding site selection of an Eastern Idaho state park; and
   b. Develop and implement a process for measuring public needs and desires related to the park; and
   c. Develop and deliver recommendations as to the future location of an Eastern Idaho state park to the Governor and to the Idaho Park and Recreation Board by July 1, 2006.
2. The Governor shall appoint the Committee Chair.
3. The members of the Committee shall be appointed by and serve at the pleasure of the Governor through calendar year 2006.
4. Members shall consist of at least two State Senators and two State Representatives from Eastern Idaho, representatives of nearby local governments, representatives of affected state agencies, Region Five and Region Six Idaho Park Board members, and members of the general public.
5. The Committee may recommend additional members to the Governor as they deem appropriate and may establish subcommittees consistent with the needs of the Committee.
6. The Committee shall meet at least six (6) times during calendar year 2006 as determined by the Chair.
7. The Committee members shall serve without compensation or reimbursement for expenses, including related travel and per diem to attend Committee meetings.

8. The Committee shall receive administrative and technical staff support from the Idaho Department of Parks and Recreation.

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 16th day of January in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-03

CONTINUING THE IDAHO CRIMINAL JUSTICE GRANT REVIEW BOARD FOR AWARDING FEDERAL GRANT FUNDS REPEALING AND REPLACING EXECUTIVE ORDER 2005-05

WHEREAS, combating and protecting citizens from crime is of vital concern to government; and

WHEREAS, it is in the best interests of the citizens of the State of Idaho that government promote efficiency and effectiveness of the criminal justice system and, where possible, create partnerships among criminal justice professionals to achieve this effectiveness and efficiency; and

WHEREAS, under the provisions of the Omnibus Crime Control and Safe Streets Act of 1968 and the Crime Control Act of 2005, each state is encouraged to develop and implement a competitive mechanism for award of certain federal grant funds.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, do hereby establish the Idaho Criminal Justice Grant Review Board and charge this body with the responsibility to disburse such grant funding as may come within its purview with the overall mission of reducing crime in Idaho.

The Idaho Criminal Justice Grant Review Board shall consist of seventeen (17) members comprised of the following representatives (or their designees) who shall serve one-year terms at the pleasure of the Governor:

The Attorney General of the State of Idaho;
The Chief Justice of the Idaho Supreme Court;
The Director of the Idaho Department of Correction;
The Director of the Idaho State Police;
The Director of the Idaho Department of Juvenile Corrections;
Two (2) Chiefs of Police;
Two (2) Sheriffs;
The State Appellate Public Defender;

Two (2) Prosecuting Attorneys;
One (1) representative of the Idaho Council on Domestic Violence;
One (1) representative of the private security organizations;
One (1) representative of the juvenile justice system;
Two (2) citizens at large.

The Governor shall appoint the Chair of the Criminal Justice Grant Review Board.

This Executive Order shall cease to be effective four years after its entry into force.

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 January in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-04

DESIGNATION OF THE STATE ENTITY RESPONSIBLE FOR DEVELOPING AND DELIVERING COMPREHENSIVE COMPUTER-BASED CAREER INFORMATION REPEALING AND REPLACING EXECUTIVE ORDER 2002-02

WHEREAS, Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998, P.L. 105-800 mandates that the Idaho Division of Professional-Technical Education and the Governor of the State of Idaho shall jointly designate an entity in the state to:

1. Provide support for career guidance and academic counseling programs designed to promote improved career and educational decision-making by individuals, especially in areas of career information delivery;
2. Make information and planning resources available to students, parents, teachers, and administrators that relate educational preparation to career goals;
3. Provide information to assist students and parents with career exploration, educational opportunities, and educational financing;
4. Improve coordination and communication to ensure non-duplication of efforts and shared information;
5. Provide a means for customers to provide comments and feedback on products and services to better meet customer requirements; and

WHEREAS, the Idaho State Occupational Information Coordinating Committee has provided oversight and management of the Idaho Career Infor-

mation System in delivering current and accurate occupational, educational and related career information to the residents of Idaho; and

WHEREAS, career information is critical in helping people make successful career decisions, understand the link between educational preparation and work, explore education and career alternatives, and successfully seek work.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho, do hereby change the name of the Idaho State Occupational Information Coordinating Committee to the Idaho Career Information Board and designate this entity consisting of representatives from the Idaho Division of Professional-Technical Education, the Idaho Department of Commerce and Labor, the State Department of Education, the Office of the State Board of Education, the Idaho Division of Vocational Rehabilitation, and the Office of the Governor as responsible for oversight and management of Idaho's comprehensive, computer-based system of career information known as the Idaho Career Information System.

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 13th day of January in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-05

CONTINUING THE IDAHO GEOSPATIAL COMMITTEE

WHEREAS, government agencies and private industries have developed powerful computer systems designed to process and analyze map and other information collectively called Geospatial Information; and

WHEREAS, these systems, referred to as Geospatial Technology, significantly increase efficiency to the State for conducting land, water, demographic, social and other natural resource management activities, and are linked as component parts of Idaho's information management activities; and

WHEREAS, Geospatial Products produced and maintained by organizations provide a valuable information infrastructure for public and private entities; and

WHEREAS, Geospatial Technology assists state, federal and local governments in carrying out their mandated responsibilities more efficiently, with better services to taxpayers as a valuable tool for scientific investigation, resource management and development planning; and

WHEREAS, it is important to provide channels of communication and cooperation among agencies of the State of Idaho, federal agencies, local and tribal governments, private organizations, education institutions and the citizens of Idaho; and

WHEREAS, there is a need to facilitate and promote the cooperation and coordination of programs, policies, products, and resources using Geospatial Technology to maximize opportunities and minimize duplication of effort; and

WHEREAS, there is a need to develop and implement policies, guidelines, and standards for producing and sharing Geospatial Information; and

WHEREAS, there is a need to support the ongoing development of a clearinghouse in order to foster the sharing of Geospatial Information; and

WHEREAS, there is a need to provide education, training, and technical support for users of Geospatial Information to support consistency and efficiency; and

WHEREAS, the Idaho Legislature annually appropriates a significant amount of state funds for agency Geospatial Technology activities that benefit from coordination; and

WHEREAS, Geospatial Technology activities and implementation have a long-term economic benefit to the citizens of Idaho;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho do hereby order:

1. There is continued the Idaho Geospatial Committee.
2. The purpose of the Idaho Geospatial Committee is to provide policy level direction and promote efficient and effective use of resources for matters related to geographic information. To that end it shall:
   a. Promote cooperation among state, federal, tribal and local agencies, universities and the private sector in addressing geographic data and information needs and services in Idaho;
   b. Review priorities for statewide geographic information needs and assist in the development of projects, plans, policies, standards, priorities and guidelines for geographic information;
   c. Facilitate cooperative and contract arrangements to develop and maintain high-priority geospatial databases and applications programs;
   d. Promote state geospatial information clearinghouse activities as a vehicle for sharing information on geospatial technology, programs, policies and resources to maximize opportunities and minimize duplication of effort, and to facilitate the standardization, documentation, distribution and exchange of geographic information; and,
   e. Provide recommendations to ITRMC, the Governor and the Legislature, when appropriate, concerning issues related to geographic information in Idaho.
3. The Idaho Geospatial Committee shall receive administrative staff support from the Information Technology Resource Management Council staff.
4. The Idaho Geospatial Committee will meet not less than twice a

year and all meetings are open to all interested parties.

5. The Idaho Geospatial Committee will appoint subcommittees consistent with the needs of the Committee to address issues including, but not limited to: the sharing of geospatial information through a geospatial clearinghouse; technical support and education issues related to geospatial technologies in Idaho; and outreach and liaison with the Federal Geographic Data Committee and geospatial coordinating committees in neighboring states.

6. The Idaho Geospatial Committee shall prepare and submit a report describing the Committee's activities and achievements of the previous year to the Information Technology Resource Management Council by December 30 of each year. Additionally, the report shall include bylaws for this committee, address the need to provide education, training, and technical support for users of geospatial information and make recommendations.

7. The Idaho Geospatial Committee represents the Idaho geospatial user community and shall be composed of sixteen (16) representative members with knowledge of and interest in Geospatial Information and Technologies including representatives of: three (3) state agencies, one of whom will serve as chair (appointed by the Chairman of ITRMC), a representative from the state clearinghouse, and the State GIS Coordinator. Other members may include: the Idaho Federal Framework Coordinator, one (1) representative of the United States Department of Agriculture, one (1) representative of the United States Department of Interior, one (1) Tribal Government representative, one (1) representative of the State University System, two (2) representatives of the public utilities or private businesses, three (3) representatives from county and municipal governments, and (1) representative of the public at large. The Idaho Geospatial Committee's membership shall be selected by the groups they represent and approved by the Information Technology Resource Management Council.

This Executive Order shall cease to be effective four years after its entry into force.

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 25th day of January in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-06

CONTINUING THE GOVERNOR'S MOTOR CARRIER ADVISORY COMMITTEE REPEALING AND REPLACING EXECUTIVE ORDER NO. 2005-16

WHEREAS, the people of Idaho are dependent upon the motor carrier industry to deliver raw materials, manufactured goods, agricultural products and other necessities; and

WHEREAS, the motor carrier industry, which employs thousands of Idahoans, requires user participation in developing the rules and regulations to guide the industry.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order the continuation of the Governor's Motor Carrier Advisory Committee as follows:

1. The purpose of the committee shall be to advise the Governor and state agencies on laws, rules, regulations, policies, and procedures affecting motor carrier operations in the State of Idaho. The Committee shall meet at least twice each year. Additional meetings shall be at the discretion of the Chairman.
2. The Committee shall consist of a Chairman appointed by the Governor, the Chair of the Idaho Trucking Association, and thirteen members appointed by the Governor that represent various segments of the Idaho trucking industry, including but not limited to production agriculture, concrete/aggregate, contractors, heavy haul, interstate/international, logging, long-haul, manufactured housing, private carriers, tankers, truck/trailer manufacturing, short haul, and wood products. Each Transportation District within the state shall be represented by at least one and no more than three industry segment appointees. No industry segment shall have more than one representative on the committee. Each industry segment member must be actively involved in the trucking industry either through ownership or employment.
3. The Governor shall appoint the members to the Committee. Appointments, except for the Chairman and the Chair of the Idaho Trucking Association, shall be for staggered three-year terms, except initial appointments to the board shall be apportioned in the following manner:
   a. 4 members shall serve for a period of one year;
   b. 4 members shall serve for a period of two years; and
   c. 5 members shall serve for a period of three years.

   All appointments, except for the Chairman and the Chair of the Idaho Trucking Association, shall expire on January 1, after their respective one, two, or three-year appointment. The Chairman serves at the pleasure of the Governor.
4. Committee members shall receive no salary for their services. The Idaho Transportation Department shall, however, reimburse Committee members for expenses incurred in attending Committee meetings.
5. A representative from each of the following state agencies shall provide support to the Committee: The Idaho Transportation Department, the Idaho State Police, and the Tax Commission. The Idaho Transportation Department shall be the lead

agency responsible for providing administrative support.

6. The Committee shall present all formal recommendations to the Governor and participating agencies. It shall also present to the Governor each December a report of the activities of the Committee during that year.
7. Bylaws of the Committee shall be drafted and adopted by the Membership within six months of the first meeting.

This Executive Order repeals and replaces Executive Order 2005-16.

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 February in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-07

AUTHORIZING THE ESTABLISHMENT OF AN IDAHO 2010 COMMITTEE

WHEREAS, the Winter Olympic Games to be held in Vancouver, British Columbia in the year 2010 presents an opportunity to be a good neighbor to the host province, while strengthening the economic vitality of Idaho through increased development activity and visitations to the state; and

WHEREAS, it is important to enhance the quality of life of all Idahoans by promoting increased economic opportunity consistent with Idaho's heritage and values; and

WHEREAS, Idaho could gain world recognition and prestige by attracting favorable attention, leading to increased interest in and visitations to the state; and

WHEREAS, it is important for the citizens of Idaho to continue to develop social and cultural values with others; and

WHEREAS, the Idaho 2010 Strategy, a plan to accomplish the foregoing has been developed; and

WHEREAS, it is important that Idaho have an official committee to coordinate activities relating to the 2010 Winter Olympic Games in Vancouver, British Columbia with entities and individuals both inside and outside Idaho;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by law, do hereby establish the Idaho 2010 Committee.

The Committee shall:

1. Oversee Idaho's implementation of the Idaho 2010 Strategy.
2. Serve as the official liaison for the State of Idaho with the

International Olympic Committee, the Vancouver Olympic Organizing Committee, United States Olympic Committee, and other national Olympic committees and sport federations.

3. Interact with appropriate agencies and organizations such as the Pacific Northwest Economic Region (PNWER) according to the implementation of the Idaho 2010 Strategy.
4. Serve as the official liaison for the State of Idaho for the encouragement of private businesses, state agencies, tribes and committees that wish to be involved with Idaho's strategy for the 2010 Winter Games.
5. Provide a work plan and budget to include possible revenue sources for implementation of the Idaho 2010 Strategy.
6. Amend, modify or alter Idaho's 2010 Strategy as necessary to meet changing circumstances, challenges and opportunities.

The Governor shall appoint the Committee Chair.

The members of the Committee shall be appointed by and serve at the pleasure of the Governor.

The Committee may recommend additional members to the Governor as they deem appropriate and may establish subcommittees consistent with the needs of the Committee.

The Committee shall have regular meetings as determined by the majority of the Committee and shall meet on special occasions upon the call of the chair. Members of the Committee shall serve without compensation, but may be reimbursed for actual travel expenses not to exceed state guidelines.

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 9th day of February in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-08

ESTABLISHING THE IDAHO COUNCIL ON SUICIDE PREVENTION

WHEREAS, Idaho consistently ranks in the top ten states in number of completed suicides per capita; and

WHEREAS, Idaho's suicide rate is consistently higher than that of the United States as a whole; and

WHEREAS, Idaho ranks third in the United States in youth suicides and suicide is the second leading cause of death among Idahoan's age 15 to 34; and

WHEREAS, during 1999 to 2001, 559 Idahoans died by suicide, and an average of 187 Idahoans die by suicide each year, that is one suicide every two days; and

WHEREAS, compared to the rate of suicide in the United States, Idaho's teenaged males and working-aged males have a suicide rate more than twice as high as the national average, Idaho's older men have a rate more that eight times higher than the national average and Idaho's Native American teenage males have a rate more than eleven times higher than the national average; and

WHEREAS, suicide is particularly devastating in the rural and frontier areas of Idaho where one suicide significantly impacts entire small communities for years, even generations; and

WHEREAS, in 2000, suicides of those under age 25 in Idaho resulted in the estimated direct costs of $3.77 million and lost earnings of $81 million; and

WHEREAS, in response to this serious public health issue the Idaho Suicide Prevention Plan was developed and distributed in 2003; and

WHEREAS, a state leadership organization in suicide prevention, Suicide Prevention Action Network of Idaho (SPAN Idaho) began implementing key components of the Idaho Suicide Prevention Plan in 2004; and

WHEREAS, a network of regional leaders and community volunteers for suicide prevention branching into every community in the state is being created in 2005; and

WHEREAS, completion of an effective suicide prevention infrastructure in Idaho requires an appropriate entity to oversee the implementation of the Idaho Suicide Prevention Plan,

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of the State of Idaho, do hereby establish the Idaho Council on Suicide Prevention.

I. The Council's responsibilities shall be:
   - A. To oversee the implementation of the Idaho Suicide Prevention Plan;
   - B. To ensure the continued relevance of the Plan by evaluating implementation progress reports and developing changes and new priorities to update the Plan;
   - C. To be a proponent for suicide prevention in Idaho;
   - D. To prepare an annual report on Plan implementation for the Governor and Legislature.

II. The Governor shall appoint all members of the Council. The Council shall include representatives from:
   - A. The Office of the Governor
   - B. The Idaho State Legislature
   - C. The Department of Health and Welfare
   - D. The Department of Education or School Districts
   - E. The Department of Juvenile Justice
   - F. SPAN Idaho
   - G. Suicide Prevention Services
   - H. The National Alliance for the Mentally Ill
   - I. Suicide survivors
   - J. Tribes
   - K. The youth community
   - L. The aging community or aging services

III. Council members shall:
- A. Serve for a term of two (2) years.
- B. Council members may serve up to three (3) terms.
- C. The Governor shall appoint the Chair of the Council.
- D. The Council shall meet in person annually.
- E. The Council shall not exceed fifteen (15) members.
- F. Staff for the Council will be provided by SPAN Idaho.

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 28th day of March in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirtieth and of the Statehood of Idaho the one hundred sixteenth.

/s/ DIRK KEMPTHORNE
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

INDEX

CONTENTS

Alphabetical Index of Laws According to Subject Matter 1473

Code Index 1523

Numerical Index of Laws by Bill Number 1565

INDEX

SECOND REGULAR SESSION - FIFTY-EIGHTH LEGISLATURE

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
H&W = Health and Welfare
PUC = Public Utilities Com
PERSI = Public Employee Retirement System of Idaho
UCC = Uniform Commercial Code

ABORTION
Physician reports, failure to provide, penalty..... Ch.438 - 1322
ACCIDENTS
See also EMERGENCIES
Accident prevention class, insurance discount..... Ch. 30 - 92
Worker's compensation, benefits for dependents..... Ch.186 - 586
ACCOUNTING AND ACCOUNTANTS
Alfalfa/Clover Seed Com, internal accounting..... Ch.361 - 1098
Bean Com, internal accounting controls..... Ch.364 - 1101
Canola/Rapeseed Com, internal accounting controls..... Ch.363 - 1100
Mint Com, internal accounting controls..... Ch.362 - 1099
ACCOUNTS
Income tax withholding, revocation/expiration/penalty... Ch. 60 - 186
Liquor Account, funds distribution..... Ch.289 - 886
ACTS
Capitol Restoration/Relocation Act of 2006..... Ch.455 - 1347
Criminal Gang Enforcement Act added..... Ch.184 - 582
Genetic Testing Privacy Act added..... Ch.293 - 903
Idaho Commercial Feed Law amended..... Ch. 57 - 167
Idaho Educational Interpreter Act added..... Ch.173 - 531
Idaho Medicaid Simplification Act added..... Ch.278 - 853
Small Employer Incentive Act, amend..... Ch.314 - 974
Small lawsuit resolution act, expiration repealed..... Ch.141 - 403
Uniform Environmental Covenants Act added..... Ch. 15 - 34
Uniform Interstate Family Support Act amended..... Ch.252 - 762
Uniform Limited Partnership Act added..... Ch.144 - 405

ADMINISTRATION DEPARTMENT
Approp..... Ch.297 - 915
Approp, Capitol Restoration/Relocation Act..... Ch.455 - 1347
Capitol Building, 2-story atrium wings, approval..... HCR 47 - 1406
Public bids, cancelled, not public records..... Ch. 62 - 192
Public safety wireless, interoperability council..... Ch.292 - 899
Risk management, Digital Learning Academy..... Ch.358 - 1091
ADMINISTRATIVE RULES
See RULES
ADOPTION
International adoption, papers to be filed with court... Ch. 77 - 234
AGING, COMMISSION ON
Approp..... Ch.191 - 595
AGRICULTURE
Agricultural land tax status, effect of platting..... Ch.233 - 691
Alfalfa/Clover Seed Com districts deleted..... Ch.365 - 1102
Alfalfa/Clover Seed Com, internal accounting..... Ch.361 - 1098
American agriculture standards, international trade..... HJM 12 - 1369
Animal cruelty laws enforcement/seizure/proceedings..... Ch.170 - 523
Bean Com, internal accounting controls..... Ch.364 - 1101
Beekeeping permit laws revised, registered beekeepers... Ch. 86 - 251
Brand renewal/inspection fees increased..... Ch.198 - 612
Brucellosis reactor branding, USDA standards..... Ch.216 - 651
Burning crop residue, conservation reserve lands..... Ch.121 - 338
Canola/Rapeseed Com, internal accounting controls..... Ch.363 - 1100
Carbon Sequestration Com, membership..... Ch.217 - 651
Commercial feed, labeling, distribution, registration... Ch. 57 - 167
Concentrated animal feeding operations, capacity..... Ch.218 - 652
Dept permits, zoos/fur farms, regulation..... Ch.226 - 677
Dept, approp..... Ch.343 - 1049
Dept, approp, additional..... Ch.428 - 1311
Dept, approp, Pest Control Deficiency Fund..... Ch. 2 - 24
Dept, approp, Soil Conservation Com..... Ch.342 - 1048
Dept, duties, technology growth, marketing channels..... Ch.220 - 657
Grape growers/wine producers, tax, opt out..... Ch. 28 - 88
Honey-beekeepers, registration, research, hobbyists..... Ch. 87 - 256
Horse Bd, $1 horse fee, paid assessment card..... Ch.202 - 618
Meat inspection laws repealed..... Ch. 94 - 267
Mint Com, internal accounting controls..... Ch.362 - 1099
Pest infestation, eradication, state funds..... Ch.197 - 611
Product transport, year-round inspection exemption..... Ch.138 - 393
Research and Cooperative Extension, approp..... Ch.325 - 1029
Soil Conservation Com, approp, additional..... Ch.440 - 1326
Urban renewal, deteriorated area, farm exemption..... Ch.310 - 953
Weed control authority, aquatic plants, penalties..... Ch.225 - 669
AIR POLLUTION
See POLLUTION
AIRPLANES AND AIRCRAFT
Glider kit vehicles, sales tax exemption..... Ch.237 - 721
Helicopter use in wilderness, monitor wolves..... HJM 11 - 1368
Landowner liability limited, recreation, airstrips..... Ch.279 - 861
ALCOHOLIC BEVERAGES
See LIQUOR

ALTERNATIVE DISPUTE RESOLUTION
See MEDIATION AND ARBITRATION
AMBULANCES
Emergency Medical Services Physician Com created..... Ch.421 - 1301
ANATOMICAL GIFTS
See ORGAN DONATIONS
ANIMALS
See also WILDLIFE
Animal Damage Control Fund, F&G funds..... Ch.230 - 686
Brand renewal/inspection fees increased..... Ch.198 - 612
Concentrated animal feeding operations, capacity..... Ch.218 - 652
Cruelty laws enforcement, seizure, proceedings..... Ch.170 - 523
Destroyed animals, maximum government compensation..... Ch. 93 - 267
Domestic fur-bearing, permits, regulation..... Ch.226 - 677
Emergency veterinary facilities, requirements..... Ch.139 - 395
Horse Bd, $1 horse fee, paid assessment card..... Ch.202 - 618
Horse racing, definitions added/amended..... Ch.147 - 461
APPEALS
Appellate Public Defender, approp..... Ch.330 - 1034
Insurance license, denial/penalties/hearings..... Ch. 49 - 141
Tax Appeals Bd, approp..... Ch.402 - 1227
APPRAISALS AND APPRAISERS
Eminent domain value, highest appraisal..... Ch.452 - 1343
APPROPRIATIONS
Administration Dept..... Ch.297 - 915
Aging, Com on..... Ch.191 - 595
Agriculture Dept..... Ch.343 - 1049
Agriculture Dept, add'l., Soil Conservation Com..... Ch.440 - 1326
Agriculture Dept, additional..... Ch.428 - 1311
Agriculture Dept, Pest Control Deficiency Fund..... Ch. 2 - 24
Agriculture Dept, Soil Conservation Com..... Ch.342 - 1048
Appellate Public Defender..... Ch.330 - 1034
Attorney General..... Ch.295 - 911
Budget Stabilization Fund, approp..... Ch. 4 - 25
Building Safety Division..... Ch.192 - 596
Capitol Restoration/Relocation Act of 2006..... Ch.455 - 1347
Catastrophic Health Care Cost Fund..... Ch.331 - 1035
Catastrophic Health Care Cost Fund, add'l..... Ch. 65 - 196
Commerce & Labor Dept..... Ch.334 - 1038
Commerce & Labor Dept, add'l., business development..... Ch.446 - 1329
Commerce & Labor Dept, add'l., growth management..... Ch.435 - 1320
Commerce & Labor Dept, add'l., rural broadband..... Ch.445 - 1329
Commerce & Labor Dept, add'l., TechConnect..... Ch.447 - 1330
Commerce & Labor Dept, add'l., transportation..... Ch.459 - 1355
Commerce & Labor Dept, add'l., worker training..... Ch.436 - 1321
Commerce & Labor Dept, Idaho Rural Partnership..... Ch. 5 - 26
Controller, State, additional..... Ch.406 - 1231
Correction Dept..... Ch.301 - 924
Correction Dept, additional..... Ch.296 - 913
DEQ, additional, Water Quality program..... Ch.442 - 1327
DEQ, Treasure Valley Air Quality Trust Fund..... Ch.441 - 1326
Education Bd, colleges and universities..... Ch.273 - 844
Education Bd, community college support..... Ch.271 - 842
Education Bd, Historical Society..... Ch.404 - 1229

APPROPRIATIONS (Continued)

Education Bd, Idaho School for Deaf and Blind..... Ch.403 - 1228
Education Bd, medical education programs..... Ch.333 - 1036
Education Bd, Office of..... Ch.409 - 1239
Education Bd, Public Broadcasting System..... Ch.405 - 1230
Education Bd, special programs..... Ch.434 - 1320
Education Bd, Special Programs..... Ch.332 - 1035
Education Bd, Special Programs, additional..... Ch. 10 - 30
Education Bd, State Library Bd..... Ch.426 - 1309
Education Bd, Vocational Rehabilitation Division..... Ch.385 - 1206
Education Dept, approp amended..... Ch. 40 - 117
Education Dept/Public Instruction Superintendent..... Ch.427 - 1310
Educational Support Program, Facilities Div..... Ch.423 - 1306
Environmental Quality Dept..... Ch.349 - 1061
Executive officer salaries, additional..... Ch.430 - 1316
Finance Dept..... Ch.390 - 1212
Fish and Game Dept..... Ch. 99 - 274
Governor, Military Div, Hazardous Substance Fund..... Ch. 2 - 24
Governor, Office of..... Ch.100 - 278
Governor, Office of, Aging Com..... Ch.191 - 595
Governor, Office of, Arts Com..... Ch.340 - 1045
Governor, Office of, Arts Com, additional..... Ch. 7 - 27
Governor, Office of, Blind/Visually Impaired Com..... Ch.388 - 1209
Governor, Office of, Financial Management Division..... Ch.101 - 279
Governor, Office of, Human Resources Division..... Ch.324 - 1028
Governor, Office of, Human Rights Com..... Ch.339 - 1045
Governor, Office of, Idaho Women's Com..... Ch.391 - 1213
Governor, Office of, Military Div, additional..... Ch. 3 - 25
Governor, Office of, Military Division..... Ch.274 - 846
Governor, Office of, PERSI..... Ch.337 - 1042
Governor, Office of, Species Conservation..... Ch. 98 - 273
Governor, Office of, State Liquor Dispensary..... Ch.392 - 1214
H&W Dept, Child Welfare Program..... Ch.344 - 1053
H&W Dept, Community Developmental Disabilities..... Ch.348 - 1059
H&W Dept, Community Developmental Disability, add'l..... Ch. 64 - 195
H&W Dept, Community Mental Health program..... Ch.396 - 1221
H&W Dept, Independent Councils..... Ch.347 - 1057
H&W Dept, Indirect Support Services..... Ch.346 - 1056
H&W Dept, Medical Assistance Services..... Ch.376 - 1166
H&W Dept, Medical Assistance Services, amend..... Ch.188 - 591
H&W Dept, mental health services..... Ch.371 - 1109
H&W Dept, Physical Health Services..... Ch.458 - 1354
H&W Dept, psychiatric hospitalization..... Ch.372 - 1111
H&W Dept, psychiatric hospitalization, add'l..... Ch.215 - 650
H&W Dept, Public Health Services..... Ch.373 - 1113
H&W Dept, public health services, add'l..... Ch. 66 - 197
H&W Dept, Welfare Division..... Ch.190 - 593
H&W Dept, Welfare Division..... Ch.345 - 1054
Idaho State Police..... Ch.299 - 918
Idaho State Police, additional..... Ch.395 - 1220
Industrial Com..... Ch.393 - 1216
Insurance Dept..... Ch.335 - 1040
Juvenile Corrections Dept..... Ch.300 - 921
Juvenile Corrections Dept, amended..... Ch. 68 - 210

APPROPRIATIONS (Continued)
Land Commissioners, Endowment Fund Investment Bd..... Ch.327 - 1030
Lands Dept..... Ch.341 - 1046
Lands Dept, Fire Suppression Deficiency Fund..... Ch. 2 - 24
Legislative Council..... Ch.189 - 592
Legislative Council, Energy Comm, consultants..... Ch.377 - 1170
Lieutenant Governor..... Ch.275 - 847
Millennium Income Fund, tobacco programs funding..... Ch.387 - 1208
Northern Idaho Water Rights Adjudication..... Ch.400 - 1223
Parks and Recreation Dept..... Ch.384 - 1202
Parks and Recreation Dept, add'l..... Ch.448 - 1331
Professional-Technical Education Bd..... Ch.389 - 1210
Professional-Technical Education, personnel costs..... Ch. 9 - 29
Public Education Stabilization Fund..... Ch.432 - 1319
Public Health Trust Fund..... Ch.193 - 597
Public schools, administrators..... Ch.420 - 1299
Public schools, children's programs division..... Ch.419 - 1296
Public schools, operations division..... Ch.418 - 1290
Public schools, teachers division..... Ch.417 - 1287
Public Utilities Com..... Ch.329 - 1033
Public Works Div, from Permanent Building Fund..... Ch.374 - 1117
PUC/Tax/Industrial commissioners, additional..... Ch.424 - 1307
Revenue & Taxation Dept, State Tax Com..... Ch.401 - 1225
Revenue and Taxation Dept, Tax Appeals Bd..... Ch.402 - 1227
Secretary of State..... Ch.276 - 847
Self-Governing Agencies, boards..... Ch.394 - 1217
Self-Governing Agencies, Building Safety Div, add'l..... Ch. 8 - 28
Self-Governing Agencies, State Lottery..... Ch.336 - 1041
Self-Governing Agencies, Veteran Services Div, add'l.... Ch. 12 - 31
Self-Governing Agencies, Veterans Services Div..... Ch.194 - 598
State Controller..... Ch.272 - 842
State Controller, approp, additional..... Ch. 6 - 27
State employee compensation/insurance, approp..... Ch.375 - 1119
State employee pay increases..... Ch. 1 - 3
State Independent Living Council Fund, approp..... Ch.386 - 1207
Supreme Court..... Ch.298 - 918
Supreme Court, additional..... Ch.422 - 1306
Supreme Court, additional..... Ch.398 - 1223
Supreme Court, additional..... Ch.399 - 1223
Transportation Dept..... Ch.456 - 1350
Treasurer, State..... Ch.338 - 1043
Univ. of Idaho, Agricultural Research/Extension..... Ch.325 - 1029
Veterans Services Div, approp, add'l..... Ch. 12 - 31
Water Resource Bd, add'l., aquifer plan..... Ch.443 - 1328
Water Resource Bd, CREP water rights..... Ch.433 - 1319
Water Resources Dept..... Ch.328 - 1031
Water Resources Dept, add'l., flood control..... Ch.444 - 1328
ARCHITECTURE AND ARCHITECTS
Licensed practice, technical submissions, sign/seal..... Ch.127 - 365
ARMED FORCES
See MILITARY AND MILITA
ARTS
Com, approp..... Ch.340 - 1045
Com, approp, additional..... Ch. 7 - 27

ARTS (Continued)
Media production company, sales tax rebate..... Ch.219 - 654
ASSESSMENTS AND ASSESSORS
Agricultural land tax status, effect of platting..... Ch.233 - 691
Horse Bd, $1 horse fee, paid assessment card..... Ch.202 - 618
Property tax homestead exemption increases..... Ch.429 - 1312
ASSISTED LIVING AND RESIDENTIAL CARE
Residential care facility administrator licensing..... Ch.125 - 360
ASSOCIATIONS
National Rifle Assn, special license plates..... Ch. 41 - 119
ATHLETICS
Com, Occupational Licenses Bureau as agent..... Ch.394 - 1217
Olympic games, honor Idaho athletes..... SCR123 - 1384
ATTACHES
See SENATE; HOUSE OF REPRESENTATIVES
ATTORNEY GENERAL
Approp..... Ch.295 - 911
Approp, additional, salary..... Ch.430 - 1316
Life-sustaining treatment orders, universal form..... HCR 40 - 1403
Salary increase..... Ch.431 - 1318
ATTORNEYS
Appellate Public Defender, approp..... Ch.330 - 1034
Attorney fees, small claims and appeals..... Ch.263 - 815
County prosecutorial services, contract, when..... Ch.115 - 314
Prosecutor's notice deleted, enhanced penalty..... Ch.249 - 758
AUTOMOBILES
See MOTOR VEHICLES
BALLOTS
See ELECTIONS; INITIATIVES AND REFERENDUMS
BANKS AND FINANCIAL INSTITUTIONS
Personal information security breach, notification..... Ch.258 - 796
BEER
See LIQUOR
BEES
See INSECTS
BIG GAME
See WILDLIFE; FISH AND GAME
BIRDS
Idaho Birding Trail, official trail, support..... HCR 38 - 1401
BLIND
Blind and Visually Impaired Com, approp..... Ch.388 - 1209
Blind and Visually Impaired Com, approp, add'l..... Ch. 11 - 30
Circuitbreaker claimant, property tax deferral act..... Ch.234 - 694
Deaf/Blind School, services outside campus area..... Ch.383 - 1201
Idaho School for Deaf and Blind, approp..... Ch.403 - 1228
BOARDS
Bds/commissions/councils, per diem honorarium..... Ch.269 - 838
Dentistry Bd, certain rules rejected..... SCR125 - 1386
General/medical/regulatory, approp..... Ch.394 - 1217
H&W, membership, meetings, powers and duties..... Ch.416 - 1282
Horse Bd, $1 horse fee, paid assessment card..... Ch.202 - 618
PERSI Bd member, defend and indemnify, when..... Ch.268 - 833
Petroleum clean water trustee salary, retirement..... Ch.140 - 402
Physical Therapy Licensure Bd, powers/duties..... Ch.116 - 314

BOARDS (Continued)
Sex Offender Classification, violent predators..... Ch.379 - 1172
BOMBS AND BOMBING
Explosives, false reports to emergency employees..... Ch. 46 - 135
BONDS
Cemetery maintenance district, official bonds, amount... Ch. 24 - 82
State highways, GARVEE bonding authority..... Ch.457 - 1353
State money, bond investments, time limit deleted..... Ch. 17 - 65
BRANDS
Brucellosis reactor branding, USDA standards..... Ch.216 - 651
BUDGETS
Budget Stabilization Fund, restore funds..... Ch. 4 - 25
BUILDING AUTHORITY
Capitol Building, 2-story atrium wings, approval..... HCR 47 - 1406
BUILDING SAFETY DIVISION
Approp..... Ch.192 - 596
Approp, additional..... Ch. 8 - 28
Electrical licenses, staggered renewal schedule..... Ch. 82 - 244
Electrical specialty licensing rules rejected..... HCR 55 - 1415
Idaho Elevator Safety Fund established..... Ch. 81 - 243
Manufactured homes, construction/safety standards..... Ch. 79 - 237
BUILDINGS
Facilities needs planning, Water Resources Bd/Dept..... Ch.205 - 624
BUSINESS
Small Employer Incentive Act, amend..... Ch.314 - 974
BUSINESS ENTITIES
Uniform Limited Partnership Act..... Ch.144 - 405
CAMPAIGN FINANCE
See CAMPAIGNS AND CANDIDATES
CAMPAIGNS AND CANDIDATES
Campaign contributions, permitted/prohibited uses..... Ch. 36 - 99
Campaign reports, duty to file, when..... Ch. 22 - 79
City election procedures, deadlines revised..... Ch.105 - 288
Contribution limits, donor entities defined..... Ch. 23 - 80
Highway district commissioners, qualifications..... Ch.165 - 499
CAPITAL PUNISHMENT
Child sexual abuse, aggravating circumstance..... Ch.129 - 375
Death sentence, review by Supreme Court..... Ch.155 - 470
CAPITOL
Capitol Building, 2-story atrium wings, approval..... HCR 47 - 1406
Capitol Restoration/Relocation Act, approp..... Ch.455 - 1347
Renovation, construction manager at-risk services..... Ch.454 - 1345
CATTLE
See LIVESTOCK
CEMETERIES AND CREMATORIUMS
Cemetery maintenance district, official bonds, amount... Ch. 24 - 82
CHARITIES
Advocates, Domestic Violence survivors, tax exempt..... Ch.316 - 983
American Red Cross of greater Idaho, tax donation..... Ch. 88 - 258
Idaho Drug-Free Youth, donations, tax credit..... Ch.309 - 952
Learning Lab, donations, income tax credit..... Ch. 69 - 212
Planned Assistance for Troubled Children, tax credit.... Ch.307 - 946
Project Safe Place, donations, income tax credit..... Ch.209 - 638
Shepherd's Home foster care, income tax credit..... Ch.320 - 1017

CHECKS
See PAYMENT METHODS; MONEY
CHILDREN
Bullying Awareness Week, Sept. 10-16, 2006..... HCR 32 - 1395
Child abuse crimes, prosecution, no time limit..... Ch. 39 - 116
Child sexual abuse, death penalty qualification..... Ch.129 - 375
Foreign guardianship, transfers to/from Idaho..... Ch.182 - 564
Free dental clinic services, sales tax exemption..... Ch.211 - 639
Guardian appointment, notice waived as to father..... Ch.180 - 558
Guardian choice, not by parent w/terminated rights..... Ch.183 - 581
Health insurance, children & small employers..... Ch.270 - 839
Idaho Drug-Free Youth, donations, tax credit..... Ch.309 - 952
International adoption, papers to be filed with court... Ch. 77 - 234
Life-threatening illness, F&G license exemption..... Ch.169 - 520
Methamphetamine, children present, increase penalties... Ch. 76 - 233
Missing Persons Day proclaimed, September 14th..... HCR 45 - 1404
Organ donors, age 16-17, written parental consent..... Ch.265 - 820
Project P.A.T.C.H., donations, tax credit..... Ch.307 - 946
Project Safe Place, donations, income tax credit..... Ch.209 - 638
Shepherd's Home foster care, income tax credit..... Ch.320 - 1017
Uniform Interstate Family Support Act amended..... Ch.252 - 762
Worker's compensation, benefits for dependents..... Ch.186 - 586
CIGARETTES
See TOBACCO
CIRCUIT BREAKER TAX RELIEF
See TAX AND TAXATION, PROPERTY
CITIES
Bellevue, amend charter re: election laws..... Ch.317 - 986
Citizens over 21, aid in law enforcement..... Ch. 53 - 163
Development impact fees, deadline, public hearings..... Ch.321 - 1019
Election procedures, deadlines revised..... Ch.105 - 288
Liquor Account, funds distribution..... Ch.289 - 886
Planning/zoning bd member testimony, conflict..... Ch.213 - 644
Urban renewal, deteriorated area, farm exemption..... Ch.310 - 953
CIVIL ACTIONS
Health care provider apologies inadmissible..... Ch.204 - 623
Real property claims, twenty year time period..... Ch.158 - 474
Self-defense, justified, civil immunity..... Ch.453 - 1345
Small claims/magistrate, threshold amount, fees..... Ch.263 - 815
CIVIL RIGHTS
Domestic legal union, man-woman only..... HJR 2 - 1359
CODES
Idaho Code, codifier's technical corrections..... Ch. 16 - 41
Internal Revenue Code references updated..... Ch.242 - 736
COLLECTIONS AND COLLECTION AGENCIES
See DEBTORS AND CREDITORS
COLLEGES AND UNIVERSITIES
Community college support, approp..... Ch.271 - 842
Education Bd, approp, colleges and universities..... Ch.273 - 844
Education Bd, study university personnel issues..... HCR 65 - 1422
Elementary school teacher training, math/science..... HCR 58 - 1416
Engineering college courses, unlicensed instructors..... Ch.137 - 392
Honey advertising Com, duties, university research..... Ch. 87 - 256
Medical education programs, approp..... Ch.333 - 1036

COLLEGES AND UNIVERSITIES (Continued)
Postsecondary and proprietary schools, registration..... Ch.240 - 724
Postsecondary education, legislative study comm..... SCR132 - 1390
Teacher salaries, experience factor, college..... Ch.260 - 799
Univ. of Idaho, approp, Agricultural Extension..... Ch.325 - 1029
COMMERCE AND LABOR DEPARTMENT
Approp..... Ch.334 - 1038
Approp, add'l., business development..... Ch.446 - 1329
Approp, add'l., freight transportation..... Ch.459 - 1355
Approp, add'l., growth management..... Ch.435 - 1320
Approp, add'l., rural broadband development..... Ch.445 - 1329
Approp, add'l., TechConnect program..... Ch.447 - 1330
Approp, add'l., worker training..... Ch.436 - 1321
Bioscience tax/investment incentives, task force..... HCR 54 - 1413
Employment security reserve tax, okay in 2006..... Ch. 48 - 139
Idaho Rural Partnership, approp, personnel costs..... Ch. 5 - 26
Media production company, sales tax rebate..... Ch.219 - 654
Rural economic development, integrated transport..... Ch.413 - 1251
Science/Technology Advisory Council created..... Ch. 14 - 33
Unemployment, overpayments/shortages, records..... Ch. 38 - 104
COMMERCIAL TRANSACTIONS
Consumer credit loan regulations amended..... Ch.122 - 339
Personal information security breach, notification..... Ch.258 - 796
Title loans, lender licensing, regulation..... Ch.323 - 1023
COMMISSIONS
Aging Com, provision of ombudsman services..... Ch.201 - 617
Alfalfa/Clover Seed Com districts deleted..... Ch.365 - 1102
Alfalfa/Clover Seed Com, internal accounting..... Ch.361 - 1098
Bds/commissions/councils, per diem honorarium..... Ch.269 - 838
Bean Com, internal accounting controls..... Ch.364 - 1101
Blind and Visually Impaired Com, approp..... Ch.388 - 1209
Canola/Rapeseed Com, internal accounting controls..... Ch.363 - 1100
Emergency Medical Services Physician Com created..... Ch.421 - 1301
Health Quality Planning Com, information technology..... Ch.243 - 736
Honey Advertising Com, duties, university research..... Ch. 87 - 256
Human Rights Com, approp..... Ch.339 - 1045
Idaho Women's Com, approp..... Ch.391 - 1213
Mint Com, internal accounting controls..... Ch.362 - 1099
Public Utilities Com, approp..... Ch.329 - 1033
PUC rate-setting, property held for future use..... Ch.107 - 300
PUC/Tax/Industrial commissioner salary increase..... Ch.368 - 1106
Soil Conservation Com, approp..... Ch.342 - 1048
COMMITTEES
Carbon Sequestration Com, membership..... Ch.217 - 651
Developmental disability evaluation com members..... Ch.284 - 871
Energy interim comm, energy plan consultants, approp.... Ch.377 - 1170
Energy/Environment/Technology Comm, energy plan..... HCR 62 - 1418
Health Care Task Force, duties..... Ch.280 - 862
Legislative committee meetings, when closed..... Ch.439 - 1325
Legislative district central comm, meeting location..... Ch.397 - 1222
Postsecondary education, legislative study..... SCR132 - 1390
Recreational/offroad vehicle advisory committees..... Ch.229 - 682
Substance abuse, prevent/treat, interagency comm..... Ch.407 - 1232
Substance abuse/mental health services, study comm..... HCR 63 - 1419

COMMODITIES
Agriculture Dept, technology, existing channels..... Ch.220 - 657
Alfalfa/Clover Seed Com districts deleted..... Ch.365 - 1102
Alfalfa/Clover Seed Com, internal accounting..... Ch.361 - 1098
Bean Com, internal accounting controls..... Ch.364 - 1101
Beekeeping permit laws revised, registered beekeepers... Ch. 86 - 251
Canola/Rapeseed Com, internal accounting controls..... Ch.363 - 1100
Grape growers/wine producers, tax, opt out..... Ch. 28 - 88
Honey-beekeepers, registration, research, hobbyists..... Ch. 87 - 256
Mint Com, internal accounting controls..... Ch.362 - 1099
COMMUNICATIONS
See TELECOMMUNICATIONS
COMPACTS
See MULTISTATE COMPACTS AND AGREEMENTS
COMPUTERS
See ELECTRONIC TECHNOLOGY
CONDEMNATION
See EMINENT DOMAIN
CONFLICTS OF INTEREST
See ETHICS
CONSERVATION
Conservation reserve lands, burning crop residue..... Ch.121 - 338
Endangered Species Act, Collaboration for Recovery..... HJM 16 - 1374
Species Conservation Office, approp..... Ch. 98 - 273
Wolves, alternative strategies to delist..... HJM 10 - 1367
CONSERVATORS
See GUARDIANS AND CONSERVATORS
CONSTITUTIONAL AMENDMENTS
Domestic legal union, man-woman only..... HJR 2 - 1359
Millennium Permanent Endowment Fund created..... SJR107 - 1356
CONSTRUCTION
Capitol Building, 2-story atrium wings, approval..... HCR 47 - 1406
Capitol renovation, construction manager at-risk..... Ch.454 - 1345
Capitol Restoration/Relocation Act of 2006..... Ch.455 - 1347
Coal-fired power plant, construction moratorium..... Ch.367 - 1105
Development impact fees, deadline, public hearings..... Ch.321 - 1019
Manufactured homes, construction/safety standards..... Ch. 79 - 237
Power plant, operating property, occupancy tax, roll.... Ch.302 - 930
Small employer tax incentive, new plant/building..... Ch.314 - 974
CONSUMERS
Aging Com, provision of ombudsman services..... Ch.201 - 617
Consumer credit loan regulations amended..... Ch.122 - 339
Personal information security breach, notification..... Ch.258 - 796
Title loans, lender licensing, regulation..... Ch.323 - 1023
CONTRACTORS
Capitol renovation, construction manager at-risk..... Ch.454 - 1345
Electric, licenses, revocation, insurance, status..... Ch. 83 - 245
Electrical, staggered license renewal schedule..... Ch. 82 - 244
Public works, license fees..... Ch. 80 - 241
CONTRACTS
County prosecutorial services, contract, when..... Ch.115 - 314
CONTRIBUTIONS
Campaign contribution limits, donor entities defined.... Ch. 23 - 80
Campaign contributions, permitted/prohibited uses..... Ch. 36 - 99

CONTRIBUTIONS (Continued)
Idaho Drug-Free Youth, donations, tax credit..... Ch.309 - 952
Planned Assistance for Troubled Children, tax credit.... Ch.307 - 946
Project Safe Place, donations, income tax credit..... Ch.209 - 638
Shepherd's Home foster care, income tax credit..... Ch.320 - 1017
Tax refund donation, American Red Cross..... Ch. 88 - 258
CONTROLLED SUBSTANCES
Alcohol w/out liquid devices, misdemeanor, nuisance..... Ch.254 - 791
Drug enforcement donation fund, anonymous hotline..... Ch.113 - 308
Hydrocone, 4-chlorotestosterone, Schedule III..... Ch.203 - 620
Methamphetamine, children present, increase penalties... Ch. 76 - 233
Prescriptions database, purposes..... Ch.175 - 535
Pseudoephedrine products, retail sales, limitations..... Ch. 95 - 269
Pseudoephedrine trafficking, under 500 g, penalties..... Ch.245 - 749
Substance abuse, prevent/treat, interagency comm..... Ch.407 - 1232
Valid prescription drug orders, patient relationship.... Ch.117 - 330
CONTROLLER, STATE
Approp..... Ch.272 - 842
Approp, additional..... Ch. 6 - 27
Approp, additional..... Ch.406 - 1231
Approp, additional, salary..... Ch.430 - 1316
Salary increase..... Ch.431 - 1318
CORONERS
Autopsy duty, Creutzfeldt-Jakob disease..... Ch.241 - 735
CORPORATIONS
Domestic reciprocal insurer, subscriber definition..... Ch.199 - 614
Insurer assets, good will, NAIC standard..... Ch.207 - 636
Nonprofit, shooting organization, sales tax exempt..... Ch.236 - 720
Personal information security breach, notification..... Ch.258 - 796
Small Employer Incentive Act, amend..... Ch.314 - 974
CORRECTIONS
Dept, approp..... Ch.301 - 924
Dept, approp, additional..... Ch.296 - 913
Juvenile Corrections Dept, approp..... Ch.300 - 921
Juvenile, approp amended..... Ch. 68 - 210
Juvenile, dept employees, minimum training..... Ch.246 - 752
Juveniles, court's preliminary inquiry optional..... Ch.177 - 543
Mental health court, probation violation, arrest..... Ch.143 - 404
Offenders' mental health records, disclosure..... Ch. 92 - 266
Sex offender registration, fees, verify address..... Ch.178 - 544
Sex offenders, no sentence dismissal/reduction..... Ch.157 - 473
Violent sexual predator designation..... Ch.379 - 1172
Violent sexual predator, mandatory life sentence..... Ch.154 - 468
COSMETOLOGY
Instrument disinfecting agent, hospital grade..... Ch.411 - 1242
Student, chemical instruction, haircutter license..... Ch.411 - 1242
COUNCILS
Bds/commissions/councils, per diem honorarium..... Ch.269 - 838
Science/Technology Advisory Council created..... Ch. 14 - 33
State Independent Living Council Fund, approp..... Ch.386 - 1207
Statewide Interoperability Executive Council..... Ch.292 - 899
COUNTIES
Aquifer Protection Districts authorized..... Ch.304 - 937
Canyon, Judicial District 3, judge added..... Ch.266 - 827

COUNTIES (Continued)
Election registration, records, poll place watchers..... Ch. 70 - 213
Electrical generation plants, county-owned/operated..... Ch.210 - 639
Encroachment permit, recording required..... Ch.132 - 385
Federal lands, state management, fee allocation..... HJM 21 - 1377
Hospital personal property, tax exemption..... Ch.319 - 1016
Intermodal commerce authority laws revised..... Ch. 75 - 228
Kootenai, Judicial District 1, judge added..... Ch.266 - 827
Liquor Account, funds distribution..... Ch.289 - 886
Planning/zoning bd member testimony, conflict..... Ch.213 - 644
Property tax, new construction roll exemptions..... Ch. 59 - 183
Prosecutorial services, contract, circumstances..... Ch.115 - 314
Recorder fees, duplicating onto electronic media..... Ch.286 - 881
Recording a survey, new monuments..... Ch.136 - 391
Self-insured risk programs, fund balance deleted..... Ch. 21 - 78
Urban renewal, deteriorated area, farm exemption..... Ch.310 - 953
COURTS
Additional judges, judicial districts 1 and 3..... Ch.266 - 827
Approp, Northern Idaho Water Rights Adjudication..... Ch.400 - 1223
Child abuse/terrorism, prosecution, no time limit..... Ch. 39 - 116
Court fee payment, credit card, technology fund..... Ch. 73 - 226
Criminal Gang Enforcement Act, extended sentences..... Ch.184 - 582
Death sentence, aggravating factors, child crimes..... Ch.129 - 375
Death sentence, review by Supreme Court..... Ch.155 - 470
Domestic violence protection orders, duration..... Ch.287 - 883
Drug/mental health program completion, discharge..... Ch.104 - 287
F&G, certain misdemeanors, 5 years to prosecute..... Ch.288 - 885
Filing fees increased..... Ch.267 - 828
Government, acknowledge God, no court jurisdiction..... SJM119 - 1364
Health care provider apologies inadmissible..... Ch.204 - 623
International adoption, papers to be filed with court... Ch. 77 - 234
Judge N. Randy Smith, support 9th Circuit nomination.... SJM113 - 1360
Judge/justice salary increases..... Ch.369 - 1107
Juvenile corrections, preliminary inquiry optional..... Ch.177 - 543
Maximum sentences increased..... Ch.178 - 544
Mental health court, probation violation, arrest..... Ch.143 - 404
Persons appearing at appointed places, repeal..... Ch.142 - 404
Prosecutor's notice deleted, enhanced penalty..... Ch.249 - 758
Real property claims, twenty year time period..... Ch.158 - 474
Senior magistrate judges, PERSI retirement..... Ch.267 - 828
Sex offenders, no sentence dismissal/reduction..... Ch.157 - 473
Small claims/magistrate, threshold amount, fees..... Ch.263 - 815
Small lawsuit resolution act, expiration repealed..... Ch.141 - 403
Supreme Court, additional..... Ch.398 - 1223
Supreme Court, approp..... Ch.298 - 918
Supreme Court, approp, additional..... Ch.422 - 1306
Supreme Court, approp, additional..... Ch.399 - 1223
Supreme, rulemaking authority, judge compensation..... Ch. 72 - 225
Unlawful detainer, tenant at sufferance..... Ch.248 - 756
Violent sexual predator, mandatory life sentence..... Ch.154 - 468
Water/sewer district annexation, no court filing..... Ch.167 - 515
Youth courts, tobacco/substance abuse, approp..... Ch.387 - 1208

CREDIT AND CREDITORS
See DEBTORS AND CREDITORS
CREDIT CARDS
See PAYMENT METHODS
CRIMINAL OFFENSES & PROCEDURES
Abductions, Missing Persons Day observed..... HCR 45 - 1404
Alcohol w/out liquid devices, misdemeanor, nuisance..... Ch.254 - 791
Background checks, long-term care providers..... Ch.281 - 864
Child abuse/terrorism, prosecution, no time limit..... Ch. 39 - 116
Child sexual abuse, death penalty qualification..... Ch.129 - 375
Crime victims, maximum mental health benefits..... Ch.291 - 895
Criminal Gang Enforcement Act, extended sentences..... Ch.184 - 582
Criminal history record checks, mortgage licensees..... Ch.410 - 1240
Death sentence, review by Supreme Court..... Ch.155 - 470
Death, failure to report to police, penalties..... Ch.239 - 724
Domestic violence protection orders, duration..... Ch.287 - 883
Drug violations, report, 24-hour hotline, fees..... Ch.113 - 308
Drug/mental health program completion, discharge..... Ch.104 - 287
Drunk driving, increase penalties..... Ch.261 - 800
Enhanced penalty, notice of intent deleted..... Ch.249 - 758
Explosives, false reports to emergency employees..... Ch. 46 - 135
F&G, certain misdemeanors, 5 years to prosecute..... Ch.288 - 885
Human trafficking, penalties, restitution, victims..... Ch. 85 - 249
Maximum sentences increased..... Ch.178 - 544
Mental health court, probation violation, arrest..... Ch.143 - 404
Methamphetamine, children present, increase penalties... Ch. 76 - 233
Offenders' mental health records, disclosure..... Ch. 92 - 266
Probation/parole officers, detain mentally ill..... Ch. 91 - 265
Pseudoephedrine products, retail sales, limitations..... Ch. 95 - 269
Pseudoephedrine trafficking, under 500 g, penalties..... Ch.245 - 749
Public moneys misuse, financial transaction cards..... Ch.156 - 471
Sex offender proximity to school property restricted.... Ch.354 - 1084
Sex offender registration, fees, verify address..... Ch.178 - 544
Sex offenders, no sentence dismissal/reduction..... Ch.157 - 473
Statutory rape, teens, no sex offender registry..... Ch.408 - 1237
Student harassment/intimidation/bullying, infraction.... Ch.313 - 969
Threatening violence on school grounds, misdemeanor..... Ch.303 - 936
Various crimes, fines increased..... Ch. 71 - 216
Violent sexual predator designation..... Ch.379 - 1172
Violent sexual predator registration, notify media..... Ch. 35 - 98
Violent sexual predator, mandatory life sentence..... Ch.154 - 468
CROPS
See AGRICULTURE
DAYS
See HOLIDAYS AND DAYS
DEAF
Deaf/Blind School, services outside campus area..... Ch.383 - 1201
Idaho School for Deaf and Blind, approp..... Ch.403 - 1228
DEATH
Autopsy duty, Creutzfeldt-Jakob disease..... Ch.241 - 735
Body disinterment upon verified application..... Ch.109 - 302
Destroyed animals, maximum government compensation..... Ch. 93 - 267
Failure to report to police, penalties..... Ch.239 - 724
Firefighter benefits, alternate payee..... Ch. 19 - 71

DEATH (Continued)
Human remains disposition, guardians/conservators..... Ch.181 - 560
Idaho's Suicide Prevention Plan, endorse..... HCR 31 - 1394
Organ donors, age 16-17, written parental consent..... Ch.265 - 820
Reemployed public retirees, death benefits..... Ch.151 - 466
Sentence, aggravating factors, child sexual abuse..... Ch.129 - 375
Sentence, review by Supreme Court..... Ch.155 - 470
Worker's compensation, benefits for dependents..... Ch.186 - 586
DEBTORS AND CREDITORS
Consumer credit loan regulations amended..... Ch.122 - 339
Consumer title loans, lender licensing, regulation..... Ch.323 - 1023
Debtor's homestead exemption, value increased..... Ch.262 - 814
Estate value, $100,000, collections by affidavit..... Ch.160 - 480
Tax due, time extension, when balance due..... Ch. 56 - 166
DENTISTRY AND DENTISTS
Dentist/dental hygienist, licensing, renewal, fees..... Ch.285 - 873
Dentistry Bd, certain rules rejected..... SCR125 - 1386
Free dental clinic services, sales tax exemption..... Ch.211 - 639
Medicaid payments, dentist reimbursement rates..... Ch.382 - 1200
DISABLED
Certified home violation, complainant's identity..... Ch.282 - 866
Circuitbreaker claimant, property tax deferral act..... Ch.234 - 694
Evaluation committee member qualifications..... Ch.284 - 871
F&G license exemption, state facility residents..... Ch.145 - 457
Foreign conservatorship, transfer to/from Idaho..... Ch.182 - 564
Hunt/fishing license, permanently disabled persons..... Ch.168 - 518
Intermediate care facility, dispute resolution..... SCR124 - 1385
Long-term care provides, background checks..... Ch.281 - 864
Medicaid, caregiver respite support services..... Ch.437 - 1321
Mentally ill probation/parolee, detention..... Ch. 91 - 265
Personal care services, physician order deleted..... Ch.283 - 869
Retired firefighters, benefits, no interest..... Ch.253 - 791
Veterans hiring preference, public employment..... Ch. 51 - 145
Workers with disabilities, Medicaid program..... Ch.174 - 533
DISASTERS
American Red Cross, tax refund donations..... Ch. 88 - 258
State of disaster, no restrictions on firearms..... Ch.264 - 818
DISEASES
Breast cancer screening, special license plates..... Ch.176 - 541
Brucellosis reactor branding, USDA standards..... Ch.216 - 651
Children, life-threatening, F&G license exemption..... Ch.169 - 520
Colorectal Cancer Awareness Month, March 2006..... HCR 34 - 1397
Creutzfeldt-Jakob disease, duty to autopsy..... Ch.241 - 735
Destroyed animals, maximum government compensation..... Ch. 93 - 267
Drinking water, maximum arsenic, suspend enforcement.... SJM118 - 1362
World Health Organization, participation by Taiwan..... HJM 22 - 1380
DISTRICTS
Alfalfa/Clover Seed Com districts deleted..... Ch.365 - 1102
Aquifer Protection Districts authorized..... Ch.304 - 937
Cemetery maintenance, amount of official bond..... Ch. 24 - 82
Fire protection district laws revised..... Ch.318 - 988
Ground water dist. members, nonirrigator mitigation..... Ch.355 - 1085
Ground water dist., nonmembers, mitigation, notice..... Ch.356 - 1089
Health, tobacco cessation programs, approp..... Ch.387 - 1208

DISTRICTS (Continued)
Highway commissioners, vacancy, qualifications..... Ch.165 - 499
Irrigation, elections notice/nomination/confirmation.... Ch.124 - 357
Irrigation, elections, votes based on assessed acres.... Ch.200 - 615
Irrigation, returned check handling fee increased..... Ch.255 - 792
Judicial, judges added, districts 1 and 3..... Ch.266 - 827
Legislative district central comm, meeting location..... Ch.397 - 1222
Water district meetings, notification..... Ch.146 - 458
Water/sewer, annexation election, no court filing..... Ch.167 - 515
DOCTORS
See PHYSICIANS AND SURGEONS
DOGS
See ANIMALS
DOMESTIC RELATIONS
Domestic legal union, man-woman only..... HJR 2 - 1359
Uniform Interstate Family Support Act amended..... Ch.252 - 762
DOMESTIC VIOLENCE
Advocates, Domestic Violence survivors, tax exempt..... Ch.316 - 983
Protection orders, duration, restrictions..... Ch.287 - 883
DONATIONS
See CONTRIBUTIONS; CHARITIES
DRIVERS
See also MOTOR VEHICLES; TRANSPORTATION
Approaching police/emergency vehicles, driver's duty.... Ch. 78 - 236
Auto insurance premium discount, drivers age 55+..... Ch. 30 - 92
Commercial drivers, licenses, violations, records..... Ch.164 - 488
Drunk driving, increase penalties..... Ch.261 - 800
Intoxication test, refusal, $250 civil penalty..... Ch.224 - 665
Military veteran motorcycle license plates..... Ch.120 - 337
Special license plates, breast cancer program..... Ch.176 - 541
Special license plates, Idaho Elks Rehab. Hospital..... Ch.118 - 331
Special license plates, National Rifle Association..... Ch. 41 - 119
Traffic light, detection of motorcycle, protocol..... Ch.381 - 1198
DRUGS
See CONTROLLED SUBSTANCES; PRESCRIPTIONS
ECONOMIC CONDITIONS
Budget Stabilization Fund, restore funds..... Ch. 4 - 25
ECONOMIC DEVELOPMENT
Eminent domain, no economic development use..... Ch. 96 - 270
Intermodal commerce authority laws revised..... Ch. 75 - 228
Media production company, sales tax rebate..... Ch.219 - 654
Rural economic development, integrated transport..... Ch.413 - 1251
Small Employer Incentive Act, amend..... Ch.314 - 974
EDUCATION
Bd, approp, colleges and universities..... Ch.273 - 844
Bd, approp, community college support..... Ch.271 - 842
Bd, approp, Historical Society..... Ch.404 - 1229
Bd, approp, Idaho School for Deaf and Blind..... Ch.403 - 1228
Bd, approp, medical education programs..... Ch.333 - 1036
Bd, approp, Office of..... Ch.409 - 1239
Bd, approp, Public Broadcasting System..... Ch.405 - 1230
Bd, approp, special programs..... Ch.434 - 1320
Bd, approp, State Library Bd..... Ch.426 - 1309
Bd, approp, Vocational Rehabilitation Division..... Ch.385 - 1206

EDUCATION (Continued)
Bd, rulemaking authority, student information system.... Ch.244 - 740
Bd, Special Programs, approp..... Ch.332 - 1035
Bd, Special Programs, approp, additional..... Ch. 10 - 30
Bd, study university personnel/recruitment issues..... HCR 65 - 1422
Bd, suspend sanctions on non-Title 1 schools..... HCR 66 - 1423
Civic and Historical Learning, summit and plan..... HCR 33 - 1396
Deaf/Blind School, services outside campus area..... Ch.383 - 1201
Dept, approp, additional, salary..... Ch.430 - 1316
Dept/Public Instruction Superintdt, approp amended..... Ch. 40 - 117
Dept/Public Instruction Superintendent, approp..... Ch.427 - 1310
Digital Learning Academy, risk management..... Ch.358 - 1091
Educational interpreters, deaf/blind students..... Ch.173 - 531
Educational Support Program, Facilities Div, approp..... Ch.423 - 1306
Educational support, out-of-state students..... Ch.418 - 1290
Elementary school teacher training, math/science..... HCR 58 - 1416
Engineering college courses, unlicensed instructors..... Ch.137 - 392
Instructional staff allowance, secondary schools..... Ch.412 - 1249
Learning Lab, donations, income tax credit..... Ch. 69 - 212
No Child Left Behind Act, exclude new students..... HJM 18 - 1374
Police training, financial aid, decertification..... Ch. 47 - 136
Postsecondary and proprietary schools, registration..... Ch.240 - 724
Postsecondary education, legislative study comm..... SCR132 - 1390
Professional-Technical Education Bd powers..... Ch. 84 - 247
Professional-Technical Education Bd, approp..... Ch.389 - 1210
Professional-Technical, approp, personnel cost..... Ch. 9 - 29
Public Education Stabilization Fund, approp..... Ch.432 - 1319
Public education, support federal revisions..... HJM 13 - 1371
Public Instruction Superintendent, salary increases..... Ch.431 - 1318
Public schools classified staff salary multiplier..... Ch.418 - 1290
Public schools, administrators, approp, salary index.... Ch.420 - 1299
Public schools, approp, children's programs division.... Ch.419 - 1296
Public schools, approp, operations division..... Ch.418 - 1290
Public schools, approp, teachers division..... Ch.417 - 1287
School facilities, cooperative funding program..... Ch.311 - 956
Student harassment/intimidation/bullying, policy..... Ch.313 - 969
Teacher salaries, experience factor, college..... Ch.260 - 799
Writing/math assessment test, new students exception.... Ch.357 - 1090
ELDERLY
See SENIOR CITIZENS
ELECTIONS
Bellevue City charter, amend election laws..... Ch.317 - 986
Campaign contribution limits, donor entities defined.... Ch. 23 - 80
City election procedures, deadlines revised..... Ch.105 - 288
Highway commissioners, vacancy, qualifications..... Ch.165 - 499
Irrigation district elections notice, nominations..... Ch.124 - 357
Irrigation district elections, one vote per acre..... Ch.200 - 615
Legislative district central comm, meeting location..... Ch.397 - 1222
Polling place watchers, new registrations, records..... Ch. 70 - 213
School districts, cooperative agency facility levy..... Ch.306 - 945
School elections, poll watchers, absentee vote..... Ch.232 - 689
Water/sewer district annexation, no court filing..... Ch.167 - 515

ELECTRICITY AND ELECTRICIANS
Building Safety Div, electrical license rules rejected.. HCR 55 - 1415
Coal-fired power plant, construction moratorium..... Ch.367 - 1105
Contractor license, revocation, insurance, status..... Ch. 83 - 245
Electrical generation plants, county-owned/operated..... Ch.210 - 639
License, staggered issuance/renewal schedule..... Ch. 82 - 244
Power plant, operating property, occupancy tax, roll.... Ch.302 - 930
ELECTRONIC TECHNOLOGY
Court fee payment, credit card, technology fund..... Ch. 73 - 226
Duplicating, electronic media, county recorder fees..... Ch.286 - 881
Health Quality Planning Com, information technology..... Ch.243 - 736
Personal information security breach, notification..... Ch.258 - 796
Prescription order, electronic/fax transmission..... Ch.290 - 888
Prescriptions database, purposes..... Ch.175 - 535
Student information system, Education Bd rules..... Ch.244 - 740
ELEVATORS AND ESCALATORS
Idaho Elevator Safety Fund established..... Ch. 81 - 243
EMERGENCIES
American Red Cross, tax refund donations..... Ch. 88 - 258
Approaching police/emergency vehicles, driver's duty.... Ch. 78 - 236
Citizens over 21, aid in law enforcement..... Ch. 53 - 163
Emergency communications fee, permitted expenditures.... Ch.238 - 722
Emergency Medical Services Physician Com created..... Ch.421 - 1301
Emergency veterinary facilities, requirements..... Ch.139 - 395
Explosives, false reports to emergency employees..... Ch. 46 - 135
Life-sustaining treatment orders, universal form..... HCR 40 - 1403
State of disaster, no restrictions on firearms..... Ch.264 - 818
EMERGENCY MEDICAL TECHNICIANS
See EMERGENCIES
EMINENT DOMAIN
Condemnation order, identify all rights taken..... Ch.450 - 1339
No economic development use, private parties..... Ch. 96 - 270
Possession by plaintiff, purposes deleted..... Ch.451 - 1340
Property value, highest prelitigation appraisal..... Ch.452 - 1343
EMPLOYERS AND EMPLOYEES
Early retirement, election to office, benefits..... Ch.185 - 585
Education Bd, study university personnel issues..... HCR 65 - 1422
Employer withholding, electronic filing, due dates..... Ch.195 - 599
Genetic Testing Privacy Act..... Ch.293 - 903
Health insurance, children & small employers..... Ch.270 - 839
Insurance plan discontinued, notice, options..... Ch.353 - 1079
Long-term care providers, background checks..... Ch.281 - 864
PERSI, separation benefit, contributions under $100..... Ch.152 - 467
PERSI, voluntary contributions, repeal and refund..... Ch.149 - 463
Public employee applicants, disclose names, consent..... Ch.352 - 1070
Public employee, deployed military, health benefits..... Ch.172 - 530
Public employee, disability retirement, eligibility..... Ch.148 - 462
Public, reemployed retirees, death benefits..... Ch.151 - 466
Public, retired, sick leave credit, premium types..... Ch.150 - 463
School lunch personnel retirement, funding..... Ch.259 - 798
Self-funded health care plans..... Ch.414 - 1256
State employee compensation philosophy and plan..... Ch.380 - 1174
State employee compensation/insurance, approp..... Ch.375 - 1119
State employee pay increases, approp..... Ch. 1 - 3

EMPLOYERS AND EMPLOYEES (Continued)
State employee, leave of absence for organ donation..... Ch.257 - 794
State employee, mental health insurance coverage..... Ch. 97 - 271
State employees, leave of absence, military duty..... Ch.171 - 530
Unemployment, payment overages/shortages, records..... Ch. 38 - 104
Veterans hiring preference, public employment..... Ch. 51 - 145
Worker's compensation coverage, no pecuniary benefit.... Ch.231 - 687
Workforce development training fund tax extended..... Ch. 13 - 31
EMPLOYMENT SECURITY LAW
Overpayments/shortages/repayments, records..... Ch. 38 - 104
Reserve tax okay in 2006 notwithstanding balance..... Ch. 48 - 139
Workforce development training fund tax extended..... Ch. 13 - 31
ENDANGERED SPECIES ACT
See CONSERVATION; WILDLIFE
ENDOWMENT FUNDS AND LANDS
Endowment Fund Investment Bd, approp, transfers..... Ch.327 - 1030
Funds gain/loss calculations..... Ch. 43 - 130
Millennium Permanent Endowment Fund created..... Ch.187 - 588
Millennium Permanent Endowment Fund created..... SJR107 - 1356
Permanent Fund, incorporate dividends/interest..... Ch. 44 - 133
ENERGY
Coal-fired power plant, construction moratorium..... Ch.367 - 1105
Electrical generation plants, county-owned/operated..... Ch.210 - 639
Energy development, encourage off-shore drilling..... HJM 25 - 1381
Energy/Environment/Technology Comm, energy plan..... HCR 62 - 1418
Idaho National Laboratory energy programs, support..... SJM114 - 1361
Power plant, operating property, occupancy tax, roll.... Ch.302 - 930
State energy plan consultants, approp..... Ch.377 - 1170
ENGINEERS AND SURVEYORS
Engineer license requirements; instructors..... Ch.137 - 392
ENTERTAINMENT
Media production company, sales tax rebate..... Ch.219 - 654
Movie theaters, beer/wine sales grandfathered in..... Ch.378 - 1170
ENVIRONMENT
Aquifer Protection Districts authorized..... Ch.304 - 937
Burning crop residue, conservation reserve lands..... Ch.121 - 338
Carbon Sequestration Com, membership..... Ch.217 - 651
Coal-fired power plant, construction moratorium..... Ch.367 - 1105
DEQ study, water/wastewater regional services..... SCR130 - 1389
DEQ water standards, attainable quality, arsenic..... HCR 64 - 1420
DEQ, approp, additional, Water Quality program..... Ch.442 - 1327
DEQ, approp, Treasure Valley Air Quality Fund..... Ch.441 - 1326
Drinking water, maximum arsenic, suspend enforcement.... SJM118 - 1362
Eastern Snake River Plain Aquifer management plan..... SCR136 - 1392
Endangered Species Act, Collaboration for Recovery..... HJM 16 - 1374
Energy development, encourage off-shore drilling..... HJM 25 - 1381
Energy/Environment/Technology Comm, energy plan..... HCR 62 - 1418
Environmental Quality Dept, approp..... Ch.349 - 1061
Property clean-up, financial assistance..... Ch.308 - 947
Uniform Environmental Covenants Act..... Ch. 15 - 34
Water quality, liner/reagent, sales tax exemption..... Ch.326 - 1029
ESTATES
Dry trusts, without assets, still valid..... Ch.161 - 481
Foreign guardianship/conservatorship, recognition..... Ch.182 - 564

ESTATES (Continued)
Guardian appointment, notice waived as to father..... Ch.180 - 558
Guardian choice, not by parent w/terminated rights..... Ch.183 - 581
Human remains disposition, guardians/conservators..... Ch.181 - 560
Medical assistance payments, recovery from estate..... Ch.179 - 553
Trusts established concurrently with will..... Ch.161 - 481
Uniform Probate Code, define "interested person"..... Ch.163 - 484
Value up to $100,000, collections by affidavit..... Ch.160 - 480
ETHICS
Campaign contributions, permitted/prohibited uses..... Ch. 36 - 99
Insurer prizes valued under $50 permitted..... Ch.212 - 642
Planning/zoning bd member testimony, conflict..... Ch.213 - 644
Public moneys misuse, financial transaction cards..... Ch.156 - 471
ETHNIC
Basque homeland, commend cessation of violence..... HJM 26 - 1382
EVIDENCE
Health care provider apologies inadmissible..... Ch.204 - 623
EXECUTIVE ORDERS
2005-05 thru 2005-25..... 1429
2006-01 thru 2006-08..... 1459
FAITH
See RELIGION AND CHURCHES
FARMS AND FARMING
See AGRICULTURE
FEDERAL LAWS AND RELATIONS
Federal Lands Recreation Act, outfitter/guide permits... HJM 20 - 1376
Federal Lands Recreation Enhancement Act, oppose..... HJM 14 - 1372
Government acknowledge God, no court jurisdiction..... SJM119 - 1364
Internal Revenue Code references updated..... Ch.242 - 736
Lake encroachment laws, excludes federal reservoirs..... Ch.111 - 304
No Child Left Behind Act, exclude new students..... HJM 18 - 1374
Public education, support federal revisions..... HJM 13 - 1371
S.B. 2110, amend Endangered Species Act..... HJM 16 - 1374
Sale of federal land in Idaho, oppose..... SJM120 - 1366
Secure Rural Schools Act, urge reauthorization..... HJM 21 - 1377
State-federal tax refund offset agreement..... Ch. 55 - 165
FEES
Attorney fees, small claims and appeals..... Ch.263 - 815
Brand renewal/inspection fees increased..... Ch.198 - 612
County recorder, duplicating onto electronic media..... Ch.286 - 881
Court fee payment, credit card, technology fund..... Ch. 73 - 226
Court filing fees increased..... Ch.267 - 828
Dentist/dental hygienist, licensing, renewal, fees..... Ch.285 - 873
Development impact fees, deadline, public hearings..... Ch.321 - 1019
Drug hotline fee, drug enforcement fund..... Ch.113 - 308
Emergency communications fee, permitted expenditures.... Ch.238 - 722
Grape growers/wine producers, tax, opt out..... Ch. 28 - 88
Hazardous waste permit, vendor remuneration..... Ch. 20 - 77
Horse Bd, $1 horse fee, paid assessment card..... Ch.202 - 618
Insurers, borrowed surplus, commission/expenses..... Ch. 25 - 83
Lake encroachment permit, application fees increased.... Ch.133 - 388
Landscape architect license requirements/exams/fees..... Ch.128 - 371
Leased vehicle transfer, 30-day unladen weight permit... Ch. 58 - 181
Liquor license fees, year-round resort..... Ch.449 - 1332

FEES (Continued)
Optometry Bd fees, Occupational Licenses Fund..... Ch. 54 - 164
Psychologist license renewal fee increase..... Ch. 52 - 163
Public lands, user fees, oppose..... HJM 14 - 1372
Public works contractor license fees..... Ch. 80 - 241
Vehicle registration fees, law enforcement program..... Ch.227 - 679
FINANCE
Consumer credit loan regulations amended..... Ch.122 - 339
Consumer title loans, lender licensing, regulation..... Ch.323 - 1023
Dept, approp..... Ch.390 - 1212
Dept, multistate automated mortgage licensing system.... Ch.410 - 1240
Endowment funds, gain/loss calculations..... Ch. 43 - 130
Financial transaction cards, public moneys misuse..... Ch.156 - 471
FINANCIAL INSTITUTIONS
See BANKS AND FINANCIAL INSTITUTIONS
FINANCIAL MANAGEMENT, DIVISION OF
Approp..... Ch.101 - 279
FINES
Abortion report, fail to provide, physician penalty..... Ch.438 - 1322
Drug enforcement fund, fine, 24-hour hotline..... Ch.113 - 308
Insurance license, administrative penalties, hearings... Ch. 49 - 141
Intoxicated drivers, refuse test, $250 civil penalty.... Ch.224 - 665
Retail sales without permit, civil penalty..... Ch. 61 - 190
Various crimes, fines increased..... Ch. 71 - 216
FIRE AND FIREFIGHTERS
Fire insurance cancellation, nonpayment, notice..... Ch.359 - 1091
Fire protection district laws revised..... Ch.318 - 988
Fire Suppression Deficiency Fund, approp..... Ch. 2 - 24
Nonprofit timber protective assns, limit liability..... Ch.153 - 467
Retired and incapacitated, benefits, no interest..... Ch.253 - 791
Retirement/death benefits, alternate payee..... Ch. 19 - 71
FIREARMS
See WEAPONS
FISH AND GAME
Animal Damage Control Fund, F&G funds..... Ch.230 - 686
Certain misdemeanors, extend prosecution, 5 years..... Ch.288 - 885
Dept, approp..... Ch. 99 - 274
Dept, wildlife rules rejected..... HCR 59 - 1416
Helicopter use in wilderness, monitor wolves..... HJM 11 - 1368
Hunt/fishing license, permanently disabled persons..... Ch.168 - 518
Idaho Birding Trail, official trail, support..... HCR 38 - 1401
License exempt, child, life-threatening condition..... Ch.169 - 520
License exemption, state long-term care residents..... Ch.145 - 457
Nonprofit shooting organization, sales tax exempt..... Ch.236 - 720
FOOD
Commercial feed, labeling, distribution, registration... Ch. 57 - 167
Hunger/food security summit, awareness month..... HCR 60 - 1417
Meat inspection laws repealed..... Ch. 94 - 267
FOREIGN RELATIONS
See INTERNATIONAL RELATIONS
FORESTS AND FORESTRY
Nonprofit timber protective assns, limit liability..... Ch.153 - 467
Product transport, year-round inspection exemption..... Ch.138 - 393
State-owned timber sales, measuring methods..... Ch.130 - 381

FRAUD
Public moneys misuse, financial transaction cards..... Ch.156 - 471
FUELS
Distributor license, revocation/suspension/penalties.... Ch. 60 - 186
Energy development, encourage off-shore drilling..... HJM 25 - 1381
Liquefied petroleum gas storage tank/pipe installers.... Ch.110 - 303
FUNDS
Abandoned mine reclamation..... Ch. 37 - 101
American Red Cross of Greater Idaho Fund created..... Ch. 88 - 258
Animal damage control, F&G funds..... Ch.230 - 686
Bond Levy Equalization Fund, continuous approp..... Ch.423 - 1306
Budget Stabilization Fund, restore funds..... Ch. 4 - 25
Catastrophic Health Care Cost Fund, approp..... Ch.331 - 1035
Catastrophic Health Care Cost Fund, approp, add'l..... Ch. 65 - 196
Court ISTARS technology fund, transaction fee..... Ch. 73 - 226
Cyanidation facility, close, delete lapse prohibition... Ch. 37 - 101
Drug enforcement, report, drug hotline fee..... Ch.113 - 308
Fire Suppression Deficiency Fund, approp..... Ch. 2 - 24
Hazardous Substance Emergency Response Fund, approp..... Ch. 2 - 24
Idaho Elevator Safety Fund established..... Ch. 81 - 243
Idaho Guard/Reserve Family Support Fund, interest..... Ch.370 - 1108
Idaho Historic Preservation/Cultural Enhancement..... Ch.119 - 334
Industrial special indemnity fund assess/report..... Ch.247 - 755
Millennium Income Fund, tobacco programs funding..... Ch.387 - 1208
Millennium Permanent Endowment Fund created..... Ch.187 - 588
Millennium Permanent Endowment Fund created..... SJR107 - 1356
Occupational Licenses, Optometry Bd fees..... Ch. 54 - 164
Permanent Building, approp to Public Works Div..... Ch.374 - 1117
Permanent Fund, incorporate dividends/interest..... Ch. 44 - 133
Pest Control Deficiency Fund, approp..... Ch. 2 - 24
Public Education Stabilization Fund, approp..... Ch.432 - 1319
Public Health Trust Fund, approp..... Ch.193 - 597
School facilities, cooperative funding program..... Ch.311 - 956
Senior Magistrate Judges Fund created..... Ch.267 - 828
Simulcast purse moneys fund, horsemen's agreements..... Ch.159 - 476
Surface mining reclamation, lapse prohibition deleted... Ch. 37 - 101
Workforce development training fund tax extended..... Ch. 13 - 31
GAMBLING
Horse racing, definitions added/amended..... Ch.147 - 461
Simulcast purse moneys fund, horsemen's agreements..... Ch.159 - 476
GAME
See FISH AND GAME; WILDLIFE
GANGS
See CRIMINAL OFFENSES AND PROCEDURES
GARNISHMENT
See DEBTORS AND CREDITORS
GASOLINE
See FUELS
GAY
See HOMOSEXUALITY
GIFTS
See CONTRIBUTIONS

GOVERNMENT
Administrative rules, continue in effect, exceptions.... Ch.425 - 1308
Bds/commissions/councils, per diem honorarium..... Ch.269 - 838
Campaign contributions, permitted/prohibited uses..... Ch. 36 - 99
Civic and Historical Learning, summit and plan..... HCR 33 - 1396
Condemnation order, identify all rights taken..... Ch.450 - 1339
Destroyed animals, maximum government compensation..... Ch. 93 - 267
Development impact fees, deadline, public hearings..... Ch.321 - 1019
Digital Learning Academy, risk management..... Ch.358 - 1091
Early retirement, election to office, benefits..... Ch.185 - 585
Eminent domain property possession, delete purposes..... Ch.451 - 1340
Eminent domain value, highest appraisal..... Ch.452 - 1343
Eminent domain, no economic development use..... Ch. 96 - 270
Employee property, invalid property lien, penalties..... Ch. 32 - 95
Facilities needs planning, Water Resources Bd/Dept..... Ch.205 - 624
Government, acknowledge God, no court jurisdiction..... SJM119 - 1364
H&W Dept property transfer to Veterans Services Div..... Ch. 33 - 96
Idaho State Government Information Center abolished..... Ch.235 - 701
Legislator, resignation, emergency interim successor.... Ch. 34 - 97
Lobbying, register/reporting, executive officials..... Ch.106 - 293
PERSI, separation benefit, contributions under $100..... Ch.152 - 467
PERSI, voluntary contributions, repeal and refund..... Ch.149 - 463
Public agency self-funded health care plans..... Ch.415 - 1271
Public bids, cancelled, not public records..... Ch. 62 - 192
Public employee applicants, disclose names, consent..... Ch.352 - 1070
Public employee, deployed military, health benefits..... Ch.172 - 530
Public employee, disability retirement, eligibility..... Ch.148 - 462
Public moneys misuse, financial transaction cards..... Ch.156 - 471
Public records, electronic format, conversion..... Ch.103 - 283
Reemployed retirees, death benefits..... Ch.151 - 466
Retired employees, sick leave credit, premium types..... Ch.150 - 463
State elective officers, salary increases..... Ch.431 - 1318
State employee compensation philosophy and plan..... Ch.380 - 1174
State employee compensation revisions, approp..... Ch.375 - 1119
State employee pay increases, approp..... Ch. 1 - 3
State employee, leave of absence for organ donation..... Ch.257 - 794
State employee, mental health insurance coverage..... Ch. 97 - 271
State employees, leave of absence, military duty..... Ch.171 - 530
State library reorganization, Com for Libraries..... Ch.235 - 701
Veterans hiring preference, public employment..... Ch. 51 - 145
Water Resources Dept, exclusive authority..... Ch.256 - 793
GOVERNOR
Approp, additional, salary..... Ch.430 - 1316
Executive Orders
2005-05 thru 2005-25..... 1429
2006-01 thru 2006-08..... 1459
Lobbying, register/reporting, executive officials..... Ch.106 - 293
Office of, approp..... Ch.100 - 278
Office of, approp, Arts Com..... Ch.340 - 1045
Office of, approp, Blind/Visually Impaired Com..... Ch.388 - 1209
Office of, approp, Com on Aging..... Ch.191 - 595
Office of, approp, Financial Management Division..... Ch.101 - 279
Office of, approp, Human Resources Division..... Ch.324 - 1028
Office of, approp, Human Rights Com..... Ch.339 - 1045

GOVERNOR (Continued)
Office of, approp, Idaho Women's Com..... Ch.391 - 1213
Office of, approp, Military Division..... Ch.274 - 846
Office of, approp, PERSI..... Ch.337 - 1042
Office of, approp, Species Conservation Office..... Ch. 98 - 273
Office of, approp, State Liquor Dispensary..... Ch.392 - 1214
Office of, Arts Com, approp, additional..... Ch. 7 - 27
Office of, Blind/Visually Impaired Com, approp..... Ch. 11 - 30
Office of, Military Div, approp, additional..... Ch. 3 - 25
Office, Military Div, approp, Hazardous Substance Fund.. Ch. 2 - 24
Salary increase..... Ch.431 - 1318
State of disaster, no restrictions on firearms..... Ch.264 - 818
State of the State address..... HCR 30 - 1394
GUARDIANS AND CONSERVATORS
Authority, when, disposition of human remains..... Ch.181 - 560
Foreign guardianship/conservatorship, recognition..... Ch.182 - 564
Guardian appointment, notice waived as to father..... Ch.180 - 558
Parental rights termination voids right to appoint..... Ch.183 - 581
GUNS
See WEAPONS
HANDICAPPED
See DISABLED
HAZARDOUS SUBSTANCES
Hazardous Substance Emergency Response Fund, approp..... Ch. 2 - 24
Hazardous waste permit, vendor remuneration..... Ch. 20 - 77
Idaho National Laboratory energy programs, support..... SJM114 - 1361
HEALTH
Benefits, deployed military, first thirty days..... Ch.172 - 530
Breast cancer screening, special license plates..... Ch.176 - 541
Burning crop residue, conservation reserve lands..... Ch.121 - 338
Catastrophic Health Care Cost Fund, approp..... Ch.331 - 1035
Catastrophic Health Care Cost Fund, approp, add'l..... Ch. 65 - 196
Colorectal Cancer Awareness Month, March 2006..... HCR 34 - 1397
Cosmetology instruments, disinfecting agent, type..... Ch.411 - 1242
Districts, tobacco cessation programs, approp..... Ch.387 - 1208
Drinking water, maximum arsenic, suspend enforcement.... SJM118 - 1362
Facility, prescription drug order, transmission..... Ch.290 - 888
Genetic Testing Privacy Act..... Ch.293 - 903
Health care directive registration..... Ch. 67 - 198
Health care provider apologies inadmissible..... Ch.204 - 623
Health Care Task Force, duties..... Ch.280 - 862
Health Quality Planning Com, information technology..... Ch.243 - 736
Insurance plan discontinued, notice, options..... Ch.353 - 1079
Insurance, children/small employers, eligibility..... Ch.270 - 839
Life-sustaining treatment orders, universal form..... HCR 40 - 1403
Long-term care provides, background checks..... Ch.281 - 864
Medicaid cost-sharing premium, personal health account.. HCR 50 - 1410
Medicaid for workers with disabilities..... Ch.174 - 533
Medicaid, personal health accounts, copayments..... Ch.305 - 943
Medical providers, support/accept military insurance.... HCR 39 - 1402
Mental health insurance coverage, state employees..... Ch. 97 - 271
Public agency self-funded health care plans..... Ch.415 - 1271
Public employees, sick leave credit, premium types..... Ch.150 - 463
Public Health Trust Fund, approp..... Ch.193 - 597

HEALTH (Continued)
Self-funded health care plans..... Ch.414 - 1256
World Health Organization, participation by Taiwan..... HJM 22 - 1380
HEALTH AND WELFARE DEPARTMENT
Administrative fee rules, Residential Care, rejected.... SCR128 - 1387
Approp amended, Medical Assistance Services..... Ch.188 - 591
Approp, add'l., psychiatric hospitalization..... Ch.215 - 650
Approp, add'l., public health services..... Ch. 66 - 197
Approp, Child Welfare Program..... Ch.344 - 1053
Approp, Community Developmental Disabilities, add'l..... Ch. 64 - 195
Approp, Community Developmental Disability Services..... Ch.348 - 1059
Approp, Community Mental Health program..... Ch.396 - 1221
Approp, Independent Councils..... Ch.347 - 1057
Approp, Indirect Support Services..... Ch.346 - 1056
Approp, Medical Assistance Services..... Ch.376 - 1166
Approp, mental health services..... Ch.371 - 1109
Approp, Physical Health Services..... Ch.458 - 1354
Approp, psychiatric hospitalization..... Ch.372 - 1111
Approp, Welfare Division..... Ch.190 - 593
Approp, Welfare Division..... Ch.345 - 1054
Background checks, long-term care providers..... Ch.281 - 864
Certified home violation, complainant's identity..... Ch.282 - 866
Dept, approp, Public Health Services..... Ch.373 - 1113
Developmental disability evaluation com members..... Ch.284 - 871
H&W Bd, membership, meetings, powers and duties..... Ch.416 - 1282
Health Quality Planning Com, information technology..... Ch.243 - 736
Idaho Medicaid Simplification Act..... Ch.278 - 853
Intermediate care facility, dispute resolution..... SCR124 - 1385
Life-sustaining treatment orders, universal form..... HCR 40 - 1403
Medicaid applicants, enroll in Medicare..... HCR 53 - 1413
Medicaid for workers with disabilities..... Ch.174 - 533
Medicaid payments, dentist reimbursement rates..... Ch.382 - 1200
Medicaid, caregiver respite support services..... Ch.437 - 1321
Medicaid, limit number of providers, consolidation..... HCR 51 - 1411
Medicaid, personal health accounts, copayments..... Ch.305 - 943
Medicaid, reduce mental health benefits..... HCR 48 - 1407
Medicaid, seniors, long-term care options counseling.... HCR 52 - 1412
Medicaid/Medicare, integrate prescription benefits..... HCR 49 - 1409
Medical assistance payments, recovery from estate..... Ch.179 - 553
Medical assistance rules rejected..... SCR126 - 1386
Mental health patients, detain/transfer..... Ch.214 - 644
Personal care services, physician order deleted..... Ch.283 - 869
Property transfer to Veterans Services Div..... Ch. 33 - 96
Substance abuse, prevent/treat, interagency comm..... Ch.407 - 1232
Substance abuse/mental health services, study comm..... HCR 63 - 1419
HEATING AND COOLING
Heating material production, sales tax exemption..... Ch.315 - 980
HELICOPTERS
See AIRPLANES AND AIRCRAFT
HIGHER EDUCATION
See COLLEGES AND UNIVERSITIES; EDUCATION
HIGHWAYS
Approaching police/emergency vehicles, driver's duty.... Ch. 78 - 236
Dealer plates, use on vehicle-laden trailers..... Ch.223 - 664

HIGHWAYS (Continued)
District commissioners, vacancy, qualifications..... Ch.165 - 499
GARVEE bonding authority, legislative intent..... Ch.457 - 1353
Hazardous waste permit, vendor remuneration..... Ch. 20 - 77
Leased vehicle transfer, 30-day unladen weight permit... Ch. 58 - 181
Maximum load on tires, single tire restrictions..... Ch.351 - 1069
Traffic light, detection of motorcycle, protocol..... Ch.381 - 1198
HISTORICAL SOCIETY
Approp..... Ch.404 - 1229
Approp, Capitol Restoration/Relocation Act..... Ch.455 - 1347
HISTORY
Historic preservation, special license plates..... Ch.119 - 334
Patriot's Day, April 19th, American Revolutionary War... HCR 46 - 1405
HOLIDAYS AND DAYS
Bullying Awareness Week, Sept. 10-16, 2006..... HCR 32 - 1395
Colorectal Cancer Awareness Month, March 2006..... HCR 34 - 1397
Hunger/food security summit, awareness month..... HCR 60 - 1417
Missing Persons Day proclaimed, September 14th..... HCR 45 - 1404
Patriot's Day, April 19th, American Revolutionary War... HCR 46 - 1405
HOMES
Certified home violation, complainant's identity..... Ch.282 - 866
Debtor's homestead exemption, value increased..... Ch.262 - 814
Manufactured, construction/safety standards..... Ch. 79 - 237
Property tax relief, maximum income and reductions..... Ch.350 - 1065
State veterans homes, spouses/widows..... Ch. 50 - 144
Tax exemption, homestead increases, cost-of-living..... Ch.429 - 1312
HOMOSEXUALITY
Domestic legal union, man-woman only..... HJR 2 - 1359
HORSE RACING
See RACING
HOSPITALS
Health care provider apologies inadmissible..... Ch.204 - 623
Hospital personal property, tax exemption..... Ch.319 - 1016
Idaho Elks Rehab. Hospital, special license plates..... Ch.118 - 331
Long-term care provides, background checks..... Ch.281 - 864
Mental health patients, detain/transfer..... Ch.214 - 644
State facility residents, F&G license exemption..... Ch.145 - 457
Worker's compensation, no balance billing of worker..... Ch.206 - 626
HOUSE OF REPRESENTATIVES
Legislative committee meetings, when closed..... Ch.439 - 1325
Legislator, resignation, emergency interim successor.... Ch. 34 - 97
HUMAN RESOURCES DIVISION
Approp..... Ch.324 - 1028
State employee compensation philosophy and plan..... Ch.380 - 1174
State employee compensation revisions, approp..... Ch.375 - 1119
State employee pay increases, approp..... Ch. 1 - 3
HUMAN RIGHTS
Com, approp..... Ch.339 - 1045
HUMAN TRAFFICKING
See CRIMINAL OFFENSES AND PROCEDURES
HUNTING
See FISH AND GAME
IDAHO CODE
See CODES

IDAHO HOUSING AND FINANCE ASSOCIATION
State highways, GARVEE bonding authority..... Ch.457 - 1353
IMMUNITY
See LIABILITY
INCOME TAX
See TAX AND TAXATION, INCOME
INDIGENTS
See PUBLIC ASSISTANCE
INDUSTRIAL COMMISSION
Administrative rules, not approved/extended..... SCR129 - 1388
Approp..... Ch.393 - 1216
Industrial commissioner salaries, approp, add'l..... Ch.424 - 1307
Industrial commissioners, salary increase..... Ch.368 - 1106
Industrial special indemnity fund assess/report..... Ch.247 - 755
Unemployment, overpayments/shortages, records..... Ch. 38 - 104
INFORMATION TECHNOLOGY
See ELECTRONIC TECHNOLOGY
INFRASTRUCTURE
Development impact fees, deadline, public hearings..... Ch.321 - 1019
Rural economic development, integrated transport..... Ch.413 - 1251
INITIATIVES AND REFERENDUMS
See also ELECTIONS; VOTING AND VOTERS
INL (FORMERLY INEEL OR INEL)
See ENERGY
INSECTS
Beekeeping permit laws revised, registered beekeepers... Ch. 86 - 251
Honey-beekeepers, registration, research, hobbyists..... Ch. 87 - 256
INSPECTIONS AND INSPECTORS
Agriculture/forest product carriers, no inspection..... Ch.138 - 393
Meat inspection laws repealed..... Ch. 94 - 267
Trucking weigh stations, qualifying vehicles..... Ch. 31 - 93
INSURANCE
Administrators, applicant fees, renewal periods..... Ch. 45 - 134
Auto insurance premium discount, drivers age 55+..... Ch. 30 - 92
County self-insured risk programs, fund balance..... Ch. 21 - 78
Crime victims, maximum mental health benefits..... Ch.291 - 895
Dept, approp..... Ch.335 - 1040
Digital Learning Academy, risk management..... Ch.358 - 1091
Domestic reciprocal insurer, subscriber definition..... Ch.199 - 614
Fire policy cancellation, nonpayment, notice..... Ch.359 - 1091
Genetic Testing Privacy Act..... Ch.293 - 903
Health benefits, deployed military, first 30 days..... Ch.172 - 530
Health Care Task Force, duties..... Ch.280 - 862
Health plans, discontinuance, notice and options..... Ch.353 - 1079
Health, children/small employer program eligibility..... Ch.270 - 839
Industrial special indemnity fund assess/report..... Ch.247 - 755
Insurer assets, good will, NAIC standard..... Ch.207 - 636
Insurer investments, foreign securities..... Ch. 27 - 86
Insurer prizes valued under $50 permitted..... Ch.212 - 642
Insurers, borrowed surplus, commission/expenses..... Ch. 25 - 83
License denial, penalties, hearings procedure..... Ch. 49 - 141
Medical providers, support/accept military insurance.... HCR 39 - 1402
Mental health insurance coverage, state employees..... Ch. 97 - 271
Mortgage investment, seller equity, commercial loan..... Ch. 26 - 84

INSURANCE (Continued)
Petroleum clean water trustee salary, retirement..... Ch.140 - 402
Public agency self-funded health care plans..... Ch.415 - 1271
Public employees, sick leave credit, premium types..... Ch.150 - 463
Self-funded health care plans..... Ch.414 - 1256
Vehicle insurance, required for dealer license..... Ch.208 - 637
INTERNATIONAL RELATIONS
American agriculture standards, international trade..... HJM 12 - 1369
Basque homeland, commend cessation of violence..... HJM 26 - 1382
Insurer investments, foreign securities..... Ch. 27 - 86
International adoption, papers to be filed with court... Ch. 77 - 234
Olympic games, honor Idaho athletes..... SCR123 - 1384
World Health Organization, participation by Taiwan..... HJM 22 - 1380
INTERNET
See ELECTRONIC TECHNOLOGY
INTERSTATE COMPACTS
See MULTISTATE COMPACTS AND AGREEMENTS
INVESTMENTS
Bioscience tax/investment incentives, task force..... HCR 54 - 1413
Capital, income tax credit, recapture of exemption..... Ch.195 - 599
Endowment funds, gain/loss calculations..... Ch. 43 - 130
Idaho Guard/Reserve Family Support Fund, interest..... Ch.370 - 1108
Insurer investments, foreign securities..... Ch. 27 - 86
Permanent Fund, incorporate dividends/interest..... Ch. 44 - 133
State money, bond investments, time limit deleted..... Ch. 17 - 65
Tobacco, Millennium Permanent Endowment Fund..... Ch.187 - 588
IRRIGATION
District elections notice, nominations, confirmation.... Ch.124 - 357
District elections, votes based on assessed acres..... Ch.200 - 615
Districts, returned check handling fee increased..... Ch.255 - 792
Ground water dist., nonmembers, mitigation, notice..... Ch.356 - 1089
Nonirrigator ground water dist. members, mitigation..... Ch.355 - 1085
Water project costs, maximum loan, approval deleted..... Ch.126 - 362
JAILS
See also PRISONS AND PRISONERS; CORRECTIONS
Detention deputy, concealed weapon permit exception..... Ch.114 - 309
JUDGES
See also COURTS
Additional judges, judicial districts 1 and 3..... Ch.266 - 827
Judge N. Randy Smith, support 9th Circuit nomination.... SJM113 - 1360
Judge/justice salary increases..... Ch.369 - 1107
Retirement and compensation rulemaking authority..... Ch. 72 - 225
Retirement, PERSI, senior magistrate judges..... Ch.267 - 828
JUVENILES
Bullying Awareness Week, Sept. 10-16, 2006..... HCR 32 - 1395
Corrections Dept, approp amended..... Ch. 68 - 210
Corrections, court's preliminary inquiry optional..... Ch.177 - 543
Corrections, dept employees, minimum training..... Ch.246 - 752
Idaho Drug-Free Youth, donations, tax credit..... Ch.309 - 952
Juvenile Corrections Dept, approp..... Ch.300 - 921
Organ donors, age 16-17, written parental consent..... Ch.265 - 820
Project P.A.T.C.H., donations, tax credit..... Ch.307 - 946
Project Safe Place, donations, income tax credit..... Ch.209 - 638
Statutory rape, teens, no sex offender registry..... Ch.408 - 1237

LABOR
See also EMPLOYERS AND EMPLOYEES
Genetic Testing Privacy Act..... Ch.293 - 903
Labor union political campaign limits, attribution..... Ch. 23 - 80
Worker's compensation coverage, no pecuniary benefit.... Ch.231 - 687
LAKES
Encroachment laws, excludes federal reservoirs..... Ch.111 - 304
Encroachment permit documentation, applications..... Ch.135 - 390
Encroachment permit, application fees increased..... Ch.133 - 388
Encroachment permit, recording required..... Ch.132 - 385
Encroachments, community navigational use..... Ch.131 - 381
Encroachments, line of navigability definition..... Ch.134 - 389
LAND USE
Coal-fired power plant, construction moratorium..... Ch.367 - 1105
Planning/zoning bd member testimony, conflict..... Ch.213 - 644
LANDLORDS AND TENANTS
Eviction action, tenant at sufferance..... Ch.248 - 756
LANDS
Conservation reserve lands, burning crop residue..... Ch.121 - 338
Dept, administrative fee rules rejected..... SCR128 - 1387
Dept, approp..... Ch.341 - 1046
Dept, approp, Fire Suppression Deficiency Fund..... Ch. 2 - 24
Encroachment permit documentation, applications..... Ch.135 - 390
Encroachment permit, recording required..... Ch.132 - 385
Encroachments, community navigational use..... Ch.131 - 381
Endowment Fund Investment Bd, approp, transfers..... Ch.327 - 1030
Endowment funds, gain/loss calculations..... Ch. 43 - 130
Federal Lands Recreation Act, outfitter/guide permits... HJM 20 - 1376
Federal Lands Recreation Enhancement Act, oppose..... HJM 14 - 1372
Federal lands, state management, fee allocation..... HJM 21 - 1377
Lake encroachment permit, application fees increased.... Ch.133 - 388
Lake encroachments, line of navigability..... Ch.134 - 389
Landowner liability limited, recreation, airstrips..... Ch.279 - 861
Permanent Fund, incorporate dividends/interest..... Ch. 44 - 133
Pest infestation, eradication, state funds..... Ch.197 - 611
Recording a survey, new monuments..... Ch.136 - 391
Sale of federal land in Idaho, oppose..... SJM120 - 1366
State-owned timber sales, measuring methods..... Ch.130 - 381
Uniform Environmental Covenants Act..... Ch. 15 - 34
LANDSCAPE ARCHITECTS
Licensing requirements, exams, fees..... Ch.128 - 371
LAW ENFORCEMENT
Animal cruelty laws enforcement/seizure/proceedings..... Ch.170 - 523
Approaching police/emergency vehicles, driver's duty.... Ch. 78 - 236
Citizens over 21, aid in law enforcement..... Ch. 53 - 163
Death, failure to report to police, penalties..... Ch.239 - 724
Parking violations in state parks, enforcement..... Ch.221 - 660
Police training, financial aid, decertification..... Ch. 47 - 136
Probation/parole officers, detain mentally ill..... Ch. 91 - 265
Project Choice program, vehicle registration fees..... Ch.227 - 679
Public safety wireless, interoperability council..... Ch.292 - 899
LAWYERS
See ATTORNEYS

LEASES
See also LANDLORDS AND TENANTS
Leased vehicle transfer, 30-day unladen weight permit... Ch. 58 - 181
LEGISLATIVE COUNCIL
Approp..... Ch.189 - 592
Approp, Capitol Restoration/Relocation Act..... Ch.455 - 1347
Approp, Energy Comm, energy plan consultants..... Ch.377 - 1170
Legislative Services Director Carl F. Bianchi, honor.... HCR 67 - 1424
LEGISLATIVE SERVICES
See LEGISLATIVE COUNCIL
LEGISLATURE
Approval deleted, maximum Water Resources loans..... Ch.126 - 362
Governor's State of the State address..... HCR 30 - 1394
Health Care Task Force, duties..... Ch.280 - 862
Legislative committee meetings, when closed..... Ch.439 - 1325
Legislative district central comm, meeting location..... Ch.397 - 1222
Legislator, resignation, emergency interim successor.... Ch. 34 - 97
LIABILITY
Health care provider apologies inadmissible..... Ch.204 - 623
Landowner liability limited, recreation, airstrips..... Ch.279 - 861
Nonprofit timber protective assns, limit liability..... Ch.153 - 467
PERSI Bd member, defend and indemnify, when..... Ch.268 - 833
Self-defense, justified, civil immunity..... Ch.453 - 1345
Vehicle insurance, required for dealer license..... Ch.208 - 637
LIBRARIES AND LIBRARIANS
Idaho State Government Information Center abolished..... Ch.235 - 701
State Library Bd, approp..... Ch.426 - 1309
State library reorganization, Com for Libraries..... Ch.235 - 701
LICENSE PLATES
See MOTOR VEHICLES
LICENSES
Animal permits, zoos/fur farms, regulation..... Ch.226 - 677
Architects, technical submissions, sign/seal..... Ch.127 - 365
Beekeeping permit laws revised, registered beekeepers... Ch. 86 - 251
Beer/wine sales, movie theaters grandfathered in..... Ch.378 - 1170
Building Safety Div, electrical license rules rejected.. HCR 55 - 1415
Cigarette sales permit, revocation/penalties..... Ch. 60 - 186
Commercial drivers, licenses, violations, records..... Ch.164 - 488
Concealed weapon permit exception, detention deputy..... Ch.114 - 309
Concealed weapons, permit renewal, exempt property..... Ch.294 - 906
Consumer title loans, lender licensing, regulation..... Ch.323 - 1023
Dentist/dental hygienist, licensing, renewal, fees..... Ch.285 - 873
Electric contractor, revocation, insurance, status..... Ch. 83 - 245
Electrical, staggered issuance/renewal schedule..... Ch. 82 - 244
F&G, certain misdemeanors, 5 years to prosecute..... Ch.288 - 885
F&G, child with life-threatening medical condition..... Ch.169 - 520
F&G, exemption, state long-term care residents..... Ch.145 - 457
Federal Lands Recreation Act, outfitter/guide permits... HJM 20 - 1376
Fuel distributors, revocation/suspension/penalties..... Ch. 60 - 186
Haircutter training, license, fees..... Ch.411 - 1242
Hunt/fishing license, permanently disabled persons..... Ch.168 - 518
Insurance administrator applicant fees, renewals..... Ch. 45 - 134
Insurance, denial, penalties, hearings procedure..... Ch. 49 - 141
Landscape architect license requirements/exams/fees..... Ch.128 - 371

LICENSES (Continued)
Leased vehicle transfer, 30-day unladen weight permit... Ch. 58 - 181
Liquefied petroleum gas storage tank/pipe installers.... Ch.110 - 303
Liquor license fees, year-round resort..... Ch.449 - 1332
Mortgage brokering/lending, license required..... Ch.123 - 356
Mortgage, applicants, criminal history record checks.... Ch.410 - 1240
Mortgages, multistate automated licensing system..... Ch.410 - 1240
Optometry Bd fees, Occupational Licenses Fund..... Ch. 54 - 164
Physical Therapy Licensure Bd, powers/duties..... Ch.116 - 314
Psychologist license renewal fee increase..... Ch. 52 - 163
Public works contractor license fees..... Ch. 80 - 241
Real estate licensing and education requirements..... Ch.166 - 500
Reconstructed vehicle, salvage certificate of title..... Ch.102 - 279
Residential care facility administrator licensing..... Ch.125 - 360
Retail sales without permit, civil penalty..... Ch. 61 - 190
Utility-type vehicle, registration, title..... Ch. 42 - 121
Vehicle insurance, required for dealer license..... Ch.208 - 637
Vehicle manufacturer, established Idaho business..... Ch.108 - 301
Wine direct shipper permits, excise tax..... Ch. 29 - 89
LIENS
Government employee, invalid property lien, penalties... Ch. 32 - 95
LIEUTENANT GOVERNOR
Approp..... Ch.275 - 847
Approp, additional, salary..... Ch.430 - 1316
Salary increase..... Ch.431 - 1318
LIQUOR
Alcohol w/out liquid devices, misdemeanor, nuisance..... Ch.254 - 791
Beer/wine sales, movie theaters grandfathered in..... Ch.378 - 1170
Drunk driving, increase penalties..... Ch.261 - 800
Intoxicated drivers, refuse test, $250 civil penalty.... Ch.224 - 665
License fees, year-round resort..... Ch.449 - 1332
Liquor Account, funds distribution..... Ch.289 - 886
Liquor stores, sales of liquor-related merchandise..... Ch. 18 - 68
State Liquor Dispensary, approp..... Ch.392 - 1214
Substance abuse, prevent/treat, interagency comm..... Ch.407 - 1232
Wine direct shipper permits, excise tax..... Ch. 29 - 89
LITERACY
Learning Lab, donations, income tax credit..... Ch. 69 - 212
LITIGATION
Landowner liability limited, recreation, airstrips..... Ch.279 - 861
Northern Idaho Water Rights Adjudication, approp..... Ch.400 - 1223
Northern Idaho water rights adjudication, commence..... Ch.222 - 660
PERSI Bd member, defend and indemnify, when..... Ch.268 - 833
Real property claims, twenty year time period..... Ch.158 - 474
School facilities, cooperative funding program..... Ch.311 - 956
Small claims/magistrate, threshold amount, fees..... Ch.263 - 815
Small lawsuit resolution act, expiration repealed..... Ch.141 - 403
Unlawful detainer, tenant at sufferance..... Ch.248 - 756
LIVESTOCK
Brand renewal/inspection fees increased..... Ch.198 - 612
Brucellosis reactor branding, USDA standards..... Ch.216 - 651
Commercial feed, labeling, distribution, registration... Ch. 57 - 167
Concentrated animal feeding operations, capacity..... Ch.218 - 652
Destroyed animals, maximum government compensation..... Ch. 93 - 267

LIVESTOCK (Continued)
Horse Bd, $1 horse fee, paid assessment card..... Ch.202 - 618
Meat inspection laws repealed..... Ch. 94 - 267
LIVING WILLS
See MEDICAL
LOANS
Consumer credit loan regulations amended..... Ch.122 - 339
Consumer title loans, lender licensing, regulation..... Ch.323 - 1023
Insurers, borrowed surplus, commission/expenses..... Ch. 25 - 83
Mortgage investment, seller equity, commercial loan..... Ch. 26 - 84
Water Resources Bd, project loans, approval deleted..... Ch.126 - 362
LOBBYING AND LOBBYISTS
Lobbying, register/reporting, executive officials..... Ch.106 - 293
LOGGING AND LUMBER
Forest product transport, inspection exemption..... Ch.138 - 393
State-owned timber sales, measuring methods..... Ch.130 - 381
LOTTERY, STATE
Approp..... Ch.336 - 1041
LOW-INCOME
See PUBLIC ASSISTANCE
MAGISTRATES
See JUDGES
MANUFACTURED HOMES
See HOMES
MARKETING
See SALES
MARRIAGE
See DOMESTIC RELATIONS
MEAT
See FOOD
MEDIATION AND ARBITRATION
Dispute resolution, intermediate care facility..... SCR124 - 1385
MEDICAL
Abortion report, fail to provide, physician penalty..... Ch.438 - 1322
Benefits, deployed military, first thirty days..... Ch.172 - 530
Breast cancer screening, special license plates..... Ch.176 - 541
Colorectal Cancer Awareness Month, March 2006..... HCR 34 - 1397
Creutzfeldt-Jakob disease, duty to autopsy..... Ch.241 - 735
Emergency Medical Services Physician Com created..... Ch.421 - 1301
Emergency veterinary facilities, requirements..... Ch.139 - 395
Genetic Testing Privacy Act..... Ch.293 - 903
Health care directive registration..... Ch. 67 - 198
Health care provider apologies inadmissible..... Ch.204 - 623
Health Quality Planning Com, information technology..... Ch.243 - 736
Idaho Medicaid Simplification Act..... Ch.278 - 853
Insurance plan discontinued, notice, options..... Ch.353 - 1079
Insurance, children/small employers, eligibility..... Ch.270 - 839
Life-sustaining treatment orders, universal form..... HCR 40 - 1403
Live organ donation expenses, income tax credit..... Ch.312 - 968
Medicaid applicants, enroll in Medicare..... HCR 53 - 1413
Medicaid cost-sharing premium, personal health account.. HCR 50 - 1410
Medicaid for workers with disabilities..... Ch.174 - 533
Medicaid, caregiver respite support services..... Ch.437 - 1321
Medicaid, limit number of providers, consolidation..... HCR 51 - 1411

MEDICAL (Continued)
Medicaid, personal health accounts, copayments..... Ch.305 - 943
Medicaid, reduce mental health benefits..... HCR 48 - 1407
Medicaid, seniors, long-term care options counseling.... HCR 52 - 1412
Medicaid/Medicare, integrate prescription benefits..... HCR 49 - 1409
Medical education programs, approp..... Ch.333 - 1036
Medical providers, support/accept military insurance.... HCR 39 - 1402
Mental health insurance coverage, state employees..... Ch. 97 - 271
Mental health patients, detain/transfer..... Ch.214 - 644
Mental Health State Planning Council, duties..... Ch.277 - 848
Optometry Bd, fees, Occupational Licenses Fund..... Ch. 54 - 164
Organ donation, state employee leave of absence..... Ch.257 - 794
Organ donors, age 16-17, written parental consent..... Ch.265 - 820
Personal care services, physician order deleted..... Ch.283 - 869
Public agency self-funded health care plans..... Ch.415 - 1271
Self-funded health care plans..... Ch.414 - 1256
Valid prescription drug orders, patient relationship.... Ch.117 - 330
Worker's compensation, no balance billing of worker..... Ch.206 - 626
MEDICAL ASSISTANCE
See PUBLIC ASSISTANCE
MEDICARE AND MEDICAID
See PUBLIC ASSISTANCE; MEDICAL
MEETINGS, PUBLIC
Legislative committee meetings, when closed..... Ch.439 - 1325
MEMORIALS
American agriculture standards, international trade..... HJM 12 - 1369
Basque homeland, commend cessation of violence..... HJM 26 - 1382
Drinking water, maximum arsenic, suspend enforcement.... SJM118 - 1362
Endangered Species Act, Collaboration for Recovery..... HJM 16 - 1374
Energy development, encourage off-shore drilling..... HJM 25 - 1381
Federal Lands Recreation Act, outfitter/guide permits... HJM 20 - 1376
Federal Lands Recreation Enhancement Act, oppose..... HJM 14 - 1372
Federal lands, state management, fee allocation..... HJM 21 - 1377
Government, acknowledge God, no court jurisdiction..... SJM119 - 1364
Helicopter use in wilderness, monitor wolves..... HJM 11 - 1368
Idaho National Laboratory energy programs, support..... SJM114 - 1361
Judge N. Randy Smith, support 9th Circuit nomination.... SJM113 - 1360
No Child Left Behind Act, exclude new students..... HJM 18 - 1374
Public education, support federal revisions..... HJM 13 - 1371
Sale of federal land in Idaho, oppose..... SJM120 - 1366
Wolves, alternative strategies to delist..... HJM 10 - 1367
World Health Organization, participation by Taiwan..... HJM 22 - 1380
MENTAL HEALTH
Court probationer, violation, arrest..... Ch.143 - 404
Crime victims, maximum mental health benefits..... Ch.291 - 895
Criminal offenders' mental health records, disclosure... Ch. 92 - 266
Detaining patient, observation, diagnosis, care..... Ch.214 - 644
Drug/mental health program completion, discharge..... Ch.104 - 287
H&W Dept approp, mental health services..... Ch.371 - 1109
H&W Dept, approp, add'l.,..... Ch.215 - 650
H&W Dept, approp, psychiatric hospitalization..... Ch.372 - 1111
Medicaid, reduce mental health benefits..... HCR 48 - 1407
Mental patient, detention by probation officers..... Ch. 91 - 265
Professionals, prisoner danger evaluation..... Ch.251 - 760

MENTAL HEALTH (Continued)
State employee health insurance coverage..... Ch. 97 - 271
State Planning Council, duties, services..... Ch.277 - 848
Substance abuse/mental health services, study comm..... HCR 63 - 1419
Task force, plan/recommendations/priorities/funding..... Ch.396 - 1221
MENTALLY RETARDED
See DISABLED
MILITARY AND MILITIA
Division, approp..... Ch.274 - 846
Health benefits, public employees, first 30 days..... Ch.172 - 530
Idaho Guard/Reserve Family Support Fund, interest..... Ch.370 - 1108
Medical providers, support/accept military insurance.... HCR 39 - 1402
Military compensation deduction calculation..... Ch. 63 - 193
Military Div, approp, additional..... Ch. 3 - 25
State employees, leave of absence, military duty..... Ch.171 - 530
State veterans homes, spouses/widows..... Ch. 50 - 144
Veterans hiring preference, public employment..... Ch. 51 - 145
MINERALS AND MINING
Mine-related funds, prohibition on lapse deleted..... Ch. 37 - 101
MINORS
See CHILDREN; JUVENILES
MOBILE HOMES
See HOMES
MONEY
Irrigation district, returned check fee increased..... Ch.255 - 792
Public moneys misuse, financial transaction cards..... Ch.156 - 471
MORAL NUISANCE
See NUISANCES
MORTGAGES
Brokering/lending activities, license required..... Ch.123 - 356
Criminal history record checks, license applicants..... Ch.410 - 1240
Insurer investment, seller equity, commercial loan..... Ch. 26 - 84
Multistate automated licensing system participation..... Ch.410 - 1240
MORTICIANS
Body disinterment upon verified application..... Ch.109 - 302
MOSQUITO ABATEMENT
See PESTS AND PESTICIDES
MOTOR FUELS
See FUELS
MOTOR VEHICLES
See also MOTORBIKES AND MOTORCYCLES
Agriculture/forest product carriers, no inspection..... Ch.138 - 393
Approaching police/emergency vehicles, driver's duty.... Ch. 78 - 236
Auto insurance premium discount, drivers age 55+..... Ch. 30 - 92
Commercial drivers, licenses, violations, records..... Ch.164 - 488
Consumer title loans, lender licensing, regulation..... Ch.323 - 1023
Dealer plates, use on vehicle-laden trailers..... Ch.223 - 664
Drunk driving, increase penalties..... Ch.261 - 800
Glider kit vehicles, sales tax exemption..... Ch.237 - 721
Intoxicated drivers, refuse test, $250 civil penalty.... Ch.224 - 665
Leased vehicle transfer, 30-day unladen weight permit... Ch. 58 - 181
Liability insurance, required for dealer license..... Ch.208 - 637
License plates, special, historic preservation..... Ch.119 - 334
Manufacturer's license, place of business in Idaho..... Ch.108 - 301

MOTOR VEHICLES (Continued)
Maximum load on tires, single tire restrictions..... Ch.351 - 1069
Military veteran motorcycle license plates..... Ch.120 - 337
Moped definition revised..... Ch.360 - 1097
Parking violations in state parks, enforcement..... Ch.221 - 660
Recreational/offroad vehicle advisory committees..... Ch.229 - 682
Registration fee, Project Choice, law enforcement..... Ch.227 - 679
Salvage, certificate of title, reconstructed vehicle.... Ch.102 - 279
Special license plates, breast cancer program..... Ch.176 - 541
Special license plates, Idaho Elks Rehab. Hospital..... Ch.118 - 331
Special license plates, National Rifle Association..... Ch. 41 - 119
Trucking weigh stations, qualifying vehicles..... Ch. 31 - 93
Utility-type vehicle, registration, title..... Ch. 42 - 121
MOTORBIKES AND MOTORCYCLES
Military veteran motorcycle license plates..... Ch.120 - 337
Traffic light, detection of motorcycle, protocol..... Ch.381 - 1198
MOVIES AND THEATERS
See ENTERTAINMENT
MULTISTATE COMPACTS AND AGREEMENTS
Uniform Interstate Family Support Act amended..... Ch.252 - 762
MURDER
See CRIMINAL OFFENSES AND PROCEDURES
MUSEUMS
Purchases by/admission tickets, sales tax exemption..... Ch. 89 - 260
NATIONAL GUARD
See MILITARY AND MILITIA
NUCLEAR ENERGY AND WASTE
See HAZARDOUS SUBSTANCES; ENERGY
NUISANCES
Alcohol w/out liquid devices, misdemeanor, nuisance..... Ch.254 - 791
NURSING HOMES
See also ASSISTED LIVING AND RESIDENTIAL CARE
OCCUPATIONAL LICENSES BUREAU
Athletic Com, agency relationship..... Ch.394 - 1217
Occupational Licenses Fund, Optometry Bd fees..... Ch. 54 - 164
OPEN MEETING LAW
See MEETINGS, PUBLIC
OPTOMETRY AND OPTOMETRISTS
Optometry Bd fees, Occupational Licenses Fund..... Ch. 54 - 164
ORDINANCES
See COUNTIES; CITIES
ORGAN DONATIONS
Donors, age 16-17, parental written consent..... Ch.265 - 820
Live organ donation expenses, income tax credit..... Ch.312 - 968
State employee, leave of absence for organ donation..... Ch.257 - 794
OUTFITTERS AND GUIDES
Federal Lands Recreation Act, outfitter/guide permits... HJM 20 - 1376
PARDONS AND PAROLE
Sexually dangerous person exam, professionals..... Ch.251 - 760
PARENTS
Guardian appointment, notice waived as to father..... Ch.180 - 558
International adoption, papers to be filed with court... Ch. 77 - 234
Organ donors, age 16-17, written parental consent..... Ch.265 - 820
Parental rights termination, no appointing guardian..... Ch.183 - 581

PARENTS (Continued)
Shepherd's Home foster care, income tax credit..... Ch.320 - 1017
Uniform Interstate Family Support Act amended..... Ch.252 - 762
PARI-MUTUEL WAGERING
See RACING; GAMBLING
PARKING
See MOTOR VEHICLES; TRANSPORTATION
PARKS AND RECREATION
Dept, approp..... Ch.384 - 1202
Dept, approp, additional..... Ch.448 - 1331
Eagle Island State Park, legislative intent..... Ch.448 - 1331
Parking violations in state parks, enforcement..... Ch.221 - 660
Recreational/offroad vehicle advisory committees..... Ch.229 - 682
PARTNERSHIPS
Uniform Limited Partnership Act..... Ch.144 - 405
PAYMENT METHODS
Court fee payment, credit card, technology fund..... Ch. 73 - 226
Financial transaction cards, public moneys misuse..... Ch.156 - 471
Irrigation district, returned check fee increased..... Ch.255 - 792
PERSI
See RETIREMENT
PESTS AND PESTICIDES
Honey-bee protection, registered beekeeper list..... Ch. 87 - 256
Pest Control Deficiency Fund, approp..... Ch. 2 - 24
Pest infestation, eradication, state funds..... Ch.197 - 611
PHARMACIES AND PHARMACISTS
Hydrocone, 4-chlorotestosterone, Schedule III..... Ch.203 - 620
Medicaid, personal health accounts, copayments..... Ch.305 - 943
Prescription order, electronic/fax transmission..... Ch.290 - 888
Prescriptions database, purposes..... Ch.175 - 535
Pseudoephedrine products, retail sales, limitations..... Ch. 95 - 269
Valid prescription drug orders, patient relationship.... Ch.117 - 330
PHYSICAL THERAPISTS
Physical Therapy Bd, powers/duties, licenses..... Ch.116 - 314
PHYSICIANS AND SURGEONS
Abortion report, fail to provide, physician penalty..... Ch.438 - 1322
Emergency Medical Services Physician Com created..... Ch.421 - 1301
Health care provider apologies inadmissible..... Ch.204 - 623
Life-sustaining treatment orders, universal form..... HCR 40 - 1403
Personal care services, physician order deleted..... Ch.283 - 869
Valid prescription drug orders, patient relationship.... Ch.117 - 330
Worker's compensation, no balance billing of worker..... Ch.206 - 626
PLANNING AND ZONING
Bd member testimony, conflict of interest..... Ch.213 - 644
Coal-fired power plant, construction moratorium..... Ch.367 - 1105
Development impact fees, deadline, public hearings..... Ch.321 - 1019
PLANTS
Weed control authority, aquatic plants, penalties..... Ch.225 - 669
POLICE, IDAHO STATE
Approaching police/emergency vehicles, driver's duty.... Ch. 78 - 236
Approp..... Ch.299 - 918
Approp, additional..... Ch.395 - 1220
Death, failure to report to police, penalties..... Ch.239 - 724
Police training, financial aid, decertification..... Ch. 47 - 136

POLICE, IDAHO STATE (Continued)
Training standards, Juvenile Corrections employees..... Ch.246 - 752
Youth tobacco investigations, approp..... Ch.387 - 1208
POLITICAL PARTIES
See also CAMPAIGNS AND CANDIDATES; ELECTIONS
Legislative district central comm, meeting location..... Ch.397 - 1222
POLLUTION
Burning crop residue, conservation reserve lands..... Ch.121 - 338
Coal-fired power plant, construction moratorium..... Ch.367 - 1105
Contaminated property clean-up, financial assistance.... Ch.308 - 947
Drinking water, maximum arsenic, suspend enforcement.... SJM118 - 1362
Uniform Environmental Covenants Act..... Ch. 15 - 34
Water quality, arsenic, attainable standards..... HCR 64 - 1420
Water quality, liner/reagent, sales tax exemption..... Ch.326 - 1029
POOR
See PUBLIC ASSISTANCE
PORTS
Trucking weigh stations, qualifying vehicles..... Ch. 31 - 93
POWER
See ENERGY
PRESCRIPTIONS
Controlled substances database, purposes..... Ch.175 - 535
Hydrocone, 4-chlorotestosterone, Schedule III..... Ch.203 - 620
Medicaid, personal health accounts, copayments..... Ch.305 - 943
Medicaid/Medicare, integrate prescription benefits..... HCR 49 - 1409
Prescription order, electronic/fax transmission..... Ch.290 - 888
Valid prescription drug orders, patient relationship.... Ch.117 - 330
PRISONS AND PRISONERS
Detention deputy, concealed weapon permit exception..... Ch.114 - 309
Offenders' mental health records, disclosure..... Ch. 92 - 266
Sexually dangerous person exam, professionals..... Ch.251 - 760
PRIVACY
Certified home violation, complainant's identity..... Ch.282 - 866
Genetic Testing Privacy Act..... Ch.293 - 903
Personal information security breach, notification..... Ch.258 - 796
Public employee applicants, disclose names, consent..... Ch.352 - 1070
PROBATE
See ESTATES
PROBATION
See CRIMINAL OFFENSES AND PROCEDURES
PROFESSIONAL-TECHNICAL EDUCATION
Approp, personnel costs..... Ch. 9 - 29
Bd, approp..... Ch.389 - 1210
Bd, powers, rulemaking, contract services..... Ch. 84 - 247
Postsecondary education, legislative study comm..... SCR132 - 1390
PROFESSIONS
Architects, technical submissions, sign/seal..... Ch.127 - 365
Cosmetologist, student services, haircutter license..... Ch.411 - 1242
Dentist/dental hygienist, licensing, renewal, fees..... Ch.285 - 873
Electric contractor, licenses, revocation, insurance.... Ch. 83 - 245
Electrical contractor license, staggered renewals..... Ch. 82 - 244
Engineer licensing requirements; instructors..... Ch.137 - 392
Haircutter, training, license, fee..... Ch.411 - 1242
Insurance license, denial/penalties/hearings..... Ch. 49 - 141

PROFESSIONS (Continued)
Landscape architect license requirements/exams/fees..... Ch.128 - 371
Liquefied petroleum gas storage tank/pipe installers.... Ch.110 - 303
Mental health, prisoner danger evaluation..... Ch.251 - 760
Mortgage brokering/lending, license required..... Ch.123 - 356
Optometry Bd fees, Occupational Licenses Fund..... Ch. 54 - 164
Physical Therapy Licensure Bd, powers/duties..... Ch.116 - 314
Real estate licensing and education requirements..... Ch.166 - 500
Residential care facility administrator licensing..... Ch.125 - 360
PROPERTY
Agricultural land tax status, effect of platting..... Ch.233 - 691
Condemnation order, identify all rights taken..... Ch.450 - 1339
Condemned, plaintiff's possession, purposes deleted..... Ch.451 - 1340
Conservation reserve lands, burning crop residue..... Ch.121 - 338
Contamination clean-up, financial assistance..... Ch.308 - 947
County self-insured risk programs, fund balance..... Ch. 21 - 78
Debtor's homestead exemption, value increased..... Ch.262 - 814
Doctrine of worthier title not to apply..... Ch.250 - 759
Eminent domain value, highest appraisal..... Ch.452 - 1343
Eminent domain, no economic development use..... Ch. 96 - 270
Government employee, invalid property lien, penalties... Ch. 32 - 95
H&W Dept property transfer to Veterans Services Div..... Ch. 33 - 96
Heating material production, sales tax exemption..... Ch.315 - 980
Hospital personal property, tax exemption..... Ch.319 - 1016
Pest infestation, eradication, state funds..... Ch.197 - 611
Power plant, operating property, occupancy tax, roll.... Ch.302 - 930
Property tax, new construction roll exemptions..... Ch. 59 - 183
Real property claims, twenty year time period..... Ch.158 - 474
Recording a survey, new monuments..... Ch.136 - 391
School property under $500, disposition of..... Ch.228 - 680
School, when exempt from property tax..... Ch.366 - 1104
Uniform Environmental Covenants Act..... Ch. 15 - 34
PROPERTY TAX
See TAX AND TAXATION, PROPERTY
PROSECUTING ATTORNEYS
See ATTORNEYS
PSYCHOLOGY AND PSYCHOLOGISTS
License renewal fee increase..... Ch. 52 - 163
PUBLIC ASSISTANCE
Circuitbreaker claimant, property tax deferral act..... Ch.234 - 694
Contaminated property clean-up, financial assistance.... Ch.308 - 947
Free dental clinic services, sales tax exemption..... Ch.211 - 639
H&W Dept, medical assistance rules rejected..... SCR126 - 1386
Health insurance, children & small employers..... Ch.270 - 839
Hunger/food security summit, awareness month..... HCR 60 - 1417
Idaho Medicaid Simplification Act..... Ch.278 - 853
Medicaid applicants, enroll in Medicare..... HCR 53 - 1413
Medicaid cost-sharing premium, personal health account.. HCR 50 - 1410
Medicaid for workers with disabilities..... Ch.174 - 533
Medicaid payments, dentist reimbursement rates..... Ch.382 - 1200
Medicaid, caregiver respite support services..... Ch.437 - 1321
Medicaid, limit number of providers, consolidation..... HCR 51 - 1411
Medicaid, personal health accounts, copayments..... Ch.305 - 943
Medicaid, reduce mental health benefits..... HCR 48 - 1407

PUBLIC ASSISTANCE (Continued)
Medicaid, seniors, long-term care options counseling.... HCR 52 - 1412
Medicaid/Medicare, integrate prescription benefits..... HCR 49 - 1409
Medical assistance payments, recovery from estate..... Ch.179 - 553
Personal care services, physician order deleted..... Ch.283 - 869
Property tax relief, maximum income and reductions..... Ch.350 - 1065
PUBLIC BROADCASTING
Idaho Educational Public Broadcasting, approp..... Ch.405 - 1230
PUBLIC EMPLOYEE RETIREMENT SYSTEM
See RETIREMENT
PUBLIC EMPLOYEES
See EMPLOYERS AND EMPLOYEES; GOVERNMENT
PUBLIC RECORDS
See RECORDS
PUBLIC UTILITIES
See UTILITIES
PUBLIC WORKS
Contractor license fees..... Ch. 80 - 241
Division, approp from Permanent Building Fund..... Ch.374 - 1117
Facilities needs planning, Water Resources Bd/Dept..... Ch.205 - 624
Public bids, cancelled, not public records..... Ch. 62 - 192
PURCHASING
Public bids, cancelled, not public records..... Ch. 62 - 192
RACING
Horse, definitions added/amended..... Ch.147 - 461
Horsemen's agreements, simulcast purse moneys fund..... Ch.159 - 476
RADIO
Media, notify of violent sexual predator registration... Ch. 35 - 98
RAILROADS
Rural economic development, integrated transport..... Ch.413 - 1251
REAL ESTATE
Com, administrative fee rules, retroactivity..... SCR128 - 1387
Licensing and education requirements..... Ch.166 - 500
Mortgage brokering/lending, license required..... Ch.123 - 356
Mortgage investment, seller equity, commercial loan..... Ch. 26 - 84
Mortgages, multistate automated licensing system..... Ch.410 - 1240
Real property claims, twenty year time period..... Ch.158 - 474
Uniform Environmental Covenants Act..... Ch. 15 - 34
RECORDERS
County fees, duplicating onto electronic media..... Ch.286 - 881
Invalid claim of lien, government employee property..... Ch. 32 - 95
Recording a survey, new monuments..... Ch.136 - 391
RECORDS
Certified home violation, complainant's identity..... Ch.282 - 866
Criminal offenders' mental health records, disclosure... Ch. 92 - 266
Employment security, informants confidential..... Ch. 38 - 104
Encroachment permit, recording required..... Ch.132 - 385
Health care directive registry, when confidential..... Ch. 67 - 198
Prescriptions database, purposes..... Ch.175 - 535
Public bids, cancelled, not public records..... Ch. 62 - 192
Public employee applicants, disclose names, consent..... Ch.352 - 1070
Public records, electronic format, conversion..... Ch.103 - 283

RECREATION
See also PARKS AND RECREATION; ENTERTAINMENT
Federal Lands Recreation Act, outfitter/guide permits... HJM 20 - 1376
Federal Lands Recreation Enhancement Act, oppose..... HJM 14 - 1372
Idaho Birding Trail, official trail, support..... HCR 38 - 1401
Landowner liability limited, recreation, airstrips..... Ch.279 - 861
Nonprofit shooting organization, sales tax exempt..... Ch.236 - 720
Utility-type vehicle, registration, title..... Ch. 42 - 121
REFERENDUMS
See INITIATIVES AND REFERENDUMS
REGULATORY TAKINGS
See EMINENT DOMAIN
RELIGION AND CHURCHES
Government acknowledge God, no court jurisdiction..... SJM119 - 1364
RENTALS
See LEASES
RENTERS
See LANDLORDS AND TENANTS
RESOLUTIONS, CONCURRENT
Administrative rules, approved/extended, exception..... SCR129 - 1388
Agency fee rules approved, exceptions..... SCR128 - 1387
Bioscience tax/investment incentives, task force..... HCR 54 - 1413
Building Safety Div, electrical license rules rejected.. HCR 55 - 1415
Bullying Awareness Week, Sept. 10-16, 2006..... HCR 32 - 1395
Capitol Building, 2-story atrium wings, approval..... HCR 47 - 1406
Carl F. Bianchi, Legislative Services Director, honor... HCR 67 - 1424
Civic and Historical Learning, summit and plan..... HCR 33 - 1396
Colorectal Cancer Awareness Month, March 2006..... HCR 34 - 1397
Dentistry Bd, certain rules rejected..... SCR125 - 1386
Eastern Snake River Plain Aquifer management plan..... SCR136 - 1392
Education Bd, study university personnel issues..... HCR 65 - 1422
Education Bd, suspend sanctions on non-Title 1 schools.. HCR 66 - 1423
Elementary school teacher training, math/science..... HCR 58 - 1416
Energy/Environment/Technology Comm, energy plan..... HCR 62 - 1418
F&G Dept wildlife rules rejected..... HCR 59 - 1416
Governor's State of the State address..... HCR 30 - 1394
H&W Dept, medical assistance rules rejected..... SCR126 - 1386
Hunger/food security summit, awareness month..... HCR 60 - 1417
Idaho Birding Trail, official trail, support..... HCR 38 - 1401
Idaho's Suicide Prevention Plan, endorse..... HCR 31 - 1394
Intermediate care facility, dispute resolution..... SCR124 - 1385
Life-sustaining treatment orders, universal form..... HCR 40 - 1403
Medicaid applicants, enroll in Medicare..... HCR 53 - 1413
Medicaid cost-sharing premium, personal health account.. HCR 50 - 1410
Medicaid, limit number of providers, consolidation..... HCR 51 - 1411
Medicaid, reduce mental health benefits..... HCR 48 - 1407
Medicaid, seniors, long-term care options counseling.... HCR 52 - 1412
Medicaid/Medicare, integrate prescription benefits..... HCR 49 - 1409
Medical providers, support/accept military insurance.... HCR 39 - 1402
Missing Persons Day proclaimed, September 14th..... HCR 45 - 1404
Olympic games, honor Idaho athletes..... SCR123 - 1384
Patriot's Day, April 19th, American Revolutionary War... HCR 46 - 1405
Postsecondary education, legislative study comm..... SCR132 - 1390
Substance abuse/mental health services, study comm..... HCR 63 - 1419

RESOLUTIONS, CONCURRENT (Continued)
Transportation Dept, certain rules rejected..... HCR 56 - 1415
Water quality, arsenic, attainable standards..... HCR 64 - 1420
Water Resources Dept, Clearwater water appropriation.... HCR 37 - 1400
Water Resources Dept, Niagara water appropriation..... HCR 36 - 1398
Water/wastewater, regional services, study..... SCR130 - 1389
RESOLUTIONS, JOINT
Domestic legal union, man-woman only..... HJR 2 - 1359
Millennium Permanent Endowment Fund created..... SJR107 - 1356
RESORTS
Year-round resort, liquor license fees..... Ch.449 - 1332
RESTAURANTS
See also FOOD
RETIREMENT
Early retirement, election to office, benefits..... Ch.185 - 585
Firefighter benefits, alternate payee..... Ch. 19 - 71
Incapacitated firefighters, benefits, no interest..... Ch.253 - 791
Judges, Supreme Court's rulemaking authority..... Ch. 72 - 225
Legislative Services Director Carl F. Bianchi, honor.... HCR 67 - 1424
PERSI Bd member, defend and indemnify, when..... Ch.268 - 833
PERSI, approp..... Ch.337 - 1042
PERSI, reemployed retirees, death benefits..... Ch.151 - 466
PERSI, separation benefit, contributions under $100..... Ch.152 - 467
PERSI, voluntary contributions, repeal and refund..... Ch.149 - 463
Petroleum clean water trustee salary, retirement..... Ch.140 - 402
Public employee, disability retirement, eligibility..... Ch.148 - 462
Public employees, sick leave credit, premium types..... Ch.150 - 463
School lunch personnel retirement, funding..... Ch.259 - 798
Senior magistrate judges, PERSI retirement..... Ch.267 - 828
REVENUE AND TAXATION
See TAX AND TAXATION
RIVERS
Clearwater River, North Fork, minimum flow..... Ch.112 - 306
Clearwater, North Fork, appropriation approved..... HCR 37 - 1400
Eastern Snake River Plain Aquifer management plan..... SCR136 - 1392
Niagara Springs water appropriation approved..... HCR 36 - 1398
ROADS
See HIGHWAYS
RULES
Administrative fee rules approved, exceptions..... SCR128 - 1387
Administrative rules, approved/extended, exception..... SCR129 - 1388
Administrative rules, continue in effect, exceptions.... Ch.425 - 1308
Building Safety Div, electrical license rules rejected.. HCR 55 - 1415
Dentistry Bd, certain rules rejected..... SCR125 - 1386
DEQ water rules, arsenic, attainable quality..... HCR 64 - 1420
Education Bd, student information management system..... Ch.244 - 740
F&G Dept wildlife rules rejected..... HCR 59 - 1416
H&W Dept, medical assistance rules rejected..... SCR126 - 1386
Lobbying, register/reporting, executive officials..... Ch.106 - 293
Supreme Court, rules re: judicial compensation..... Ch. 72 - 225
Transportation Dept, certain rules rejected..... HCR 56 - 1415
SAFETY
Cosmetology instruments, disinfecting agent, grade..... Ch.411 - 1242
Idaho Elevator Safety Fund established..... Ch. 81 - 243

SAFETY (Continued)
Student cosmetologist, training, chemical services..... Ch.411 - 1242
SALARIES
See WAGES
SALES
Cigarette sales permit, revocation/penalties..... Ch. 60 - 186
Commercial feed, labeling, distribution, registration... Ch. 57 - 167
Dealer plates, use on vehicle-laden trailers..... Ch.223 - 664
Grape growers/wine producers, tax, opt out..... Ch. 28 - 88
Hazardous waste permit, vendor remuneration..... Ch. 20 - 77
Liquor stores, sales of liquor-related merchandise..... Ch. 18 - 68
Museum purchases/admission tickets, tax exemption..... Ch. 89 - 260
Pseudoephedrine products, retail sales, limitations..... Ch. 95 - 269
PUC rate-setting, property held for future use..... Ch.107 - 300
Retail sales without permit, civil penalty..... Ch. 61 - 190
Sale of federal land in Idaho, oppose..... SJM120 - 1366
School property under $500, disposition of..... Ch.228 - 680
State-owned timber sales, measuring methods..... Ch.130 - 381
Tobacco products, stamping agent re-defined..... Ch. 74 - 227
Unstamped cigarettes, prohibit purchase/consumption..... Ch.196 - 610
Wine direct shipper permits, excise tax..... Ch. 29 - 89
SALES TAX
See TAX AND TAXATION, SALES
SCHOLARSHIPS
Education Bd, approp, additional..... Ch. 10 - 30
SCHOOLS AND SCHOOL DISTRICTS
Bullying Awareness Week, Sept. 10-16, 2006..... HCR 32 - 1395
Civic and Historical Learning, summit and plan..... HCR 33 - 1396
Cooperative service agency facilities, levy funding..... Ch.306 - 945
Deaf/Blind School, services outside campus area..... Ch.383 - 1201
Education Bd, suspend sanctions on non-Title 1 schools.. HCR 66 - 1423
Educational interpreters, deaf/blind students..... Ch.173 - 531
Educational Support Program, Facilities Div, approp..... Ch.423 - 1306
Facilities, cooperative funding program..... Ch.311 - 956
Idaho School for Deaf and Blind, approp..... Ch.403 - 1228
Instructional staff allowance, secondary schools..... Ch.412 - 1249
No Child Left Behind Act, exclude new students..... HJM 18 - 1374
Property, when exempt from property tax..... Ch.366 - 1104
Proprietary schools, register with Education Bd..... Ch.240 - 724
Public Education Stabilization Fund, approp..... Ch.432 - 1319
Public schools classified staff salary multiplier..... Ch.418 - 1290
Public schools, administrators, approp, salary index.... Ch.420 - 1299
Public schools, approp, children's programs division.... Ch.419 - 1296
Public schools, approp, operations division..... Ch.418 - 1290
Public schools, approp, teachers division..... Ch.417 - 1287
School district, property tax breakdown on notice..... Ch.322 - 1021
School elections, poll watchers, absentee vote..... Ch.232 - 689
School lunch personnel retirement, funding..... Ch.259 - 798
School property under $500, disposition of..... Ch.228 - 680
Secure Rural Schools Act, federal reauthorization..... HJM 21 - 1377
Sex offender proximity to school property restricted.... Ch.354 - 1084
Student harassment/intimidation/bullying, policy..... Ch.313 - 969
Student information system, Education Bd rules..... Ch.244 - 740
Threatening violence on school grounds, misdemeanor..... Ch.303 - 936

SCIENCE AND TECHNOLOGY
Bioscience tax/investment incentives, task force..... HCR 54 - 1413
Elementary school teacher training, math/science..... HCR 58 - 1416
Genetic Testing Privacy Act..... Ch.293 - 903
Science/Technology Advisory Council created..... Ch. 14 - 33
SECRETARY OF STATE
Approp..... Ch.276 - 847
Approp, additional, salary..... Ch.430 - 1316
Civic and Historical Learning, summit and plan..... HCR 33 - 1396
Health care directive registry, maintain..... Ch. 67 - 198
Invalid property lien claimed, penalties..... Ch. 32 - 95
Lobbying, register/reporting, executive officials..... Ch.106 - 293
Salary increase..... Ch.431 - 1318
SECURITY
Homeland Security Bureau, public safety wireless..... Ch.292 - 899
SELF-DEFENSE
Justified use of force, civil immunity..... Ch.453 - 1345
SELF-GOVERNING AGENCIES
Building Safety Div, approp, additional..... Ch.220 - 657
Building Safety Div, manufactured home standards..... Ch. 79 - 237
Dept, approp, add'l, Veterans Services Division..... Ch. 12 - 31
Dept, approp, boards..... Ch.394 - 1217
Dept, approp, Building Safety Division..... Ch.192 - 596
Dept, approp, Idaho State Lottery..... Ch.336 - 1041
Dept, approp, Veterans Services Division..... Ch.194 - 598
Physical Therapy Licensure Board added..... Ch.116 - 314
SENATE
Legislative committee meetings, when closed..... Ch.439 - 1325
Legislator, resignation, emergency interim successor.... Ch. 34 - 97
SENIOR CITIZENS
Aging Com, provision of ombudsman services..... Ch.201 - 617
Auto insurance premium discount, drivers age 55+..... Ch. 30 - 92
Com on Aging, approp..... Ch.191 - 595
Long-term care provides, background checks..... Ch.281 - 864
Medicaid, caregiver respite support services..... Ch.437 - 1321
Medicaid, seniors, long-term care options counseling.... HCR 52 - 1412
Personal care services, physician order deleted..... Ch.283 - 869
Property tax relief, maximum income and reductions..... Ch.350 - 1065
SENTENCING
Criminal Gang Enforcement Act, extended sentences..... Ch.184 - 582
Death sentence, aggravating factors, child crimes..... Ch.129 - 375
Death sentence, review by Supreme Court..... Ch.155 - 470
Drug hotline fee, drug enforcement fund..... Ch.113 - 308
Drug/mental health program completion, discharge..... Ch.104 - 287
Drunk driving, increase penalties..... Ch.261 - 800
Enhanced penalty, notice of intent deleted..... Ch.249 - 758
Maximum sentences increased..... Ch.178 - 544
Methamphetamine, children present, increase penalties... Ch. 76 - 233
Pseudoephedrine trafficking, under 500 g, penalties..... Ch.245 - 749
Sex offenders, no sentence dismissal/reduction..... Ch.157 - 473
Various crimes, fines increased..... Ch. 71 - 216
Violent sexual predator, mandatory life sentence..... Ch.154 - 468
SEWERS
Districts, annexation election, no court filing..... Ch.167 - 515

SEX OFFENSES AND OFFENDERS
Child abuse crimes, prosecution, no time limit..... Ch. 39 - 116
Child sexual abuse, death penalty qualification..... Ch.129 - 375
Proximity to school property restricted..... Ch.354 - 1084
Registration exemption, statutory rape, teens..... Ch.408 - 1237
Sex offender registration, fees, verify address..... Ch.178 - 544
Sex offenders, no sentence dismissal/reduction..... Ch.157 - 473
Sexually dangerous person evaluation..... Ch.251 - 760
Violent sexual predator designation..... Ch.379 - 1172
Violent sexual predator registration, notify media..... Ch. 35 - 98
Violent sexual predator, mandatory life sentence..... Ch.154 - 468
SHERIFFS
Concealed weapons, permit renewal, exempt property..... Ch.294 - 906
Violent sexual predator registration, notify media..... Ch. 35 - 98
SMOKING
Unstamped cigarettes, prohibit purchase/consumption..... Ch.196 - 610
SOIL
Carbon Sequestration Com, membership..... Ch.217 - 651
Conservation Com, approp..... Ch.342 - 1048
Soil Conservation Com, approp, additional..... Ch.440 - 1326
STATE AGENCIES
See GOVERNMENT
STATE HOSPITAL NORTH
See HOSPITALS; DISABLED
STATE HOSPITAL SOUTH
See HOSPITALS; DISABLED
STATE SCHOOL AND HOSPITAL
See HOSPITALS; DISABLED
STATEHOUSE
See CAPITOL
STATUTES
See CODES
STUDENTS
Civic and Historical Learning, summit and plan..... HCR 33 - 1396
Deaf/blind students, educational interpreters..... Ch.173 - 531
Educational support, out-of-state students..... Ch.418 - 1290
No Child Left Behind Act, exclude new students..... HJM 18 - 1374
Student harassment/intimidation/bullying, policy..... Ch.313 - 969
Student information system, Education Bd rules..... Ch.244 - 740
Threatening violence on school grounds, misdemeanor..... Ch.303 - 936
Worker's compensation, benefits for dependents..... Ch.186 - 586
Writing/math assessment test, new students exception.... Ch.357 - 1090
Writing/math assessment test, new students exception.... Ch.357 - 1090
STUDIES
Bioscience tax/investment incentives, task force..... HCR 54 - 1413
Energy/Environment/Technology Comm, energy plan..... HCR 62 - 1418
Health Care Task Force, duties..... Ch.280 - 862
Postsecondary education, legislative comm..... SCR132 - 1390
Substance abuse/mental health services, study comm..... HCR 63 - 1419
SUBSTANCE ABUSE
Alcohol w/out liquid devices, misdemeanor, nuisance..... Ch.254 - 791
Drug/mental health program completion, discharge..... Ch.104 - 287
Drunk driving, increase penalties..... Ch.261 - 800
Idaho Drug-Free Youth, donations, tax credit..... Ch.309 - 952

SUBSTANCE ABUSE (Continued)
Substance abuse, prevent/treat, interagency comm..... Ch.407 - 1232
Substance abuse/mental health services, study comm..... HCR 63 - 1419
SUICIDE
Idaho's Suicide Prevention Plan, endorse..... HCR 31 - 1394
SUPERINTENDENT OF PUBLIC INSTRUCTION
See EDUCATION
SUPREME COURT
See COURTS
SURVEYING AND SURVEYORS
See also ENGINEERS AND LAND SURVEYORS
Recording a survey, new monuments..... Ch.136 - 391
TAX AND TAXATION
Appeals Bd, approp..... Ch.402 - 1227
Bioscience tax/investment incentives, task force..... HCR 54 - 1413
Cigarette, prohibit unstamped purchase/consumption..... Ch.196 - 610
Com, approp..... Ch.401 - 1225
Com, sharing information with Commerce/Labor Dept..... Ch. 38 - 104
Employer withholding, electronic filing, due dates..... Ch.195 - 599
Employment security reserve tax, okay in 2006..... Ch. 48 - 139
Internal Revenue Code references updated..... Ch.242 - 736
Payment due, time extension, when balance due..... Ch. 56 - 166
State-federal tax refund offset agreement..... Ch. 55 - 165
Tax commissioner salaries, approp, additional..... Ch.424 - 1307
Tax commissioners, salary increase..... Ch.368 - 1106
Tax deficiency, assessment, procedures, records..... Ch.195 - 599
Tobacco products, stamping agent re-defined..... Ch. 74 - 227
Wine direct shipper permits, excise tax..... Ch. 29 - 89
Workforce development training fund tax extended..... Ch. 13 - 31
TAX AND TAXATION, INCOME
Checkoff/refund donation, American Red Cross..... Ch. 88 - 258
Credit, capital investment, recapture of exemption..... Ch.195 - 599
Credit, charitable contribution to Learning Lab, Inc.... Ch. 69 - 212
Credit, charitable contributions, Project Safe Place.... Ch.209 - 638
Credit, donations, Idaho Drug-Free Youth, Inc..... Ch.309 - 952
Credit, donations, Shepherd's Home foster care..... Ch.320 - 1017
Credit, live organ donation expenses..... Ch.312 - 968
Credit, Small Employer Incentive Act amended..... Ch.314 - 974
Credits, maximum limits..... Ch.195 - 599
Employer withholding, electronic filing, due dates..... Ch.195 - 599
Military compensation deduction calculation..... Ch. 63 - 193
Payment due, time extension, when balance due..... Ch. 56 - 166
Resident definition, nonresident aliens excluded..... Ch. 90 - 263
Tax brackets, inflation adjustment, calculation..... Ch.195 - 599
Withholding accounts, revocation/expiration/penalty..... Ch. 60 - 186
TAX AND TAXATION, PROPERTY
Agricultural land tax status, effect of platting..... Ch.233 - 691
Exemption, hospital personal property..... Ch.319 - 1016
Exemption, school property, when exempt..... Ch.366 - 1104
Exemptions from new construction roll..... Ch. 59 - 183
Homestead exemption, cost-of-living increases..... Ch.429 - 1312
Power plant, operating property, occupancy tax, roll.... Ch.302 - 930
Property Tax Deferral Act, circuitbreaker claimant..... Ch.234 - 694
Property tax payment schedule, monthly/quarterly..... Ch.322 - 1021

TAX AND TAXATION, PROPERTY (Continued)
Property tax relief, maximum income and reductions..... Ch.350 - 1065
School districts, cooperative agency facility levy..... Ch.306 - 945
Tax notice, school district, breakdown of taxes..... Ch.322 - 1021
TAX AND TAXATION, SALES
Advocates, Domestic Violence survivors, tax exempt..... Ch.316 - 983
Exemption, children's free dental clinic services..... Ch.211 - 639
Exemption, glider kit vehicles..... Ch.237 - 721
Exemption, liner/reagent, protect water quality..... Ch.326 - 1029
Exemption, museum purchases/admission tickets..... Ch. 89 - 260
Exemption, nonprofit shooting organizations..... Ch.236 - 720
Exemption, property processing heating materials..... Ch.315 - 980
Media production company purchases, rebate..... Ch.219 - 654
Retail sales without permit, civil penalty..... Ch. 61 - 190
TEACHING AND TEACHERS
Elementary school teacher training, math/science..... HCR 58 - 1416
Engineering college courses, unlicensed instructors..... Ch.137 - 392
Instructional staff allowance, secondary schools..... Ch.412 - 1249
Public schools, approp, teachers division..... Ch.417 - 1287
Retirement, sick leave credit, premium types..... Ch.150 - 463
Teacher salaries, experience factor, college..... Ch.260 - 799
TECHNOLOGY
See SCIENCE AND TECHNOLOGY
TELECOMMUNICATIONS
Emergency communications fee, permitted expenditures.... Ch.238 - 722
Public safety wireless, interoperability council..... Ch.292 - 899
TELEPHONES
See TELECOMMUNICATIONS
TELEVISION
Media, notify of violent sexual predator registration... Ch. 35 - 98
TENANTS
See LANDLORDS AND TENANTS
TERRORISM
See also SECURITY
Basque homeland, commend cessation of violence..... HJM 26 - 1382
Homeland Security Bureau, public safety wireless..... Ch.292 - 899
Terrorism crimes, prosecution, no time limit..... Ch. 39 - 116
THEATERS
See ENTERTAINMENT
TIMBER
See FORESTS AND FORESTRY; LOGGING AND LUMBER
TOBACCO
Cigarette sales permit, revocation/penalties..... Ch. 60 - 186
Settlement, Millennium Permanent Endowment Fund..... SJR107 - 1356
Settlement, Millennium Permanent Endowment Fund..... Ch.187 - 588
Stamping agent definition amended..... Ch. 74 - 227
Tobacco programs funding, Millennium Income Fund..... Ch.387 - 1208
Unstamped cigarettes, prohibit purchase/consumption..... Ch.196 - 610
TORTS
Health care provider apologies inadmissible..... Ch.204 - 623
Self-defense, justified, civil immunity..... Ch.453 - 1345
TRADE
American agriculture standards, international trade..... HJM 12 - 1369

TRANSPORTATION
Agriculture/forest product carriers, no inspection..... Ch.138 - 393
Approaching police/emergency vehicles, driver's duty.... Ch. 78 - 236
Commercial drivers, licenses, violations, records..... Ch.164 - 488
Dealer plates, use on vehicle-laden trailers..... Ch.223 - 664
Dept, approp..... Ch.456 - 1350
Dept, certain rules rejected..... HCR 56 - 1415
Dept, vehicle manufacturer license, Idaho business..... Ch.108 - 301
Hazardous waste permit, vendor remuneration..... Ch. 20 - 77
Leased vehicle transfer, 30-day unladen weight permit... Ch. 58 - 181
License plates, special, historic preservation..... Ch.119 - 334
Maximum load on tires, single tire restrictions..... Ch.351 - 1069
Military veteran motorcycle license plates..... Ch.120 - 337
Moped definition revised..... Ch.360 - 1097
Reconstructed vehicle, salvage certificate of title..... Ch.102 - 279
Rural economic development, integrated transport..... Ch.413 - 1251
Special license plates, breast cancer program..... Ch.176 - 541
Special license plates, Idaho Elks Rehab. Hospital..... Ch.118 - 331
Special license plates, National Rifle Association..... Ch. 41 - 119
State highways, GARVEE bonding authority..... Ch.457 - 1353
Traffic light, detection of motorcycle, protocol..... Ch.381 - 1198
Trucking weigh stations, qualifying vehicles..... Ch. 31 - 93
Utility-type vehicle, registration, title..... Ch. 42 - 121
Vehicle registration fee, law enforcement program..... Ch.227 - 679
TREASURER, STATE
Approp..... Ch.338 - 1043
Approp, additional, salary..... Ch.430 - 1316
Idaho Guard/Reserve Family Support Fund, invest..... Ch.370 - 1108
Salary increase..... Ch.431 - 1318
State money, bond investments, time limit deleted..... Ch. 17 - 65
TRUCKING AND TRUCKS
See TRANSPORTATON; MOTOR VEHICLES
TRUSTS
Doctrine of worthier title not to apply..... Ch.250 - 759
Dry trusts, without assets, still valid..... Ch.161 - 481
Termination by trustee of trust valued under $100K..... Ch.162 - 482
Trusts established concurrently with will..... Ch.161 - 481
UNEMPLOYMENT
See EMPLOYMENT SECURITY LAW
UNIFORM LAWS
Uniform Environmental Covenants Act..... Ch. 15 - 34
Uniform Interstate Family Support Act amended..... Ch.252 - 762
Uniform Limited Partnership Act..... Ch.144 - 405
Uniform Probate Code, amend..... Ch.160 - 480
Uniform Probate Code, amend..... Ch.180 - 558
Uniform Probate Code, define "interested person"..... Ch.163 - 484
UNIONS
See LABOR
UNIVERSITIES
See COLLEGES AND UNIVERSITIES
UTILITIES
Coal-fired power plant, construction moratorium..... Ch.367 - 1105
Electrical generation plants, county-owned/operated..... Ch.210 - 639
Power plant, operating property, occupancy tax, roll.... Ch.302 - 930

UTILITIES (Continued)
Public Utilities Com, approp..... Ch.329 - 1033
PUC commissioner salaries, approp, additional..... Ch.424 - 1307
PUC commissioners, salary increase..... Ch.368 - 1106
PUC rate-setting, property held for future use..... Ch.107 - 300
VEHICLES
See MOTOR VEHICLES
VETERANS
F&G license exemption, state facility residents..... Ch.145 - 457
Hiring preference, public employment..... Ch. 51 - 145
Military veteran motorcycle license plates..... Ch.120 - 337
Services Div, transfer of property from H&W Dept..... Ch. 33 - 96
Services Division, approp..... Ch.194 - 598
Services Division, approp, add'l..... Ch. 12 - 31
State veterans homes, spouses/widows..... Ch. 50 - 144
VETERINARY MEDICINE
Brucellosis reactor branding, USDA standards..... Ch.216 - 651
Emergency veterinary facilities, requirements..... Ch.139 - 395
VICTIMS
Crime victims, maximum mental health benefits..... Ch.291 - 895
Domestic violence protection orders, duration..... Ch.287 - 883
VISUALLY IMPAIRED
See BLIND
VOCATIONAL EDUCATION
See PROFESSIONAL-TECHNICAL EDUCATION
VOCATIONAL REHABILITATION
Division, approp..... Ch.385 - 1206
VOTING AND VOTERS
City election procedures, deadlines revised..... Ch.105 - 288
Election registration, records, poll place watchers..... Ch. 70 - 213
Irrigation district elections, one vote per acre..... Ch.200 - 615
School elections, poll watchers, absentee vote..... Ch.232 - 689
WAGES
Bds/commissions/councils, per diem honorarium..... Ch.269 - 838
Executive officer salaries, approp, additional..... Ch.430 - 1316
Judge/justice salary increases..... Ch.369 - 1107
Judges, Supreme Court's rulemaking authority..... Ch. 72 - 225
Military compensation deduction calculation..... Ch. 63 - 193
Petroleum clean water trustee salary, retirement..... Ch.140 - 402
Public school administrators, salary multiplier..... Ch.420 - 1299
Public schools classified staff salary multiplier..... Ch.418 - 1290
PUC/Tax/Industrial commissioner salary approp, add'l.... Ch.424 - 1307
PUC/Tax/Industrial commissioner salary increase..... Ch.368 - 1106
Retired/disabled firefighter, benefits, no interest..... Ch.253 - 791
State elective officers, salary increases..... Ch.431 - 1318
State employee compensation philosophy and plan..... Ch.380 - 1174
State employee compensation revisions, approp..... Ch.375 - 1119
State employee pay increases, approp..... Ch. 1 - 3
Teacher salaries, experience factor, college..... Ch.260 - 799
WATER
Aquatic plants, noxious, weed control authority..... Ch.225 - 669
Aquifer Protection Districts authorized..... Ch.304 - 937
DEQ study, water/wastewater regional services..... SCR130 - 1389
District meetings, notification..... Ch.146 - 458

WATER (Continued)
Districts, annexation election, no court filing..... Ch.167 - 515
Drinking water, maximum arsenic, suspend enforcement.... SJM118 - 1362
Encroachment permit documentation, applications..... Ch.135 - 390
Encroachment permit, application fees increased..... Ch.133 - 388
Encroachment permit, recording required..... Ch.132 - 385
Encroachments, community navigational use..... Ch.131 - 381
Ground water dist., nonmembers, mitigation, notice..... Ch.356 - 1089
Lake encroachment laws, excludes federal reservoirs..... Ch.111 - 304
Lake encroachments, line of navigability..... Ch.134 - 389
Nonirrigator ground water dist. members, mitigation..... Ch.355 - 1085
Northern Idaho Water Rights Adjudication, approp..... Ch.400 - 1223
Northern Idaho water rights adjudication, commence..... Ch.222 - 660
Pollution, liner/reagent, sales tax exemption..... Ch.326 - 1029
Water quality, arsenic, attainable standards..... HCR 64 - 1420
WATER RESOURCES DEPARTMENT
Approp..... Ch.328 - 1031
Approp, add'l., flood control study..... Ch.444 - 1328
Approp, Northern Idaho Water Rights Adjudication..... Ch.400 - 1223
Bd, approp, add'l., aquifer plan..... Ch.443 - 1328
Bd, approp, additional, CREP water rights..... Ch.433 - 1319
Clearwater River, North Fork, minimum flow..... Ch.112 - 306
Eastern Snake River Plain Aquifer management plan..... SCR136 - 1392
Facilities needs planning exemption..... Ch.205 - 624
Northern Idaho water rights adjudication, commence..... Ch.222 - 660
Surface/ground water actions, exclusive authority..... Ch.256 - 793
Water appropriation, Clearwater River, approved..... HCR 37 - 1400
Water appropriation, Niagara Springs, approved..... HCR 36 - 1398
Water project costs, maximum loan, approval deleted..... Ch.126 - 362
WEAPONS
Concealed weapon permit exception, detention deputy..... Ch.114 - 309
Concealed weapons, permit renewal, exempt property..... Ch.294 - 906
National Rifle Assn, special license plates..... Ch. 41 - 119
State of disaster, no restrictions on firearms..... Ch.264 - 818
Threatening violence on school grounds, misdemeanor..... Ch.303 - 936
WEEDS
Weed control authority, aquatic plants, penalties..... Ch.225 - 669
WELFARE
See PUBLIC ASSISTANCE
WILDERNESS
Helicopter use in wilderness, monitor wolves..... HJM 11 - 1368
WILDLIFE
See also ANIMALS
Animal Damage Control Fund, F&G funds..... Ch.230 - 686
Animal permits, zoos/fur farms, regulation..... Ch.226 - 677
Endangered Species Act, Collaboration for Recovery..... HJM 16 - 1374
F&G Dept wildlife rules rejected..... HCR 59 - 1416
Helicopter use in wilderness, monitor wolves..... HJM 11 - 1368
Idaho Birding Trail, official trail, support..... HCR 38 - 1401
Wolves, alternative strategies to delist..... HJM 10 - 1367
WILLS
Living, health care directives, registration..... Ch. 67 - 198
Parental rights termination, no appointing guardian..... Ch.183 - 581
Trusts established concurrently with will..... Ch.161 - 481

WINE
See LIQUOR
WOLVES
See WILDLIFE
WOMEN
Abortion report, fail to provide, physician penalty..... Ch.438 - 1322
Breast cancer screening, special license plates..... Ch.176 - 541
Citizens over 21, aid in law enforcement..... Ch. 53 - 163
Idaho Women's Com, approp..... Ch.391 - 1213
WORKER'S COMPENSATION
Balance billing of worker prohibited..... Ch.206 - 626
Dependents entitled to benefits..... Ch.186 - 586
Employers covered, no pecuniary benefit required..... Ch.231 - 687
Industrial special indemnity fund assess/report..... Ch.247 - 755

TABLE OF AMENDMENTS, REPEALS, ADDITIONS AND REFERENCES

SECOND REGULAR SESSION - FIFTY-EIGHTH LEGISLATURE

CODE INDEX

Code citation, action, session law chapter number, and page number are shown for bills which passed

TITLE 1		
1-802	Amended	Ch.266 - 827
1-804	Amended	Ch.266 - 827
1-1612	Repealed	Ch.142 - 404
1-1623	Amended	Ch. 73 - 226
1-2005	Referred to	Ch.267 - 828
1-2012	New Section Added	Ch. 72 - 225
1-2208	Amended	Ch.263 - 815
1-2210	Amended	Ch.263 - 816
1-2224	New Section Added	Ch.267 - 828
1-2301	Amended	Ch.263 - 816
1-2310	Amended	Ch.263 - 817
TITLE 5		
5-203	Amended	Ch.158 - 474
5-204	Amended	Ch.158 - 474
5-206	Amended	Ch.158 - 474
5-207	Amended	Ch.158 - 475
5-210	Amended	Ch.158 - 475
5-211	Amended	Ch.158 - 475
5-213	Amended	Ch.158 - 476
5-338	Amended	Ch. 94 - 267
TITLE 6		
6-310	Amended	Ch.248 - 757
6-311	Amended	Ch.248 - 757
6-311A	Amended	Ch.248 - 758
6-808	Amended	Ch.453 - 1345
Ch.9	Referred to	Ch.268 - 834
6-2212	Amended	Ch.311 - 958
TITLE 7		
7-701A	New Section Added	Ch. 96 - 270
7-707	Amended	Ch.450 - 1339
7-711	Amended	Ch.452 - 1343
7-721	Amended	Ch.451 - 1341
7-1001	Amended and Redesignated 7-1002	Ch.252 - 764
7-1001	Redesignated from 7-1058	Ch.252 - 764

TITLE 7 (Continued)

7-1002	Amended and Redesignated 7-1003	Ch.252 -	766
7-1002	Redesignated from 7-1001	Ch.252 -	764
7-1003	Amended and Redesignated 7-1004	Ch.252 -	766
7-1003	Redesignated from 7-1002	Ch.252 -	766
7-1004	Amended and Redesignated 7-1005	Ch.252 -	767
7-1004	Redesignated from 7-1003	Ch.252 -	766
7-1005	Amended and Redesignated 7-1006	Ch.252 -	767
7-1005	Redesignated from 7-1004	Ch.252 -	767
7-1006	Amended and Redesignated 7-1007	Ch.252 -	768
7-1006	Redesignated from 7-1005	Ch.252 -	767
7-1007	Amended and Redesignated 7-1008	Ch.252 -	768
7-1007	Redesignated from 7-1006	Ch.252 -	768
7-1008	Amended and Redesignated 7-1009	Ch.252 -	768
7-1008	Redesignated from 7-1007	Ch.252 -	768
7-1009	Amended and Redesignated 7-1010	Ch.252 -	769
7-1009	Redesignated from 7-1008	Ch.252 -	768
7-1010	Amended and Redesignated 7-1011	Ch.252 -	770
7-1010	Redesignated from 7-1009	Ch.252 -	769
7-1011	Amended and Redesignated 7-1012	Ch.252 -	771
7-1011	Redesignated from 7-1010	Ch.252 -	770
7-1012	Amended and Redesignated 7-1013	Ch.252 -	771
7-1012	Redesignated from 7-1011	Ch.252 -	771
7-1013	Amended and Redesignated 7-1016	Ch.252 -	772
7-1013	Redesignated from 7-1012	Ch.252 -	771
7-1014	Amended and Redesignated 7-1017	Ch.252 -	773
7-1014	New Section Added	Ch.252 -	772
7-1015	Amended and Redesignated 7-1018	Ch.252 -	773
7-1015	New Section Added	Ch.252 -	772
7-1016	Amended and Redesignated 7-1019	Ch.252 -	773
7-1016	Redesignated from 7-1013	Ch.252 -	772
7-1017	Amended and Redesignated 7-1020	Ch.252 -	774
7-1017	Redesignated from 7-1014	Ch.252 -	773
7-1018	Amended and Redesignated 7-1021	Ch.252 -	775
7-1018	Redesignated from 7-1015	Ch.252 -	773
7-1019	Amended and Redesignated 7-1022	Ch.252 -	775
7-1019	Redesignated from 7-1016	Ch.252 -	773
7-1020	Amended and Redesignated 7-1023	Ch.252 -	776
7-1020	Redesignated from 7-1017	Ch.252 -	774
7-1021	Amended and Redesignated 7-1024	Ch.252 -	776
7-1021	Redesignated from 7-1018	Ch.252 -	775
7-1022	Amended and Redesignated 7-1025	Ch.252 -	776
7-1022	Redesignated from 7-1019	Ch.252 -	775
7-1023	Amended and Redesignated 7-1026	Ch.252 -	777
7-1023	Redesignated from 7-1020	Ch.252 -	776
7-1024	Amended and Redesignated 7-1027	Ch.252 -	777
7-1024	Redesignated from 7-1021	Ch.252 -	776
7-1025	Amended and Redesignated 7-1028	Ch.252 -	777
7-1025	Redesignated from 7-1022	Ch.252 -	776
7-1026	Amended and Redesignated 7-1029	Ch.252 -	778
7-1026	Redesignated from 7-1023	Ch.252 -	777
7-1027	Amended and Redesignated 7-1030	Ch.252 -	778
7-1027	Redesignated from 7-1024	Ch.252 -	777
7-1028	Amended and Redesignated 7-1031	Ch.252 -	778

TITLE 7 (Continued)

7-1028 Redesignated from 7-1025..... Ch.252 - 777
7-1029 Amended and Redesignated 7-1032..... Ch.252 - 779
7-1029 Redesignated from 7-1026..... Ch.252 - 778
7-1030 Amended and Redesignated 7-1033..... Ch.252 - 779
7-1030 Redesignated from 7-1027..... Ch.252 - 778
7-1031 Amended and Redesignated 7-1034..... Ch.252 - 779
7-1031 Redesignated from 7-1028..... Ch.252 - 778
7-1032 Amended and Redesignated 7-1035..... Ch.252 - 780
7-1032 Redesignated from 7-1029..... Ch.252 - 779
7-1033 Amended and Redesignated 7-1036..... Ch.252 - 781
7-1033 Redesignated from 7-1030..... Ch.252 - 779
7-1034 Amended and Redesignated 7-1037..... Ch.252 - 781
7-1034 Redesignated from 7-1031..... Ch.252 - 779
7-1035 Amended and Redesignated 7-1038..... Ch.252 - 781
7-1035 Redesignated from 7-1032..... Ch.252 - 780
7-1036 Amended and Redesignated 7-1039..... Ch.252 - 782
7-1036 Redesignated from 7-1033..... Ch.252 - 781
7-1037 Amended and Redesignated 7-1040..... Ch.252 - 782
7-1037 Redesignated from 7-1034..... Ch.252 - 781
7-1038 Amended and Redesignated 7-1041..... Ch.252 - 782
7-1038 Redesignated from 7-1035..... Ch.252 - 781
7-1039 Amended and Redesignated 7-1042..... Ch.252 - 782
7-1039 Redesignated from 7-1036..... Ch.252 - 782
7-1040 Amended and Redesignated 7-1043..... Ch.252 - 783
7-1040 Redesignated from 7-1037..... Ch.252 - 782
7-1041 Amended and Redesignated 7-1044..... Ch.252 - 783
7-1041 Redesignated from 7-1038..... Ch.252 - 782
7-1042 Amended and Redesignated 7-1045..... Ch.252 - 784
7-1042 Redesignated from 7-1039..... Ch.252 - 782
7-1043 Amended and Redesignated 7-1046..... Ch.252 - 784
7-1043 Redesignated from 7-1040..... Ch.252 - 783
7-1044 Amended and Redesignated 7-1047..... Ch.252 - 784
7-1044 Redesignated from 7-1041..... Ch.252 - 783
7-1045 Amended and Redesignated 7-1048..... Ch.252 - 785
7-1045 Redesignated from 7-1042..... Ch.252 - 784
7-1046 Amended and Redesignated 7-1049..... Ch.252 - 785
7-1046 Redesignated from 7-1043..... Ch.252 - 784
7-1047 Amended and Redesignated 7-1050..... Ch.252 - 786
7-1047 Redesignated from 7-1044..... Ch.252 - 784
7-1048 Amended and Redesignated 7-1051..... Ch.252 - 786
7-1048 Redesignated from 7-1045..... Ch.252 - 785
7-1049 Amended and Redesignated 7-1052..... Ch.252 - 786
7-1049 Redesignated from 7-1046..... Ch.252 - 785
7-1050 Amended and Redesignated 7-1053..... Ch.252 - 787
7-1050 Redesignated from 7-1047..... Ch.252 - 786
7-1051 Amended and Redesignated 7-1054..... Ch.252 - 788
7-1051 Redesignated from 7-1048..... Ch.252 - 786
7-1052 Amended and Redesignated 7-1055..... Ch.252 - 788
7-1052 Redesignated from 7-1049..... Ch.252 - 786
7-1053 Amended and Redesignated 7-1056..... Ch.252 - 788
7-1053 Redesignated from 7-1050..... Ch.252 - 787
7-1054 Amended and Redesignated 7-1058..... Ch.252 - 789
7-1054 Redesignated from 7-1051..... Ch.252 - 788

TITLE 7 (Continued)
7-1055 Amended and Redesignated 7-1059..... Ch.252 - 789
7-1055 Redesignated from 7-1052..... Ch.252 - 788
7-1056 Amended and Redesignated 7-1060..... Ch.252 - 790
7-1056 Redesignated from 7-1053..... Ch.252 - 788
7-1057 Amended and Redesignated 7-1061..... Ch.252 - 790
7-1057 New Section Added..... Ch.252 - 789
7-1058 Amended and Redesignated 7-1001..... Ch.252 - 764
7-1058 Redesignated from 7-1054..... Ch.252 - 789
7-1059 Amended and Redesignated 7-1062..... Ch.252 - 790
7-1059 Redesignated from 7-1055..... Ch.252 - 789
7-1060 Redesignated from 7-1056..... Ch.252 - 790
7-1061 Redesignated from 7-1057..... Ch.252 - 790
7-1062 Redesignated from 7-1059..... Ch.252 - 790
TITLE 9
9-207 New Section Added..... Ch.204 - 624
Ch.3 Referred to..... Ch. 62 - 192
Ch.3 Referred to..... Ch.116 - 326
Ch.3 Referred to..... Ch.318 - 1000
9-337 Amended..... Ch.352 - 1071
9-337 Referred to..... Ch.258 - 796
9-338 Amended..... Ch.103 - 284
9-339 Amended..... Ch.103 - 286
9-340B Amended..... Ch.282 - 866
9-340B Amended..... Ch.352 - 1072
9-340C Amended..... Ch. 38 - 112
9-340C Amended..... Ch. 67 - 199
9-340C Amended..... Ch.175 - 535
9-340C Amended..... Ch.352 - 1075
9-340C Referred to..... Ch.410 - 1241
9-340D Amended..... Ch. 16 - 42
9-340D Referred to..... Ch. 57 - 175
TITLE 15
15-1-201 Amended..... Ch.163 - 484
15-2-511 Amended..... Ch.161 - 481
15-3-111 Referred to..... Ch.179 - 554
15-3-801 Referred to..... Ch.179 - 555
15-3-805 Referred to..... Ch.179 - 554
15-3-1201 Amended..... Ch.160 - 480
15-3-1201 Amended..... Ch.179 - 553
Ch.5 Referred to..... Ch.182 - 573
15-5-202 Amended..... Ch.183 - 582
15-5-207 Amended..... Ch.180 - 559
15-5-211 Amended..... Ch.182 - 565
15-5-306 Amended..... Ch.181 - 562
15-5-313 Amended..... Ch.182 - 565
15-5-425 Amended..... Ch.181 - 562
15-5-430 Amended..... Ch.182 - 566
15-5-431 Amended..... Ch.182 - 566
15-5-432 Repealed..... Ch.182 - 566
15-7-402 Amended..... Ch.162 - 482
15-7-701 New Section Added..... Ch.161 - 482
15-9-101 New Section Added..... Ch.182 - 567
15-9-102 New Section Added..... Ch.182 - 567

TITLE 15 (Continued)
15-9-103 New Section Added..... Ch.182 - 568
15-9-104 New Section Added..... Ch.182 - 569
15-9-105 New Section Added..... Ch.182 - 569
15-9-106 New Section Added..... Ch.182 - 570
15-9-201 New Section Added..... Ch.182 - 570
15-9-202 New Section Added..... Ch.182 - 570
15-9-203 New Section Added..... Ch.182 - 571
15-9-204 New Section Added..... Ch.182 - 572
15-9-205 New Section Added..... Ch.182 - 573
15-9-206 New Section Added..... Ch.182 - 573
15-10-101 New Section Added..... Ch.182 - 574
15-10-102 New Section Added..... Ch.182 - 574
15-10-103 New Section Added..... Ch.182 - 575
15-10-104 New Section Added..... Ch.182 - 575
15-10-105 New Section Added..... Ch.182 - 576
15-10-201 New Section Added..... Ch.182 - 576
15-10-202 New Section Added..... Ch.182 - 577
15-10-203 New Section Added..... Ch.182 - 577
15-10-204 New Section Added..... Ch.182 - 578
15-10-205 New Section Added..... Ch.182 - 578
15-11-101 New Section Added..... Ch.182 - 579
15-11-102 New Section Added..... Ch.182 - 580
15-11-103 New Section Added..... Ch.182 - 580
15-11-201 New Section Added..... Ch.182 - 580
15-11-202 New Section Added..... Ch.182 - 580
15-11-203 New Section Added..... Ch.182 - 581
TITLE 16
16-1504 Referred to..... Ch.180 - 559
16-1514 Amended..... Ch. 77 - 234
16-1514A New Section Added..... Ch. 77 - 236
16-1629 Amended..... Ch. 16 - 45
16-2005 Referred to..... Ch.180 - 559
16-2403 Referred to..... Ch. 97 - 272
TITLE 18
18-101A Referred to..... Ch. 92 - 266
18-217 New Section Added..... Ch. 92 - 266
18-303 Referred to..... Ch.234 - 697
18-604 Amended..... Ch.438 - 1322
18-609 Amended..... Ch.438 - 1324
18-801 thru
18-804 Referred to..... Ch.184 - 583
Ch.9 Referred to..... Ch.184 - 583
18-905 Referred to..... Ch. 85 - 250
18-907 Referred to..... Ch. 85 - 250
18-909 Referred to..... Ch. 85 - 250
18-910 Amended..... Ch.178 - 545
18-911 Referred to..... Ch. 85 - 250
18-912 Amended..... Ch.178 - 545
18-913 Referred to..... Ch. 85 - 250
18-917A New Section Added..... Ch.313 - 973
18-1351 Referred to..... Ch.156 - 472
18-1401 Referred to..... Ch.184 - 583
18-1403 Referred to..... Ch.184 - 583

TITLE 18 (Continued)

18-1405	Referred to	Ch.184 - 583
18-1406	Referred to	Ch.184 - 583
18-1501	Referred to	Ch. 85 - 250
18-1505	Referred to	Ch. 85 - 250
18-1505B	Referred to	Ch. 85 - 250
18-1506	Amended	Ch.178 - 545
18-1506	Referred to	Ch. 39 - 116
18-1506	Referred to	Ch. 85 - 250
18-1506A	Amended	Ch.178 - 546
18-1506A	Referred to	Ch. 39 - 117
18-1506A	Referred to	Ch. 85 - 250
18-1507	Amended	Ch.178 - 547
18-1507	Referred to	Ch. 85 - 250
18-1507A	Amended	Ch.178 - 548
18-1508	Referred to	Ch. 39 - 116
18-1508A	Amended	Ch.178 - 549
18-1508A	Referred to	Ch. 85 - 250
18-1509A	Referred to	Ch. 85 - 250
18-1511	Referred to	Ch. 85 - 250
18-1601	Amended	Ch. 71 - 216
18-1905	Amended	Ch. 71 - 217
18-2001	Referred to	Ch.184 - 583
18-2202	Referred to	Ch.184 - 583
18-2308	Amended	Ch. 71 - 217
18-2317	Amended	Ch. 71 - 217
18-2318	Amended	Ch. 71 - 218
18-2322	Amended	Ch. 71 - 218
18-2401	Referred to	Ch.184 - 583
18-2403	Referred to	Ch.184 - 583
18-2407	Referred to	Ch. 85 - 250
18-2501	Amended	Ch. 71 - 219
18-2601 thru 18-2606	Referred to	Ch.184 - 583
18-3202	Amended	Ch. 71 - 219
Ch.33	Referred to	Ch.184 - 583
18-3302	Amended	Ch.114 - 309
18-3302	Amended	Ch.294 - 906
18-3302I	New Section Added	Ch.303 - 936
18-3304	Amended	Ch. 71 - 219
18-3305	Amended	Ch. 71 - 219
18-3306	Amended	Ch. 71 - 219
18-3313	Amended	Ch. 46 - 135
18-3322	Referred to	Ch. 39 - 117
18-3323	Referred to	Ch. 39 - 117
18-3324	Referred to	Ch. 39 - 117
18-3601 thru 18-3603	Referred to	Ch.184 - 583
18-3605 thru 18-3616	Referred to	Ch.184 - 583
18-3802	Referred to	Ch.184 - 583
18-3809	Amended	Ch. 71 - 220
18-3810	Amended	Ch. 71 - 220
18-4001	Referred to	Ch.184 - 583

TITLE 18 (Continued)

18-4006	Referred to	Ch.184 - 583
18-4009	Referred to	Ch.453 - 1345
Ch.41	Referred to	Ch.219 - 655
Ch.41	Referred to	Ch.378 - 1171
18-4109	Amended	Ch. 71 - 221
18-4116	Amended	Ch.178 - 549
18-4501 thru 18-4503	Referred to	Ch.184 - 583
18-4616	Amended	Ch. 71 - 221
18-4629	Amended	Ch. 71 - 221
18-5001	Referred to	Ch.184 - 583
18-5601 thru 18-5614	Referred to	Ch. 85 - 250
18-5601 thru 18-5614	Referred to	Ch.184 - 583
18-5701	Amended	Ch.156 - 471
18-5703	Amended	Ch.156 - 472
18-6101	Referred to	Ch.184 - 583
18-6101	Referred to	Ch.408 - 1238
18-6108	Referred to	Ch.184 - 583
18-6110	Referred to	Ch.184 - 583
18-6501	Referred to	Ch.184 - 583
18-6602	Amended	Ch.178 - 550
18-6801	Amended	Ch. 71 - 221
18-7020	Amended	Ch. 71 - 222
18-7031	Amended	Ch. 71 - 222
18-7804	Referred to	Ch. 85 - 250
18-7804	Referred to	Ch.184 - 583
18-7902	Referred to	Ch.184 - 583
18-8002	Amended	Ch.224 - 665
18-8002	Amended	Ch.261 - 800
18-8002A	Amended	Ch.261 - 803
18-8005	Amended	Ch.261 - 809
18-8006	Amended	Ch.261 - 814
18-8102	Referred to	Ch. 39 - 117
18-8103	Referred to	Ch. 39 - 117
18-8103	Referred to	Ch.184 - 584
18-8201	Referred to	Ch.184 - 584
18-8304	Amended	Ch.408 - 1237
18-8304	Referred to	Ch.154 - 469
18-8307	Amended	Ch.178 - 550
18-8308	Amended	Ch.178 - 551
18-8309	Amended	Ch.178 - 552
18-8311	Amended	Ch.178 - 553
18-8314	Amended	Ch.379 - 1172
18-8314	Referred to	Ch.154 - 469
18-8324	Amended	Ch. 35 - 98
18-8329	New Section Added	Ch.354 - 1084
18-8501	New Section Added	Ch. 85 - 249
18-8501	New Section Added	Ch.184 - 582
18-8502	New Section Added	Ch. 85 - 249
18-8502	New Section Added	Ch.184 - 582
18-8502	Referred to	Ch. 85 - 250

TITLE 18 (Continued)

18-8503	New Section Added	Ch. 85 - 249
18-8503	New Section Added	Ch.184 - 584
18-8504	New Section Added	Ch. 85 - 250
18-8504	New Section Added	Ch.184 - 584
18-8505	New Section Added	Ch. 85 - 250
18-8505	New Section Added	Ch.184 - 584
18-8506	New Section Added	Ch.184 - 585

TITLE 19

19-201 thru 19-205	Referred to	Ch.453 - 1345
19-401	Amended	Ch. 39 - 116
19-402	Amended	Ch. 39 - 117
19-2515	Amended	Ch.129 - 375
19-2515A	Amended	Ch.129 - 378
19-2520	Amended	Ch.249 - 758
19-2520G	Amended	Ch.154 - 469
19-2604	Amended	Ch.104 - 287
19-2604	Amended	Ch.157 - 473
19-2604	Referred to	Ch. 47 - 138
19-2827	Amended	Ch.155 - 470
19-4301A	Amended	Ch.239 - 724
19-4705	Amended	Ch. 71 - 222
Ch.51	Referred to	Ch.453 - 1345
19-5109	Amended	Ch. 47 - 136
19-5109	Amended	Ch.246 - 753
19-5112	Amended	Ch. 47 - 138

TITLE 20

20-223	Amended	Ch.251 - 760
20-227	Amended	Ch.143 - 404
20-245	Amended	Ch.206 - 633
Ch.3	Heading Amended	Ch. 16 - 47
20-510	Amended	Ch.177 - 544

TITLE 22

22-103	Amended	Ch.220 - 657
22-2011	Repealed	Ch.197 - 611
22-2019	New Section Added	Ch.197 - 612
22-2019	Referred to	Ch. 2 - 25
22-2019	Repealed	Ch.197 - 611
22-2402	Amended	Ch.225 - 669
22-2403	Amended	Ch.225 - 671
22-2404	Amended	Ch.225 - 672
22-2405	Amended	Ch.225 - 673
22-2407	Amended	Ch.225 - 675
22-2409	Amended	Ch.225 - 675
22-2411	Amended	Ch.225 - 676
22-2501	Redesignated from 22-2517	Ch. 86 - 251
22-2502	Redesignated from 22-2518	Ch. 86 - 252
22-2503	Redesignated from 22-2519	Ch. 86 - 252
22-2504	Redesignated from 22-2520	Ch. 86 - 253
22-2505	Redesignated from 22-2523	Ch. 86 - 253
22-2506	Redesignated from 22-2524	Ch. 86 - 253
22-2507	Redesignated from 22-2529	Ch. 86 - 254
22-2508	New Section Added	Ch. 86 - 254

TITLE 22 (Continued)

22-2509	Redesignated from 22-2532	Ch. 86 - 254
22-2510	Redesignated from 22-2536	Ch. 86 - 254
22-2511	Redesignated from 22-2538	Ch. 86 - 255
22-2512	Redesignated from 22-2539	Ch. 86 - 255
22-2513	Redesignated from 22-2540	Ch. 86 - 256
22-2517	Amended and Redesignated 22-2501	Ch. 86 - 251
22-2518	Amended and Redesignated 22-2502	Ch. 86 - 252
22-2519	Amended and Redesignated 22-2503	Ch. 86 - 252
22-2520	Amended and Redesignated 22-2504	Ch. 86 - 253
22-2521	Repealed	Ch. 86 - 253
22-2523	Amended and Redesignated 22-2505	Ch. 86 - 253
22-2524	Amended and Redesignated 22-2506	Ch. 86 - 253
22-2525	Repealed	Ch. 86 - 253
22-2526	Repealed	Ch. 86 - 254
22-2529	Amended and Redesignated 22-2507	Ch. 86 - 254
22-2530	Repealed	Ch. 86 - 254
22-2532	Amended and Redesignated 22-2509	Ch. 86 - 254
22-2536	Amended and Redesignated 22-2510	Ch. 86 - 254
22-2538	Amended and Redesignated 22-2511	Ch. 86 - 255
22-2539	Amended and Redesignated 22-2512	Ch. 86 - 255
22-2540	Amended and Redesignated 22-2513	Ch. 86 - 256
22-2807	Amended	Ch. 87 - 257
22-2808	Amended	Ch. 87 - 257
22-2811	New Section Added	Ch. 87 - 258
22-2919	Amended	Ch.364 - 1101
22-3811	Amended	Ch.362 - 1100
22-4203	Amended	Ch.365 - 1103
22-4205	Amended	Ch.365 - 1103
22-4215	Amended	Ch.361 - 1098
22-4502	Referred to	Ch.310 - 953
22-4720	Amended	Ch.363 - 1100
22-4802	Amended	Ch.121 - 338
22-5202	Amended	Ch.217 - 652

TITLE 23

23-203	Amended	Ch. 18 - 68
23-217	Amended	Ch. 18 - 69
23-309	Amended	Ch. 18 - 69
23-401	Amended	Ch. 18 - 70
23-402	Amended	Ch. 18 - 70
23-404	Amended	Ch.289 - 886
23-407	Amended	Ch. 18 - 70
23-616	New Section Added	Ch.254 - 792
23-701	Referred to	Ch.254 - 792
Ch.9	Referred to	Ch.254 - 792
23-903	Amended	Ch.449 - 1335
23-904	Amended	Ch.449 - 1333
23-944	Amended	Ch.378 - 1171
23-957	New Section Added	Ch.449 - 1334
Ch.10	Referred to	Ch.254 - 792
Ch.13	Referred to	Ch.254 - 792
23-1309A	Amended	Ch. 29 - 89
23-1319	Amended	Ch. 29 - 91

TITLE 25

25-236	Amended	Ch.226 -	677
25-402	Amended	Ch. 93 -	267
25-610	Amended	Ch.216 -	651
25-1145	Amended	Ch.198 -	613
25-1160	Amended	Ch.198 -	613
25-1160	Referred to	Ch.202 -	618
25-2505	Amended	Ch.202 -	618
25-2510	Amended	Ch.202 -	618
25-2612A	Referred to	Ch.230 -	687
25-2701	Redesignated from 25-2715	Ch. 57 -	168
25-2702	Redesignated from 25-2716	Ch. 57 -	168
25-2703	Redesignated from 25-2717	Ch. 57 -	168
25-2704	Redesignated from 25-2718	Ch. 57 -	171
25-2705	Redesignated from 25-2719	Ch. 57 -	172
25-2706	Redesignated from 25-2720	Ch. 57 -	173
25-2707	Redesignated from 25-2721	Ch. 57 -	175
25-2708	Redesignated from 25-2722	Ch. 57 -	176
25-2709	Redesignated from 25-2723	Ch. 57 -	177
25-2710	Redesignated from 25-2724	Ch. 57 -	178
25-2711	Redesignated from 25-2725	Ch. 57 -	178
25-2712	New Section Added	Ch. 57 -	179
25-2713	Redesignated from 25-2726	Ch. 57 -	179
25-2714	Redesignated from 25-2727	Ch. 57 -	180
25-2715	Amended and Redesignated 25-2701	Ch. 57 -	168
25-2715	Redesignated from 25-2728	Ch. 57 -	181
25-2716	Amended and Redesignated 25-2702	Ch. 57 -	168
25-2716	New Section Added	Ch. 57 -	181
25-2717	Amended and Redesignated 25-2703	Ch. 57 -	168
25-2717	New Section Added	Ch. 57 -	181
25-2718	Amended and Redesignated 25-2704	Ch. 57 -	171
25-2719	Amended and Redesignated 25-2705	Ch. 57 -	172
25-2720	Amended and Redesignated 25-2706	Ch. 57 -	173
25-2721	Amended and Redesignated 25-2707	Ch. 57 -	175
25-2722	Amended and Redesignated 25-2708	Ch. 57 -	176
25-2723	Amended and Redesignated 25-2709	Ch. 57 -	177
25-2724	Amended and Redesignated 25-2710	Ch. 57 -	178
25-2725	Amended and Redesignated 25-2711	Ch. 57 -	178
25-2726	Amended and Redesignated 25-2713	Ch. 57 -	179
25-2727	Amended and Redesignated 25-2714	Ch. 57 -	180
25-2728	Amended and Redesignated 25-2715	Ch. 57 -	181
Ch.30	Referred to	Ch.226 -	678
25-3001	Amended	Ch.226 -	678
25-3501	Amended	Ch.170 -	524
25-3501A	New Section Added	Ch.170 -	524
25-3502	Amended	Ch.170 -	524
25-3504	Amended	Ch.170 -	526
25-3505	Amended	Ch.170 -	526
25-3511	Amended	Ch.170 -	526
25-3520A	Amended	Ch.170 -	527
25-3520B	New Section Added	Ch.170 -	528
Ch.37	Referred to	Ch.226 -	678

TITLE 26

26-3104	Amended	Ch.123 - 356
26-3105	Amended	Ch.410 - 1240

TITLE 27

27-114	Amended	Ch. 24 - 82

TITLE 28

Ch.9	Referred to	Ch.323 - 1024
28-22-104	Referred to	Ch.144 - 410
28-41-201	Amended	Ch.122 - 340
28-41-301	Amended	Ch.122 - 341
28-41-301	Referred to	Ch.122 - 350
28-45-401	Amended	Ch.122 - 347
28-46-108	Amended	Ch.122 - 348
28-46-113	Amended	Ch.122 - 349
28-46-201	Repealed	Ch.122 - 349
28-46-202	Repealed	Ch.122 - 349
28-46-203	Repealed	Ch.122 - 349
28-46-301	Amended	Ch.122 - 350
28-46-302	Amended	Ch.122 - 350
28-46-303	Amended	Ch.122 - 352
28-46-304	Amended	Ch.122 - 352
28-46-305	Amended	Ch.122 - 353
28-46-402	Amended	Ch.122 - 354
28-46-403	Amended	Ch.122 - 354
28-46-404	Amended	Ch.122 - 355
28-46-407	Amended	Ch.122 - 355
28-46-501	New Section Added	Ch.323 - 1023
28-46-502	New Section Added	Ch.323 - 1024
28-46-503	New Section Added	Ch.323 - 1024
28-46-504	New Section Added	Ch.323 - 1024
28-46-505	New Section Added	Ch.323 - 1025
28-46-506	New Section Added	Ch.323 - 1026
28-46-507	New Section Added	Ch.323 - 1026
28-46-508	New Section Added	Ch.323 - 1027
28-46-509	New Section Added	Ch.323 - 1027
Ch.50	Referred to	Ch.290 - 893
28-51-104	New Section Added	Ch.258 - 796
28-51-105	New Section Added	Ch.258 - 797
28-51-106	New Section Added	Ch.258 - 798
28-51-107	New Section Added	Ch.258 - 798

TITLE 30

30-1-401	Amended	Ch.144 - 455

TITLE 31

31-814	Amended	Ch. 21 - 79
31-869	Amended	Ch.210 - 639
31-1401	Amended	Ch.318 - 990
31-1403	Amended	Ch.318 - 991
31-1405	Amended	Ch.318 - 991
31-1408	Amended	Ch.318 - 992
31-1408A	Amended and Redesignated 31-1410A	Ch.318 - 992
31-1409	Amended	Ch.318 - 993
31-1410	Amended	Ch.318 - 994
31-1410A	Redesignated from 31-1408A	Ch.318 - 992
31-1411	Amended	Ch.318 - 995

TITLE 31 (Continued)

31-1411A	Amended and Redesignated 31-1413	Ch.318 - 996
31-1411B	Amended and Redesignated 31-1414	Ch.318 - 997
31-1412	Amended	Ch.318 - 998
31-1413	Amended and Redesignated 31-1415	Ch.318 - 1000
31-1413	Redesignated from 31-1411A	Ch.318 - 996
31-1414	Amended and Redesignated 31-1416	Ch.318 - 1000
31-1414	Redesignated from 31-1411B	Ch.318 - 997
31-1415	Amended and Redesignated 31-1417	Ch.318 - 1001
31-1415	Redesignated from 31-1413	Ch.318 - 1000
31-1416	Redesignated from 31-1414	Ch.318 - 1000
31-1416A	Amended and Redesignated 31-1418	Ch.318 - 1001
31-1417	Amended and Redesignated 31-1419	Ch.318 - 1002
31-1417	Redesignated from 31-1415	Ch.318 - 1001
31-1417A	Amended and Redesignated 31-1420	Ch.318 - 1002
31-1418	Redesignated from 31-1416A	Ch.318 - 1001
31-1418	Repealed	Ch.318 - 1004
31-1419	Redesignated from 31-1417	Ch.318 - 1002
31-1419A	Amended and Redesignated 31-1422	Ch.318 - 1004
31-1420	Amended and Redesignated 31-1423	Ch.318 - 1005
31-1420	Redesignated from 31-1417A	Ch.318 - 1002
31-1421	Amended and Redesignated 31-1424	Ch.318 - 1005
31-1421	New Section Added	Ch.318 - 1004
31-1422	Amended and Redesignated 31-1425	Ch.318 - 1006
31-1422	Redesignated from 31-1419A	Ch.318 - 1004
31-1423	Amended and Redesignated 31-1426	Ch.318 - 1006
31-1423	Redesignated from 31-1420	Ch.318 - 1005
31-1424	Amended and Redesignated 31-1427	Ch.318 - 1007
31-1424	Redesignated from 31-1421	Ch.318 - 1005
31-1424A	Amended and Redesignated 31-1428	Ch.318 - 1008
31-1425	Redesignated from 31-1422	Ch.318 - 1006
31-1425	Repealed	Ch.318 - 1008
31-1426	Redesignated from 31-1423	Ch.318 - 1006
31-1426	Repealed	Ch.318 - 1008
31-1427	Redesignated from 31-1424	Ch.318 - 1007
31-1427	Repealed	Ch.318 - 1008
31-1428	Redesignated from 31-1424A	Ch.318 - 1008
31-1428	Repealed	Ch.318 - 1008
31-1429	Amended	Ch.318 - 1008
31-1430	New Section Added	Ch.318 - 1008
31-1430	Repealed	Ch.318 - 1008
31-1430A	Repealed	Ch.318 - 1009
31-1430B	Amended and Redesignated 31-1431	Ch.318 - 1009
31-1431	Amended and Redesignated 31-1432	Ch.318 - 1010
31-1431	Redesignated from 31-1430B	Ch.318 - 1009
31-1432	Redesignated from 31-1431	Ch.318 - 1010
31-1432	Repealed	Ch.318 - 1010
31-1433	Redesignated from 31-1434	Ch.318 - 1010
31-1433	Repealed	Ch.318 - 1010
31-1434	Amended and Redesignated 31-1433	Ch.318 - 1010
31-1434	Redesignated from 31-1435	Ch.318 - 1011
31-1435	Amended and Redesignated 31-1434	Ch.318 - 1011
31-1435	Redesignated from 31-1436	Ch.318 - 1013
31-1436	Amended and Redesignated 31-1435	Ch.318 - 1013

TITLE 31 (Continued)
31-1436 Redesignated from 31-1437..... Ch.318 - 1013
31-1437 Amended and Redesignated 31-1436..... Ch.318 - 1013
31-1437 Redesignated from 31-1438..... Ch.318 - 1013
31-1438 Amended and Redesignated 31-1437..... Ch.318 - 1013
31-2601 Referred to..... Ch.115 - 314
31-3201A Amended..... Ch.267 - 829
31-3205 Amended..... Ch.286 - 882
31-3221 Amended..... Ch. 73 - 226
31-4804 Amended..... Ch.238 - 722
31-4815 Referred to..... Ch.292 - 901
TITLE 32
Title 32 Referred to..... Ch. 50 - 144
Ch.12 Referred to..... Ch.252 - 765
TITLE 33
33-107 Amended..... Ch.240 - 725
33-120 Amended..... Ch.244 - 740
33-205 Amended..... Ch.313 - 969
33-210 Amended..... Ch.244 - 740
33-317 Amended..... Ch.306 - 945
Ch.4 Referred to..... Ch.306 - 945
33-403C Amended..... Ch.232 - 689
33-406 Amended..... Ch.232 - 690
33-512 Amended..... Ch.244 - 742
33-512 Amended..... Ch.313 - 970
33-515 Amended..... Ch.244 - 744
33-601 Amended..... Ch.228 - 680
33-905 Amended..... Ch.311 - 959
33-905 Referred to..... Ch.423 - 1307
33-906 Amended..... Ch.311 - 960
33-906 Referred to..... Ch.423 - 1307
33-906A Amended..... Ch.423 - 1307
33-907 Amended..... Ch.311 - 962
33-909 New Section Added..... Ch.311 - 962
33-1001 Amended..... Ch.244 - 746
33-1002 Amended..... Ch.418 - 1291
33-1002D Referred to..... Ch.418 - 1291
33-1004 Amended..... Ch.412 - 1249
33-1004A Amended..... Ch.260 - 799
33-1004E Amended..... Ch.417 - 1288
33-1004E Amended..... Ch.418 - 1295
33-1004E Amended..... Ch.420 - 1300
33-1004E Referred to..... Ch.417 - 1288
33-1004F Referred to..... Ch.420 - 1300
33-1004G Amended..... Ch.244 - 747
33-1015 Amended..... Ch.259 - 799
33-1018 Referred to..... Ch.418 - 1291
33-1018B New Section Added..... Ch.311 - 965
33-1019 New Section Added..... Ch.311 - 965
33-1102 Referred to..... Ch.311 - 960
33-1204 Amended..... Ch.244 - 749
33-1207A Referred to..... Ch.419 - 1298
33-1228 Amended..... Ch.150 - 463
33-1301 New Section Added..... Ch.173 - 531

TITLE 33 (Continued)

33-1302	New Section Added	Ch.173 - 531
33-1303	New Section Added	Ch.173 - 532
33-1304	New Section Added	Ch.173 - 532
33-1612	Referred to	Ch.311 - 957
33-1612	Referred to	HCR 33 - 1396
33-1614	Referred to	Ch.419 - 1298
33-1615	Referred to	Ch.419 - 1298
33-1618	New Section Added	Ch.357 - 1090
33-2101A	Amended	Ch.380 - 1175
33-2109A	Amended	Ch.380 - 1176
33-2211	Amended	Ch. 84 - 247
33-2303	Amended	Ch. 84 - 248
33-2401	Amended	Ch.240 - 726
33-2402	New Section Added	Ch.240 - 728
33-2402	Repealed	Ch.240 - 727
33-2403	New Section Added	Ch.240 - 728
33-2403	Repealed	Ch.240 - 728
33-2404	Redesignated from 33-2405	Ch.240 - 730
33-2404	Repealed	Ch.240 - 729
33-2405	Amended and Redesignated 33-2404	Ch.240 - 730
33-2405	Redesignated from 33-2406	Ch.240 - 731
33-2406	Amended and Redesignated 33-2405	Ch.240 - 731
33-2406	Redesignated from 33-2407	Ch.240 - 731
33-2407	Amended and Redesignated 33-2406	Ch.240 - 731
33-2407	Redesignated from 33-2408	Ch.240 - 732
33-2408	Amended and Redesignated 33-2407	Ch.240 - 732
33-2408	Redesignated from 33-2409	Ch.240 - 734
33-2409	Amended and Redesignated 33-2408	Ch.240 - 734
33-2409	New Section Added	Ch.240 - 735
Ch.25	Heading Amended	Ch.235 - 701
33-2501	Amended	Ch.235 - 701
33-2502	Amended	Ch.235 - 702
33-2503	Amended	Ch.235 - 702
33-2504	New Section Added	Ch.235 - 703
33-2504	Repealed	Ch.235 - 703
33-2505	Amended	Ch.235 - 703
33-2506	Amended	Ch.235 - 704
33-2611	Amended	Ch.235 - 704
33-2612	Amended	Ch.235 - 705
33-2613	Amended	Ch.235 - 705
33-2614	Amended	Ch.235 - 705
33-2616	Amended	Ch.235 - 706
33-2617	Amended	Ch.235 - 707
33-2618	Amended	Ch.235 - 707
33-2619	Amended	Ch.235 - 708
33-2702	Amended	Ch.235 - 708
33-2703	Amended	Ch.235 - 709
33-2705	Amended	Ch.235 - 709
33-2706	Amended	Ch.235 - 710
33-2707	Amended	Ch.235 - 711
33-2708	Amended	Ch.235 - 712
33-2709	Amended	Ch.235 - 712
33-2711	Amended	Ch.235 - 713

TITLE 33 (Continued)

33-2716	Amended	Ch.235 - 714
33-2717	Amended	Ch.235 - 715
33-2718	Amended	Ch.235 - 715
33-2724	Amended	Ch.235 - 716
33-2726	Amended	Ch.235 - 717
33-3401	Amended	Ch.383 - 1201
33-3407	Amended	Ch.383 - 1202
33-3409	Referred to	Ch.403 - 1229
33-4803	Amended	Ch.235 - 717
33-4806	Referred to	Ch.418 - 1291
33-5203	Amended	Ch. 16 - 47
Ch.55	Referred to	Ch.419 - 1298
33-5509	New Section Added	Ch.358 - 1091

TITLE 34

34-106	Referred to	Ch.311 - 963
34-304	Amended	Ch. 70 - 214
34-418	Amended	Ch. 70 - 215
34-432	Amended	Ch. 70 - 215
34-437B	Amended	Ch. 70 - 215
34-503	Amended	Ch.397 - 1222

TITLE 36

36-112	Amended	Ch.230 - 687
36-401	Amended	Ch.145 - 457
36-401	Amended	Ch.169 - 520
36-406	Amended	Ch.168 - 518
36-408	Amended	Ch.169 - 521
36-711	Amended	Ch.226 - 678
36-1406	Amended	Ch.288 - 885
36-1604	Amended	Ch.279 - 861

TITLE 37

37-1901	Repealed	Ch. 94 - 267
37-1902	Repealed	Ch. 94 - 267
37-1903	Repealed	Ch. 94 - 267
37-1904	Repealed	Ch. 94 - 267
37-1905	Repealed	Ch. 94 - 267
37-1906	Repealed	Ch. 94 - 267
37-1907	Repealed	Ch. 94 - 267
37-1908	Repealed	Ch. 94 - 267
37-1909	Repealed	Ch. 94 - 267
37-1910	Repealed	Ch. 94 - 267
37-1911	Repealed	Ch. 94 - 267
37-1912	Repealed	Ch. 94 - 267
37-1913	Repealed	Ch. 94 - 267
37-1914	Repealed	Ch. 94 - 267
37-1915	Repealed	Ch. 94 - 267
37-1916	Repealed	Ch. 94 - 267
37-1917	Repealed	Ch. 94 - 267
37-1918	Repealed	Ch. 94 - 267
37-1919	Repealed	Ch. 94 - 267
37-1920	Repealed	Ch. 94 - 267
37-1921	Repealed	Ch. 94 - 267
37-1922	Repealed	Ch. 94 - 267
37-1923	Repealed	Ch. 94 - 267

TITLE 37 (Continued)

37-1924	Repealed	Ch. 94 - 267
37-1925	Repealed	Ch. 94 - 267
37-1926	Repealed	Ch. 94 - 267
37-1927	Repealed	Ch. 94 - 267
37-1928	Repealed	Ch. 94 - 267
37-1929	Repealed	Ch. 94 - 267
37-1930	Repealed	Ch. 94 - 267
37-1931	Repealed	Ch. 94 - 267
37-1932	Repealed	Ch. 94 - 267
Ch.27	Referred to	Ch.184 - 583
37-2709	Amended	Ch.203 - 620
37-2726	Amended	Ch.175 - 538
37-2730A	Amended	Ch.175 - 539
37-2732B	Amended	Ch.245 - 749
37-2735A	New Section Added	Ch.113 - 308
37-2737A	Amended	Ch. 76 - 234
37-3102	Referred to	Ch. 92 - 266
37-3201	Amended	Ch.290 - 894
37-3301	New Section Added	Ch. 95 - 269
37-3302	New Section Added	Ch. 95 - 269
37-3303	New Section Added	Ch. 95 - 269
37-3304	New Section Added	Ch. 95 - 269
37-3305	New Section Added	Ch. 95 - 270
37-3306	New Section Added	Ch. 95 - 270
TITLE 38		
38-104A	New Section Added	Ch.153 - 468
38-131	Referred to	Ch. 2 - 24
38-131A	Referred to	Ch. 2 - 24
TITLE 39		
39-124	New Section Added	Ch.367 - 1105
39-125	New Section Added	Ch.367 - 1105
39-259	Referred to	Ch. 77 - 236
39-261	Referred to	Ch.438 - 1325
39-269	Amended	Ch.109 - 302
39-277	New Section Added	Ch.241 - 735
39-302	Amended	Ch.407 - 1232
39-303	New Section Added	Ch.407 - 1233
39-303	Repealed	Ch.407 - 1233
39-303A	Amended	Ch.407 - 1236
39-304	Amended	Ch.407 - 1236
39-308	Referred to	Ch. 92 - 266
39-501	New Section Added	Ch.304 - 937
39-502	New Section Added	Ch.304 - 938
39-503	New Section Added	Ch.304 - 938
39-504	New Section Added	Ch.304 - 938
39-505	New Section Added	Ch.304 - 939
39-506	New Section Added	Ch.304 - 940
39-507	New Section Added	Ch.304 - 940
39-508	New Section Added	Ch.304 - 941
39-3124	Amended	Ch.277 - 849
39-3125	Amended and Redesignated 39-3126	Ch.277 - 849
39-3125	New Section Added	Ch.277 - 849
39-3126	Amended and Redesignated 39-3127	Ch.277 - 850

TITLE 39 (Continued)

39-3126	Redesignated from 39-3125	Ch.277 - 849
39-3127	Amended and Redesignated 39-3128	Ch.277 - 851
39-3127	Redesignated from 39-3126	Ch.277 - 850
39-3128	Redesignated from 39-3127	Ch.277 - 851
39-3128	Referred to	Ch.396 - 1222
39-3128	Repealed	Ch.277 - 851
39-3129	Amended	Ch.277 - 851
39-3132	Amended	Ch.277 - 851
39-3133	Amended	Ch.277 - 852
39-3134A	Amended	Ch.277 - 852
39-3403	Amended	Ch.265 - 821
39-3404	Amended	Ch.265 - 822
39-3413	Amended	Ch.265 - 823
39-3556	New Section Added	Ch.282 - 869
39-3630	Referred to	Ch.349 - 1064
Ch.40	Heading Amended	Ch. 79 - 238
39-4001	Amended	Ch. 79 - 238
39-4002	Amended	Ch. 79 - 238
39-4003	Amended	Ch. 79 - 238
39-4003A	Amended	Ch. 79 - 238
39-4004	Amended	Ch. 79 - 239
39-4006	Repealed	Ch. 79 - 239
39-4008	Repealed	Ch. 79 - 239
39-4009	Repealed	Ch. 79 - 239
39-4501	Amended	Ch.214 - 645
39-4509	Amended	Ch. 67 - 202
39-4510	Amended	Ch. 67 - 203
39-4511	Amended	Ch. 67 - 208
39-4513	Amended	Ch. 67 - 208
39-4515	New Section Added	Ch. 67 - 209
39-5603	Amended	Ch.283 - 869
39-5608	Amended	Ch.283 - 871
39-6306	Amended	Ch.287 - 883
39-6316	Amended	Ch.263 - 817
39-7110	Referred to	Ch. 2 - 25
39-7202	Amended	Ch.308 - 947
39-7203	Amended	Ch.308 - 948
39-7211	New Section Added	Ch.308 - 949
39-8006A	New Section Added	Ch.311 - 966
39-8011	Amended	Ch.311 - 966
39-8301	New Section Added	Ch.293 - 904
39-8302	New Section Added	Ch.293 - 904
39-8303	New Section Added	Ch.293 - 905
39-8304	New Section Added	Ch.293 - 905
39-8402	Amended	Ch. 74 - 227
39-8623	New Section Added	Ch. 81 - 243

TITLE 40

40-506	Amended	Ch.450 - 1340
40-510	Amended	Ch. 31 - 94
40-511	Amended	Ch. 31 - 94
40-1304	Amended	Ch.165 - 499
40-1305C	Amended	Ch.165 - 500

TITLE 41

Ch.1	Referred to	Ch. 27 - 87
Ch.2	Referred to	Ch.318 - 990
Ch.2	Referred to	Ch.414 - 1262
Ch.2	Referred to	Ch.415 - 1279
41-232A	New Section Added	Ch. 49 - 141
41-308	Amended	Ch. 49 - 142
41-406	Referred to	Ch.415 - 1274
41-603	Amended	Ch.207 - 636
Ch.7	Referred to	Ch.207 - 637
41-711	Referred to	Ch.415 - 1275
41-713	Amended	Ch. 27 - 86
41-714	Amended	Ch. 27 - 86
41-714	Referred to	Ch.414 - 1263
41-716	Referred to	Ch.414 - 1263
41-721	Amended	Ch. 26 - 84
41-722	Amended	Ch. 26 - 85
41-727	New Section Added	Ch. 27 - 87
41-727	Repealed	Ch. 27 - 87
Ch.9	Referred to	Ch.414 - 1266
41-913	Amended	Ch. 45 - 134
41-1016	Amended	Ch. 49 - 142
Ch.12	Referred to	Ch. 49 - 142
Ch.13	Referred to	Ch.415 - 1279
41-1313	Amended	Ch.293 - 906
41-1314	Amended	Ch.212 - 643
41-1842	Amended	Ch.359 - 1094
41-2141	Referred to	Ch.415 - 1279
41-2216	Referred to	Ch.414 - 1269
41-2216	Referred to	Ch.415 - 1279
41-2223	Amended	Ch.353 - 1079
41-2401	Amended	Ch.359 - 1092
41-2515	Amended	Ch. 30 - 93
41-2841	Amended	Ch. 25 - 83
41-2841	Referred to	Ch.414 - 1269
41-2908	Amended	Ch.199 - 615
Ch.33	Referred to	Ch.415 - 1279
41-4001	Amended	Ch.414 - 1257
41-4002	Amended	Ch.414 - 1257
41-4003	Amended	Ch.414 - 1259
41-4004	Amended	Ch.414 - 1259
41-4005	Amended	Ch.414 - 1260
41-4006	Amended	Ch.414 - 1262
41-4007	Amended	Ch.414 - 1262
41-4009	Amended	Ch.414 - 1263
41-4010	Amended	Ch.414 - 1264
41-4011	Amended	Ch.414 - 1264
41-4012	Amended	Ch.414 - 1265
41-4013	Amended	Ch.414 - 1265
41-4014	Amended	Ch.414 - 1266
41-4015	Amended	Ch.414 - 1266
41-4018	Amended	Ch.414 - 1267
41-4019	Amended	Ch.414 - 1268
41-4020	Amended	Ch.414 - 1268

TITLE 41 (Continued)

41-4021	Amended	Ch.414 - 1269
41-4022	Amended	Ch.414 - 1269
41-4023	Amended	Ch.414 - 1269
41-4101	New Section Added	Ch.415 - 1271
41-4102	New Section Added	Ch.415 - 1272
41-4103	New Section Added	Ch.415 - 1272
41-4104	New Section Added	Ch.415 - 1273
41-4105	New Section Added	Ch.415 - 1274
41-4106	New Section Added	Ch.415 - 1274
41-4107	New Section Added	Ch.415 - 1274
41-4108	New Section Added	Ch.415 - 1275
41-4109	New Section Added	Ch.415 - 1275
41-4110	New Section Added	Ch.415 - 1276
41-4111	New Section Added	Ch.415 - 1276
41-4112	New Section Added	Ch.415 - 1277
41-4113	New Section Added	Ch.415 - 1277
41-4114	New Section Added	Ch.415 - 1277
41-4115	New Section Added	Ch.415 - 1278
41-4116	New Section Added	Ch.415 - 1278
41-4117	New Section Added	Ch.415 - 1278
41-4118	New Section Added	Ch.415 - 1278
41-4119	New Section Added	Ch.415 - 1279
41-4120	New Section Added	Ch.415 - 1279
41-4121	New Section Added	Ch.415 - 1279
41-4122	New Section Added	Ch.415 - 1279
41-4123	New Section Added	Ch.415 - 1280
41-4124	New Section Added	Ch.415 - 1281
41-4125	New Section Added	Ch.415 - 1281
41-4707	Amended	Ch.353 - 1080
41-4904	Amended	Ch.140 - 402
41-5207	Amended	Ch.353 - 1082

TITLE 42

Ch.2	Referred to	Ch.112 - 307
42-201	Amended	Ch.256 - 793
42-605	Amended	Ch.146 - 458
42-620	Referred to	SCR136 - 1393
42-1406B	New Section Added	Ch.222 - 661
42-1414	Amended	Ch.222 - 661
42-1425	Amended	Ch.222 - 662
42-1503	Referred to	HCR 36 - 1398
42-1503	Referred to	HCR 37 - 1400
42-1507	Referred to	Ch.112 - 307
42-1734	Referred to	SCR136 - 1392
42-1756	Amended	Ch.126 - 362
42-1756	Amended	Ch.304 - 941
42-1777	Amended	Ch.400 - 1224
42-2042	Amended	Ch.126 - 364
42-3218	Amended	Ch.167 - 515
42-5214	Amended	Ch.355 - 1085
42-5232	Amended	Ch.355 - 1087
42-5244	Amended	Ch.355 - 1088
42-5251	Amended	Ch.355 - 1088
42-5259	Referred to	Ch.356 - 1090

TITLE 43
43-111 Amended..... Ch.200 - 616
43-112 Amended..... Ch.200 - 616
43-201 Amended..... Ch.124 - 357
43-401 Amended..... Ch.124 - 358
43-707A Amended..... Ch.255 - 792
43-1808 Amended..... Ch.124 - 359
TITLE 44
Ch.22 Referred to..... Ch. 79 - 241
Ch.25 Referred to..... Ch. 79 - 241
TITLE 45
45-507 Referred to..... Ch.318 - 1009
45-1506 Referred to..... Ch.248 - 757
45-1704 Amended..... Ch. 32 - 95
45-1705 Amended..... Ch. 32 - 96
TITLE 46
46-216 Amended..... Ch.171 - 530
46-225 Amended..... Ch.172 - 531
46-1008 Amended..... Ch.264 - 818
46-1201 New Section Added..... Ch.292 - 900
46-1202 New Section Added..... Ch.292 - 900
46-1203 New Section Added..... Ch.292 - 900
46-1204 New Section Added..... Ch.292 - 900
46-1205 New Section Added..... Ch.292 - 901
46-1206 New Section Added..... Ch.292 - 901
46-1207 New Section Added..... Ch.292 - 901
46-1208 New Section Added..... Ch.292 - 902
46-1209 New Section Added..... Ch.292 - 902
46-1210 New Section Added..... Ch.292 - 902
46-1211 New Section Added..... Ch.292 - 902
46-1212 New Section Added..... Ch.292 - 903
TITLE 47
47-1506 Amended..... Ch. 16 - 48
47-1513 Amended..... Ch. 37 - 101
47-1703 Amended..... Ch. 37 - 104
TITLE 49
49-105 Amended..... Ch. 42 - 124
49-109 Amended..... Ch.164 - 489
49-110 Referred to..... Ch. 42 - 123
49-114 Amended..... Ch.360 - 1097
49-120 Amended..... Ch.164 - 489
49-122 Amended..... Ch. 42 - 128
49-123 Amended..... Ch. 51 - 159
49-123 Referred to..... Ch.237 - 722
Ch.2 Referred to..... Ch.103 - 284
49-240 Amended..... Ch.164 - 492
49-301 Amended..... Ch.164 - 492
49-315 Amended..... Ch.164 - 493
49-315 Amended..... Ch.265 - 823
49-321 Amended..... Ch.164 - 494
49-323 Amended..... Ch.164 - 494
49-335 Amended..... Ch.164 - 495
49-337 Amended..... Ch.164 - 497
Ch.4 Referred to..... Ch.223 - 664

TITLE 49 (Continued)

49-402	Amended	Ch. 41 - 119
49-402	Amended	Ch.118 - 331
49-402	Amended	Ch.119 - 334
49-402	Amended	Ch.176 - 541
49-402B	Amended	Ch.227 - 679
49-415C	New Section Added	Ch. 41 - 120
49-416C	Amended	Ch. 16 - 50
49-416D	New Section Added	Ch.119 - 335
49-416E	New Section Added	Ch.176 - 542
49-418D	Amended	Ch.120 - 337
49-418E	New Section Added	Ch.118 - 332
49-432	Amended	Ch. 58 - 182
49-454	New Section Added	Ch.227 - 679
49-501	Amended	Ch. 42 - 128
49-524	Amended	Ch.102 - 280
49-525	Amended	Ch.102 - 281
49-624	New Section Added	Ch. 78 - 237
49-674	New Section Added	Ch.138 - 395
49-802	Amended	Ch.381 - 1199
49-1002	Amended	Ch.351 - 1070
49-1231	Referred to	Ch.208 - 637
49-1401	Amended	Ch. 71 - 224
49-1416	Amended	Ch.164 - 498
49-1608	Amended	Ch. 42 - 129
49-1608A	New Section Added	Ch.208 - 637
49-1612	Amended	Ch.108 - 301
49-1627	Amended	Ch.223 - 664
49-2202	Amended	Ch. 20 - 78
49-2444	Amended	Ch.265 - 824
Ch.29	Heading Amended	Ch.413 - 1252
49-2901	Amended	Ch.413 - 1252
49-2902	Amended and Redesignated 49-2903	Ch.413 - 1253
49-2902	New Section Added	Ch.413 - 1252
49-2903	Amended and Redesignated 49-2904	Ch.413 - 1254
49-2903	Redesignated from 49-2902	Ch.413 - 1253
49-2904	Amended and Redesignated 49-2905	Ch.413 - 1255
49-2904	Redesignated from 49-2903	Ch.413 - 1254
49-2905	Redesignated from 49-2904	Ch.413 - 1255

TITLE 50

Title 50	Referred to	Ch.317 - 986
50-203	Amended	Ch.105 - 288
50-224	Referred to	Ch.318 - 1008
Ch.4	Referred to	Ch.317 - 987
50-413	Repealed	Ch.105 - 289
50-431	Amended	Ch.105 - 289
50-432	Amended	Ch.105 - 290
50-435	New Section Added	Ch.105 - 290
50-436	Amended	Ch.105 - 291
50-439	Amended	Ch.105 - 291
50-440	Amended	Ch.105 - 292
50-459	New Section Added	Ch.105 - 292
50-459	Repealed	Ch.105 - 292
50-479	Repealed	Ch.105 - 292

TITLE 50 (Continued)
50-609 Amended..... Ch. 53 - 164
50-612 Amended..... Ch.105 - 292
50-707B Amended..... Ch.105 - 293
Ch.19 Referred to..... Ch. 96 - 270
Ch.20 Referred to..... Ch. 96 - 270
50-2018 Amended..... Ch.310 - 953
Ch.29 Referred to..... Ch. 96 - 270
TITLE 53
53-2-101 New Section Added..... Ch.144 - 407
53-2-102 New Section Added..... Ch.144 - 407
53-2-103 New Section Added..... Ch.144 - 409
53-2-104 New Section Added..... Ch.144 - 410
53-2-105 New Section Added..... Ch.144 - 410
53-2-106 New Section Added..... Ch.144 - 410
53-2-107 New Section Added..... Ch.144 - 410
53-2-108 New Section Added..... Ch.144 - 410
53-2-109 New Section Added..... Ch.144 - 411
53-2-110 New Section Added..... Ch.144 - 412
53-2-111 New Section Added..... Ch.144 - 413
53-2-112 New Section Added..... Ch.144 - 414
53-2-113 New Section Added..... Ch.144 - 414
53-2-114 New Section Added..... Ch.144 - 414
53-2-115 New Section Added..... Ch.144 - 414
53-2-116 New Section Added..... Ch.144 - 415
53-2-117 New Section Added..... Ch.144 - 415
53-2-118 New Section Added..... Ch.144 - 415
53-2-201 New Section Added..... Ch.144 - 415
53-2-202 New Section Added..... Ch.144 - 416
53-2-203 New Section Added..... Ch.144 - 417
53-2-204 New Section Added..... Ch.144 - 417
53-2-205 New Section Added..... Ch.144 - 418
53-2-206 New Section Added..... Ch.144 - 418
53-2-207 New Section Added..... Ch.144 - 419
53-2-208 New Section Added..... Ch.144 - 419
53-2-209 New Section Added..... Ch.144 - 420
53-2-210 New Section Added..... Ch.144 - 421
53-2-301 New Section Added..... Ch.144 - 422
53-2-302 New Section Added..... Ch.144 - 422
53-2-303 New Section Added..... Ch.144 - 422
53-2-304 New Section Added..... Ch.144 - 422
53-2-305 New Section Added..... Ch.144 - 423
53-2-306 New Section Added..... Ch.144 - 423
53-2-401 New Section Added..... Ch.144 - 424
53-2-402 New Section Added..... Ch.144 - 424
53-2-403 New Section Added..... Ch.144 - 425
53-2-404 New Section Added..... Ch.144 - 425
53-2-405 New Section Added..... Ch.144 - 425
53-2-406 New Section Added..... Ch.144 - 426
53-2-407 New Section Added..... Ch.144 - 426
53-2-408 New Section Added..... Ch.144 - 427
53-2-501 New Section Added..... Ch.144 - 428
53-2-502 New Section Added..... Ch.144 - 428
53-2-503 New Section Added..... Ch.144 - 428

TITLE 53 (Continued)

53-2-504	New Section Added	Ch.144 -	428
53-2-505	New Section Added	Ch.144 -	428
53-2-506	New Section Added	Ch.144 -	428
53-2-507	New Section Added	Ch.144 -	429
53-2-508	New Section Added	Ch.144 -	429
53-2-509	New Section Added	Ch.144 -	430
53-2-601	New Section Added	Ch.144 -	430
53-2-602	New Section Added	Ch.144 -	431
53-2-603	New Section Added	Ch.144 -	432
53-2-604	New Section Added	Ch.144 -	433
53-2-605	New Section Added	Ch.144 -	433
53-2-606	New Section Added	Ch.144 -	434
53-2-607	New Section Added	Ch.144 -	434
53-2-701	New Section Added	Ch.144 -	435
53-2-702	New Section Added	Ch.144 -	435
53-2-703	New Section Added	Ch.144 -	436
53-2-704	New Section Added	Ch.144 -	436
53-2-801	New Section Added	Ch.144 -	436
53-2-802	New Section Added	Ch.144 -	437
53-2-803	New Section Added	Ch.144 -	437
53-2-804	New Section Added	Ch.144 -	438
53-2-805	New Section Added	Ch.144 -	438
53-2-806	New Section Added	Ch.144 -	439
53-2-807	New Section Added	Ch.144 -	439
53-2-808	New Section Added	Ch.144 -	440
53-2-809	New Section Added	Ch.144 -	440
53-2-810	New Section Added	Ch.144 -	441
53-2-811	New Section Added	Ch.144 -	441
53-2-812	New Section Added	Ch.144 -	441
53-2-901	New Section Added	Ch.144 -	442
53-2-902	New Section Added	Ch.144 -	443
53-2-903	New Section Added	Ch.144 -	443
53-2-904	New Section Added	Ch.144 -	444
53-2-905	New Section Added	Ch.144 -	444
53-2-906	New Section Added	Ch.144 -	444
53-2-907	New Section Added	Ch.144 -	445
53-2-908	New Section Added	Ch.144 -	445
53-2-1001	New Section Added	Ch.144 -	445
53-2-1002	New Section Added	Ch.144 -	446
53-2-1003	New Section Added	Ch.144 -	446
53-2-1004	New Section Added	Ch.144 -	446
53-2-1005	New Section Added	Ch.144 -	446
53-2-1101	New Section Added	Ch.144 -	446
53-2-1102	New Section Added	Ch.144 -	447
53-2-1103	New Section Added	Ch.144 -	448
53-2-1104	New Section Added	Ch.144 -	448
53-2-1105	New Section Added	Ch.144 -	449
53-2-1106	New Section Added	Ch.144 -	449
53-2-1107	New Section Added	Ch.144 -	450
53-2-1108	New Section Added	Ch.144 -	450
53-2-1109	New Section Added	Ch.144 -	451
53-2-1110	New Section Added	Ch.144 -	452
53-2-1111	New Section Added	Ch.144 -	452

TITLE 53 (Continued)

53-2-1112	New Section Added	Ch.144 - 453
53-2-1113	New Section Added	Ch.144 - 454
53-2-1201	New Section Added	Ch.144 - 454
53-2-1202	New Section Added	Ch.144 - 454
53-2-1203	New Section Added	Ch.144 - 454
53-2-1204	New Section Added	Ch.144 - 454
53-2-1205	New Section Added	Ch.144 - 455
53-201	Repealed	Ch.144 - 407
53-202	Repealed	Ch.144 - 407
53-203	Repealed	Ch.144 - 407
53-204	Repealed	Ch.144 - 407
53-204A	Repealed	Ch.144 - 407
53-205	Repealed	Ch.144 - 407
53-206	Repealed	Ch.144 - 407
53-207	Repealed	Ch.144 - 407
53-208	Repealed	Ch.144 - 407
53-209	Repealed	Ch.144 - 407
53-210	Repealed	Ch.144 - 407
53-211	Repealed	Ch.144 - 407
53-212	Repealed	Ch.144 - 407
53-213	Repealed	Ch.144 - 407
53-214	Repealed	Ch.144 - 407
53-215	Repealed	Ch.144 - 407
53-216	Repealed	Ch.144 - 407
53-217	Repealed	Ch.144 - 407
53-218	Repealed	Ch.144 - 407
53-219	Repealed	Ch.144 - 407
53-220	Repealed	Ch.144 - 407
53-221	Repealed	Ch.144 - 407
53-222	Repealed	Ch.144 - 407
53-223	Repealed	Ch.144 - 407
53-224	Repealed	Ch.144 - 407
53-225	Repealed	Ch.144 - 407
53-226	Repealed	Ch.144 - 407
53-227	Repealed	Ch.144 - 407
53-229	Repealed	Ch.144 - 407
53-230	Repealed	Ch.144 - 407
53-231	Repealed	Ch.144 - 407
53-232	Repealed	Ch.144 - 407
53-233	Repealed	Ch.144 - 407
53-234	Repealed	Ch.144 - 407
53-235	Repealed	Ch.144 - 407
53-236	Repealed	Ch.144 - 407
53-237	Repealed	Ch.144 - 407
53-238	Repealed	Ch.144 - 407
53-239	Repealed	Ch.144 - 407
53-240	Repealed	Ch.144 - 407
53-241	Repealed	Ch.144 - 407
53-242	Repealed	Ch.144 - 407
53-243	Repealed	Ch.144 - 407
53-244	Repealed	Ch.144 - 407
53-245	Repealed	Ch.144 - 407
53-246	Repealed	Ch.144 - 407

TITLE 53 (Continued)

53-247	Repealed	Ch.144 - 407
53-248	Repealed	Ch.144 - 407
53-249	Repealed	Ch.144 - 407
53-250	Repealed	Ch.144 - 407
53-251	Repealed	Ch.144 - 407
53-251A	Repealed	Ch.144 - 407
53-252	Repealed	Ch.144 - 407
53-253	Repealed	Ch.144 - 407
53-254	Repealed	Ch.144 - 407
53-255	Repealed	Ch.144 - 407
53-256	Repealed	Ch.144 - 407
53-257	Repealed	Ch.144 - 407
53-258	Repealed	Ch.144 - 407
53-259	Repealed	Ch.144 - 407
53-260	Repealed	Ch.144 - 407
53-261	Repealed	Ch.144 - 407
53-262	Repealed	Ch.144 - 407
53-263	Repealed	Ch.144 - 407
53-264	Repealed	Ch.144 - 407
53-265	Repealed	Ch.144 - 407
53-266	Repealed	Ch.144 - 407
53-268	Repealed	Ch.144 - 407

TITLE 54

Title 54	Referred to	Ch.240 - 729
54-303	Amended	Ch.127 - 365
54-305	Amended	Ch.127 - 365
54-307	Amended	Ch.127 - 367
54-308	Amended	Ch.127 - 367
54-309	Amended	Ch.127 - 369
54-310	Amended	Ch.127 - 370
54-523	New Section Added	Ch.411 - 1242
54-802	Amended	Ch.411 - 1242
54-805	Amended	Ch.411 - 1244
54-808	Amended	Ch.411 - 1246
54-818	Amended	Ch.411 - 1248
54-824A	New Section Added	Ch.411 - 1249
54-837	New Section Added	Ch.411 - 1249
Ch.9	Referred to	Ch.382 - 1201
54-903	Amended	Ch.285 - 874
54-913	Amended	Ch.285 - 875
54-919	Amended	Ch.285 - 875
54-920	New Section Added	Ch.285 - 875
54-920	Repealed	Ch.285 - 875
54-921	Amended	Ch.285 - 879
54-922	Amended	Ch.285 - 879
54-923	Amended	Ch.285 - 879
54-924	Amended	Ch.285 - 879
54-925	Amended	Ch.285 - 881
54-932	Amended	Ch.285 - 881
54-1008	Amended	Ch. 82 - 244
54-1009	Amended	Ch. 83 - 245
54-1013	Amended	Ch. 83 - 246
54-1013A	Repealed	Ch. 82 - 244

TITLE 54 (Continued)

54-1014	Amended	Ch. 82 - 244
54-1142	Amended	Ch.181 - 560
54-1142	Referred to	Ch.109 - 302
54-1142	Referred to	Ch.241 - 736
54-1223	Amended	Ch.137 - 392
54-1506	Amended	Ch. 54 - 164
54-1507	Repealed	Ch. 54 - 165
54-1508	Amended	Ch. 54 - 165
54-1601	Referred to	Ch.290 - 890
54-1705	Amended	Ch.290 - 888
54-1733	Amended	Ch.117 - 330
54-1733	Amended	Ch.290 - 893
Ch.18	Referred to	Ch.421 - 1304
54-1814	Referred to	Ch.438 - 1325
Ch.19	Referred to	Ch. 79 - 241
Ch.19	Referred to	Ch.454 - 1346
54-1904	Amended	Ch. 80 - 242
54-2004	Amended	Ch.166 - 501
54-2014	Amended	Ch.166 - 504
54-2015	Amended	Ch.166 - 505
54-2018	Amended	Ch.166 - 506
54-2023	Amended	Ch.166 - 508
54-2027	Amended	Ch.166 - 510
54-2033	Amended	Ch.166 - 512
54-2034	Amended	Ch.166 - 513
54-2036	Amended	Ch.166 - 513
54-2103	Amended	Ch.139 - 395
54-2106	New Section Added	Ch.139 - 401
54-2203	Amended	Ch.116 - 315
54-2205	Amended	Ch.116 - 316
54-2206	Amended and Redesignated 54-2207	Ch.116 - 318
54-2206	New Section Added	Ch.116 - 318
54-2207	Amended and Redesignated 54-2208	Ch.116 - 319
54-2207	Redesignated from 54-2206	Ch.116 - 318
54-2208	Amended and Redesignated 54-2209	Ch.116 - 319
54-2208	Redesignated from 54-2207	Ch.116 - 319
54-2209	Amended and Redesignated 54-2210	Ch.116 - 319
54-2209	Redesignated from 54-2208	Ch.116 - 319
54-2210	Amended and Redesignated 54-2211	Ch.116 - 320
54-2210	Redesignated from 54-2209	Ch.116 - 319
54-2211	Amended and Redesignated 54-2212	Ch.116 - 320
54-2211	Redesignated from 54-2210	Ch.116 - 320
54-2212	Amended and Redesignated 54-2213	Ch.116 - 321
54-2212	Redesignated from 54-2211	Ch.116 - 320
54-2213	Amended and Redesignated 54-2214	Ch.116 - 321
54-2213	Redesignated from 54-2212	Ch.116 - 321
54-2214	Amended and Redesignated 54-2215	Ch.116 - 321
54-2214	Redesignated from 54-2213	Ch.116 - 321
54-2215	Amended and Redesignated 54-2216	Ch.116 - 322
54-2215	Redesignated from 54-2214	Ch.116 - 321
54-2216	Amended and Redesignated 54-2217	Ch.116 - 322
54-2216	Redesignated from 54-2215	Ch.116 - 322
54-2217	Amended and Redesignated 54-2218	Ch.116 - 323

TITLE 54 (Continued)

54-2217	Redesignated from 54-2216	Ch.116 - 322
54-2218	Amended and Redesignated 54-2219	Ch.116 - 323
54-2218	Redesignated from 54-2217	Ch.116 - 323
54-2219	Amended and Redesignated 54-2220	Ch.116 - 325
54-2219	Redesignated from 54-2218	Ch.116 - 323
54-2220	Amended and Redesignated 54-2221	Ch.116 - 326
54-2220	Redesignated from 54-2219	Ch.116 - 325
54-2221	Amended and Redesignated 54-2222	Ch.116 - 326
54-2221	Redesignated from 54-2220	Ch.116 - 326
54-2222	Amended and Redesignated 54-2223	Ch.116 - 327
54-2222	Redesignated from 54-2221	Ch.116 - 326
54-2223	Redesignated from 54-2222	Ch.116 - 327
54-2224	New Section Added	Ch.116 - 327
54-2315	Amended	Ch. 52 - 163
54-2502	Amended	Ch.147 - 461
54-2508	Amended	Ch.159 - 477
54-2512	Amended	Ch.159 - 478
54-3003	Amended	Ch.128 - 371
54-3611	New Section Added	Ch. 28 - 89
54-4208	Amended	Ch.125 - 360
54-4211	Amended	Ch.125 - 360
54-4213	Amended	Ch.125 - 361
Ch.45	Referred to	Ch.454 - 1346
54-4702	Amended	Ch.290 - 894
Ch.50	Referred to	Ch. 79 - 241
Ch.51	Am & Redesig Ch.53(added Ch.143/Laws2005)	Ch. 16 - 51
54-5101	Am & Redesig 54-5301(added Ch.143/Laws2005)	Ch. 16 - 51
54-5102	Am & Redesig 54-5302(added Ch.143/Laws2005)	Ch. 16 - 52
54-5102	Am & Redesig 54-5302(added Ch.143/Laws2005)	Ch.110 - 303
54-5103	Am & Redesig 54-5303(added Ch.143/Laws2005)	Ch. 16 - 52
54-5104	Am & Redesig 54-5304(added Ch.143/Laws2005)	Ch. 16 - 53
54-5105	Am & Redesig 54-5305(added Ch.143/Laws2005)	Ch. 16 - 53
54-5106	Am & Redesig 54-5306(added Ch.143/Laws2005)	Ch. 16 - 53
54-5107	Am & Redesig 54-5307(added Ch.143/Laws2005)	Ch. 16 - 54
54-5108	Am & Redesig 54-5308(added Ch.143/Laws2005)	Ch. 16 - 55
54-5108	Am & Redesig 54-5308(added Ch.143/Laws2005)	Ch.110 - 303
54-5109	Am & Redesig 54-5309(added Ch.143/Laws2005)	Ch. 16 - 56
54-5110	Am & Redesig 54-5310(added Ch.143/Laws2005)	Ch. 16 - 56
54-5110	Amended	Ch.290 - 894
54-5111	Am & Redesig 54-5311(added Ch.143/Laws2005)	Ch. 16 - 57
54-5112	Am & Redesig 54-5312(added Ch.143/Laws2005)	Ch. 16 - 58
54-5113	Am & Redesig 54-5313(added Ch.143/Laws2005)	Ch. 16 - 58
54-5114	Am & Redesig 54-5314(added Ch.143/Laws2005)	Ch. 16 - 59
54-5115	Am & Redesig 54-5315(added Ch.143/Laws2005)	Ch. 16 - 59
54-5116	Am & Redesig 54-5316(added Ch.143/Laws2005)	Ch. 16 - 60
54-5117	Am & Redesig 54-5317(added Ch.143/Laws2005)	Ch. 16 - 60
Ch.53	Redesignated from Ch.51	Ch. 16 - 51
54-5301	Redesignated from 54-5101	Ch. 16 - 51
54-5302	Redesignated from 54-5102	Ch. 16 - 52
54-5302	Redesignated from 54-5102	Ch.110 - 303
54-5303	Redesignated from 54-5103	Ch. 16 - 52
54-5304	Redesignated from 54-5104	Ch. 16 - 53
54-5305	Redesignated from 54-5105	Ch. 16 - 53

TITLE 54 (Continued)

54-5306	Redesignated from 54-5106	Ch. 16 - 53
54-5307	Redesignated from 54-5107	Ch. 16 - 54
54-5308	Redesignated from 54-5108	Ch. 16 - 55
54-5308	Redesignated from 54-5108	Ch.110 - 303
54-5309	Redesignated from 54-5109	Ch. 16 - 56
54-5310	Redesignated from 54-5110	Ch. 16 - 56
54-5311	Redesignated from 54-5111	Ch. 16 - 57
54-5312	Redesignated from 54-5112	Ch. 16 - 58
54-5313	Redesignated from 54-5113	Ch. 16 - 58
54-5314	Redesignated from 54-5114	Ch. 16 - 59
54-5315	Redesignated from 54-5115	Ch. 16 - 59
54-5316	Redesignated from 54-5116	Ch. 16 - 60
54-5317	Redesignated from 54-5117	Ch. 16 - 60

TITLE 55

55-705	Referred to	Ch.318 - 992
55-1003	Amended	Ch.262 - 814
55-1904	Amended	Ch.136 - 391
55-3001	New Section Added	Ch. 15 - 35
55-3002	New Section Added	Ch. 15 - 35
55-3003	New Section Added	Ch. 15 - 36
55-3004	New Section Added	Ch. 15 - 36
55-3005	New Section Added	Ch. 15 - 37
55-3006	New Section Added	Ch. 15 - 37
55-3007	New Section Added	Ch. 15 - 38
55-3008	New Section Added	Ch. 15 - 38
55-3009	New Section Added	Ch. 15 - 38
55-3010	New Section Added	Ch. 15 - 39
55-3011	New Section Added	Ch. 15 - 39
55-3012	New Section Added	Ch. 15 - 39
55-3013	New Section Added	Ch. 15 - 40
55-3014	New Section Added	Ch. 15 - 40
55-3015	New Section Added	Ch. 15 - 41

TITLE 56

Ch.1, Pt.E	Heading Amended	Ch.382 - 1200
56-136	Amended	Ch.382 - 1201
56-209n	New Section Added	Ch.174 - 533
56-218	Amended	Ch.179 - 554
56-218A	Amended	Ch.179 - 557
56-234	New Section Added	Ch.437 - 1322
56-238	Amended	Ch.270 - 839
56-240	Amended	Ch.270 - 840
56-241	Amended	Ch.270 - 841
56-250	New Section Added	Ch.278 - 853
56-251	New Section Added	Ch.278 - 853
56-252	New Section Added	Ch.278 - 854
56-253	New Section Added	Ch.278 - 855
56-254	New Section Added	Ch.278 - 856
56-255	New Section Added	Ch.278 - 857
56-256	New Section Added	Ch.305 - 943
56-257	New Section Added	Ch.305 - 944
56-1003	Amended	Ch.416 - 1282
56-1004A	Amended	Ch.281 - 864
56-1005	Amended	Ch.416 - 1285

TITLE 56 (Continued)

56-1012	Amended	Ch.421 - 1301
56-1013	Amended	Ch.421 - 1303
56-1013A	New Section Added	Ch.421 - 1303
56-1016	Amended	Ch.421 - 1305
56-1017	Amended	Ch.421 - 1305
56-1054	New Section Added	Ch.243 - 737

TITLE 57

57-724	Amended	Ch. 43 - 130
57-724A	Amended	Ch. 44 - 134
57-814	Referred to	Ch. 4 - 26
57-816	Amended	Ch.113 - 308
57-820	Amended	Ch.370 - 1108
57-821	New Section Added	Ch. 88 - 260
57-1503	Amended	Ch.229 - 683

TITLE 58

58-133	Referred to	Ch. 43 - 131
58-415	Amended	Ch.130 - 381
58-1302	Amended	Ch.111 - 305
58-1302	Amended	Ch.134 - 389
58-1305	Amended	Ch.131 - 382
58-1305	Amended	Ch.132 - 385
58-1306	Amended	Ch.131 - 383
58-1306	Amended	Ch.132 - 386
58-1307	Amended	Ch.133 - 388
58-1312	Amended	Ch.135 - 390

TITLE 59

59-401	Referred to	Ch.318 - 992
59-501	Amended	Ch.431 - 1318
59-502	Amended	Ch.369 - 1107
59-509	Amended	Ch.269 - 838
59-509	Referred to	Ch. 14 - 34
59-509	Referred to	Ch.140 - 402
59-509	Referred to	Ch.243 - 737
59-509	Referred to	Ch.292 - 903
59-509	Referred to	Ch.413 - 1253
59-509	Referred to	Ch.421 - 1304
59-901	Referred to	Ch.165 - 499
59-907	Amended	Ch.115 - 314
59-1014	Referred to	Ch. 81 - 243
59-1302	Referred to	Ch.269 - 839
59-1305	Amended	Ch.268 - 834
59-1308	Amended	Ch.268 - 835
59-1311	Referred to	Ch.337 - 1043
59-1320	Amended	Ch. 19 - 71
59-1327	Referred to	Ch.253 - 791
59-1335	Repealed	Ch.149 - 463
59-1352	Amended	Ch.148 - 462
59-1356	Amended	Ch.151 - 466
59-1356	Amended	Ch.185 - 585
59-1359	Amended	Ch.152 - 467
59-1363	Referred to	Ch.267 - 828
59-1603	Amended	Ch.380 - 1176
59-1606	Amended	Ch.380 - 1178

TITLE 59 (Continued)
59-1607 Amended..... Ch.380 - 1179
59-1608 New Section Added..... Ch.257 - 795
TITLE 61
61-215 Amended..... Ch.368 - 1106
61-502A Amended..... Ch.107 - 300
TITLE 63
63-102 Amended..... Ch.368 - 1106
63-201 Amended..... Ch.302 - 932
63-206 Referred to..... Ch.234 - 695
63-301A Referred to..... Ch. 59 - 184
63-317 Amended..... Ch.302 - 931
63-405 Amended..... Ch.302 - 935
63-602D Amended..... Ch.319 - 1016
63-602E Amended..... Ch.366 - 1104
63-602G Amended..... Ch.429 - 1313
63-602G Referred to..... Ch.234 - 696
63-602G Referred to..... Ch.350 - 1066
63-602K Amended..... Ch.233 - 693
63-602BB Referred to..... Ch.308 - 951
63-602FF Repealed..... Ch.233 - 691
63-602HH Am & Redes 63-602II(added Ch.279/Laws2005).. Ch. 16 - 60
63-602HH Amended..... Ch. 59 - 183
63-602II Redesignated from 63-602HH..... Ch. 16 - 60
63-604 Amended..... Ch.233 - 692
63-701 Amended..... Ch.350 - 1066
63-701 Referred to..... Ch.429 - 1313
63-705 Amended..... Ch.350 - 1065
63-710 Amended..... Ch. 59 - 184
63-712 New Section Added..... Ch.234 - 694
63-713 New Section Added..... Ch.234 - 694
63-714 New Section Added..... Ch.234 - 694
63-715 New Section Added..... Ch.234 - 695
63-716 New Section Added..... Ch.234 - 695
63-717 New Section Added..... Ch.234 - 695
63-718 New Section Added..... Ch.234 - 696
63-719 New Section Added..... Ch.234 - 696
63-720 New Section Added..... Ch.234 - 696
63-721 New Section Added..... Ch.234 - 697
63-802 Amended..... Ch.318 - 1014
Ch.9 Referred to..... Ch.234 - 696
63-902 Amended..... Ch.322 - 1021
63-902 Referred to..... Ch.234 - 696
63-906 Amended..... Ch.322 - 1022
Ch.10 Referred to..... Ch.234 - 696
63-1311 Referred to..... Ch.318 - 1001
63-1311A Referred to..... Ch.318 - 1001
63-2412 Referred to..... Ch.456 - 1352
63-2427C New Section Added..... Ch. 60 - 186
63-2503 Amended..... Ch. 60 - 187
63-2506 Referred to..... Ch.419 - 1297
63-2510A Amended..... Ch. 60 - 189
63-2512 Amended..... Ch. 60 - 188
63-2512 Amended..... Ch.196 - 610

TITLE 63 (Continued)

63-2518	Repealed	Ch. 60 - 187
63-2520	Amended	Ch.311 - 967
63-2552A	Referred to	Ch.419 - 1297
Ch.29	Referred to	Ch.195 - 610
63-2906	Amended	Ch.195 - 609
63-2909	Amended	Ch. 59 - 184
63-3004	Amended	Ch.242 - 736
63-3013	Amended	Ch. 90 - 264
63-3022	Amended	Ch. 63 - 193
63-3024	Amended	Ch.195 - 599
63-3029A	Amended	Ch.235 - 718
63-3029B	Amended	Ch.195 - 600
63-3029C	Amended	Ch. 69 - 212
63-3029C	Amended	Ch.209 - 638
63-3029C	Amended	Ch.307 - 946
63-3029C	Amended	Ch.309 - 952
63-3029C	Amended	Ch.320 - 1018
63-3029K	New Section Added	Ch.312 - 968
63-3033	Amended	Ch. 56 - 166
63-3035	Amended	Ch.195 - 604
63-3035	Referred to	Ch.314 - 976
63-3035C	New Section Added	Ch. 60 - 188
63-3039	Referred to	Ch.234 - 697
63-3042 thru 63-3064	Referred to	Ch.234 - 697
63-3044	Amended	Ch.195 - 607
63-3045	Referred to	Ch.219 - 655
63-3045A	Amended	Ch.195 - 607
63-3067A	Amended	Ch. 88 - 258
63-3067B	Amended	Ch. 88 - 259
63-3077A	Amended	Ch. 38 - 115
63-3077D	New Section Added	Ch. 55 - 165
63-3201 thru 63-3204	Referred to	Ch.374 - 1118
63-3620	Amended	Ch. 61 - 191
63-3622D	Amended	Ch.315 - 980
63-3622O	Amended	Ch. 89 - 261
63-3622O	Amended	Ch.211 - 640
63-3622O	Amended	Ch.316 - 983
63-3622R	Amended	Ch.237 - 721
63-3622X	Amended	Ch.326 - 1029
63-3622JJ	Amended	Ch.315 - 982
63-3622SS	New Section Added	Ch.236 - 720
63-3622TT	New Section Added	Ch.219 - 654
63-3629	Referred to	Ch. 60 - 186
63-3631	Referred to	Ch. 60 - 186
63-3638	Amended	Ch.234 - 697
63-3638A	Amended	Ch. 18 - 70
Ch.44	Referred to	Ch.195 - 609
63-4402	Amended	Ch.314 - 974
63-4403	Amended	Ch.314 - 977
63-4404	Amended	Ch.314 - 977
63-4405	Amended	Ch.314 - 978

TITLE 63 (Continued)

63-4406	Amended	Ch.195 - 609
63-4408	Amended	Ch.314 - 979

TITLE 65

65-201	Amended	Ch. 33 - 97
65-501	Amended and Redesignated 65-509	Ch. 51 - 151
65-501	New Section Added	Ch. 51 - 145
65-502	Amended and Redesignated 65-503	Ch. 51 - 147
65-502	New Section Added	Ch. 51 - 146
65-503	Redesignated from 65-502	Ch. 51 - 147
65-503	Repealed	Ch. 51 - 147
65-504	Amended and Redesignated 65-505	Ch. 51 - 150
65-504	Redesignated from 65-506	Ch. 51 - 148
65-505	Amended and Redesignated 65-506	Ch. 51 - 150
65-505	Redesignated from 65-504	Ch. 51 - 150
65-506	Amended and Redesignated 65-504	Ch. 51 - 148
65-506	Redesignated from 65-505	Ch. 51 - 150
65-507	Redesignated from 65-508	Ch. 51 - 151
65-507	Repealed	Ch. 51 - 151
65-508	Amended and Redesignated 65-507	Ch. 51 - 151
65-508	New Section Added	Ch. 51 - 151
65-509	Redesignated from 65-501	Ch. 51 - 151
65-509	Repealed	Ch. 51 - 151
65-510	Redesignated from 65-515	Ch. 51 - 151
65-510	Repealed	Ch. 51 - 151
65-511	New Section Added	Ch. 51 - 152
65-511	Repealed	Ch. 51 - 151
65-512	Repealed	Ch. 51 - 151
65-513	Repealed	Ch. 51 - 151
65-514	Repealed	Ch. 51 - 151
65-515	Amended and Redesignated 65-510	Ch. 51 - 151

TITLE 66

66-317	Amended	Ch.214 - 645
66-318	Amended	Ch.214 - 647
66-324	Amended	Ch.214 - 647
66-326	Amended	Ch. 91 - 265
66-326	Amended	Ch.214 - 648
66-341	Amended	Ch.214 - 649
66-402	Amended	Ch.284 - 872
66-601	Amended	Ch.214 - 649
66-901	Amended	Ch. 50 - 144

TITLE 67

67-423A	Amended	Ch. 34 - 98
67-450B	Referred to	Ch.318 - 1000
67-451	Referred to	Ch.377 - 1170
67-460	Referred to	Ch.189 - 593
67-1210	Amended	Ch. 17 - 66
67-1210	Referred to	Ch.413 - 1254
67-1608	Referred to	HCR 47 - 1406
67-1801	Amended and Redesignated 67-1803	Ch.187 - 589
67-1801	New Section Added	Ch.187 - 588
67-1802	Amended and Redesignated 67-1806	Ch.187 - 590
67-1802	New Section Added	Ch.187 - 589
67-1803	Amended and Redesignated 67-1804	Ch.187 - 589

TITLE 67 (Continued)

67-1803	Redesignated from 67-1801	Ch.187 - 589
67-1804	Amended and Redesignated 67-1807	Ch.187 - 590
67-1804	Redesignated from 67-1803	Ch.187 - 589
67-1805	Amended and Redesignated 67-1808	Ch.187 - 590
67-1805	New Section Added	Ch.187 - 590
67-1806	Amended and Redesignated 67-1809	Ch.187 - 591
67-1806	Redesignated from 67-1802	Ch.187 - 590
67-1807	Redesignated from 67-1804	Ch.187 - 590
67-1808	Redesignated from 67-1805	Ch.187 - 590
67-1809	Redesignated from 67-1806	Ch.187 - 591
67-1904	Referred to	Ch.278 - 855
Ch.20	Referred to	Ch.407 - 1234
Ch.23	Referred to	Ch.304 - 938
Ch.23	Referred to	Ch.415 - 1271
67-2320	Referred to	Ch.454 - 1346
67-2326 thru 67-2333	Referred to	Ch.318 - 1009
67-2339	Referred to	Ch.318 - 1009
67-2340 thru 67-2347	Referred to	Ch.318 - 1000
67-2346	Amended	Ch.439 - 1326
67-2402	Referred to	Ch.106 - 296
67-2601	Amended	Ch. 16 - 61
67-2601	Amended	Ch. 79 - 239
67-2601	Amended	Ch.116 - 327
67-2602	Amended	Ch.116 - 329
67-2604	Referred to	Ch.394 - 1220
67-2614	Referred to	Ch.116 - 322
67-2901B	Amended	Ch.138 - 393
67-2914	Referred to	Ch.227 - 679
Ch.35	Referred to	Ch.374 - 1118
67-3508	Referred to	Ch.301 - 929
67-3511	Amended	Ch.380 - 1180
67-3511	Referred to	Ch.301 - 929
67-3516	Referred to	Ch.374 - 1118
67-3531	Referred to	Ch.338 - 1044
Ch.36	Referred to	Ch.374 - 1118
67-4129B	New Section Added	Ch.119 - 336
67-4223	Amended	Ch.229 - 683
67-4237	Amended	Ch.221 - 660
67-4726	New Section Added	Ch. 14 - 34
67-5008	Amended	Ch.201 - 617
Ch.52	Referred to	Ch. 15 - 38
Ch.52	Referred to	Ch. 49 - 141
Ch.52	Referred to	Ch. 57 - 172
Ch.52	Referred to	Ch.179 - 554
Ch.52	Referred to	Ch.240 - 728
Ch.52	Referred to	Ch.244 - 740
Ch.52	Referred to	Ch.292 - 901
Ch.52	Referred to	Ch.323 - 1025
Ch.52	Referred to	Ch.414 - 1262
Ch.52	Referred to	Ch.425 - 1309
Ch.52	Referred to	Ch.429 - 1313

TITLE 67 (Continued)

67-5201	Referred to	Ch.106 - 296
67-5201	Referred to	Ch.425 - 1308
67-5205	Amended	Ch.235 - 719
67-5241	Amended	Ch.352 - 1078
67-5291	Referred to	Ch.425 - 1309
67-5292	Referred to	Ch.425 - 1308
Ch.53	Referred to	Ch.235 - 703
Ch.53	Referred to	Ch.292 - 902
67-5302	Amended	Ch. 51 - 152
67-5302	Amended	Ch.380 - 1181
67-5309	Amended	Ch. 51 - 156
67-5309	Amended	Ch.380 - 1185
67-5309A	New Section Added	Ch.380 - 1188
67-5309A	Repealed	Ch.380 - 1188
67-5309B	New Section Added	Ch.380 - 1189
67-5309B	Repealed	Ch.380 - 1189
67-5309C	New Section Added	Ch.380 - 1190
67-5309C	Referred to	Ch. 1 - 3
67-5309C	Repealed	Ch.380 - 1190
67-5309D	New Section Added	Ch.380 - 1191
67-5316	Referred to	Ch. 51 - 150
67-5326	Repealed	Ch.380 - 1192
67-5328	Amended	Ch.380 - 1192
67-5328	Redesignated from 67-5329	Ch.380 - 1192
67-5328	Redesignated from 67-5330	Ch.380 - 1192
67-5328	Redesignated from 67-5331	Ch.380 - 1192
67-5329	Amended and Redesignated 67-5328	Ch.380 - 1193
67-5330	Amended and Redesignated 67-5328	Ch.380 - 1194
67-5331	Amended and Redesignated 67-5328	Ch.380 - 1194
67-5333	Amended	Ch.380 - 1194
67-5333	Redesignated from 67-5339	Ch.380 - 1194
67-5334	Amended	Ch.380 - 1196
67-5334	Redesignated from 67-5335	Ch.380 - 1196
67-5334	Redesignated from 67-5337	Ch.380 - 1196
67-5335	Amended and Redesignated 67-5334	Ch.380 - 1196
67-5337	Amended and Redesignated 67-5334	Ch.380 - 1197
67-5337	New Section Added	Ch.380 - 1198
67-5339	Amended	Ch.150 - 465
67-5339	Amended and Redesignated 67-5333	Ch.380 - 1195
67-5342	Amended	Ch.380 - 1198
67-5343	New Section Added	Ch.257 - 794
Ch.56	Heading Amended	Ch. 16 - 63
Ch.57	Referred to	Ch.292 - 900
Ch.57	Referred to	Ch.358 - 1091
67-5708B	Amended	Ch.205 - 625
67-5711	Amended	Ch.205 - 625
67-5711	Referred to	Ch.374 - 1118
67-5711E	New Section Added	Ch.454 - 1346
67-5725	Amended	Ch. 62 - 192
67-5745B	Referred to	Ch.292 - 901
67-5761A	New Section Added	Ch. 97 - 272
67-6410	Referred to	HCR 41 - 1407
67-6506	Amended	Ch.213 - 644

TITLE 67 (Continued)
67-6529C Amended..... Ch.218 - 653
67-6529E Amended..... Ch.218 - 654
67-6601 Amended..... Ch.106 - 294
67-6602 Amended..... Ch.106 - 294
67-6608 Amended..... Ch. 22 - 79
67-6610A Amended..... Ch. 23 - 80
67-6610C New Section Added..... Ch. 36 - 100
67-6610C Repealed..... Ch. 36 - 99
67-6618 Amended..... Ch.106 - 298
67-6619 Amended..... Ch.106 - 298
67-7101 Amended..... Ch. 42 - 122
67-7122 Amended..... Ch. 42 - 123
67-7128 Amended..... Ch. 42 - 124
67-7128 Amended..... Ch.229 - 686
67-7428 Referred to..... Ch.336 - 1042
67-7439 Referred to..... Ch.419 - 1297
67-7702 Amended..... Ch. 16 - 63
67-8206 Amended..... Ch.321 - 1019
67-8210 Amended..... Ch.321 - 1020
TITLE 68
68-119 Amended..... Ch.250 - 759
68-120 New Section Added..... Ch.250 - 759
Ch.5 Referred to..... Ch.187 - 588
TITLE 70
Ch.15 Referred to..... Ch. 96 - 270
Ch.22 Referred to..... Ch.413 - 1253
70-2203 Amended..... Ch. 75 - 229
70-2204 Amended..... Ch. 75 - 229
70-2205 Amended..... Ch. 75 - 230
70-2206 Amended..... Ch. 75 - 230
70-2210 Amended..... Ch. 75 - 231
70-2211 Amended..... Ch. 75 - 232
TITLE 72
Title 72 Referred to..... Ch.414 - 1258
Title 72 Referred to..... Ch.415 - 1272
72-102 Amended..... Ch.206 - 627
72-102 Referred to..... Ch.206 - 632
72-204 Amended..... Ch.231 - 688
72-212 Amended..... Ch.231 - 688
72-311 Amended..... Ch. 16 - 65
72-327 Amended..... Ch.247 - 755
72-410 Amended..... Ch.186 - 586
72-412 Amended..... Ch.186 - 587
72-432 Amended..... Ch.206 - 631
72-436 Amended..... Ch.206 - 634
72-438 Amended..... Ch.206 - 634
72-451 Amended..... Ch.206 - 635
72-503 Amended..... Ch.368 - 1107
72-508 Referred to..... Ch.206 - 627
72-1003 Amended..... Ch.291 - 896
72-1019 Amended..... Ch.291 - 897
72-1346 Referred to..... Ch.334 - 1039
72-1347A Amended..... Ch. 48 - 139

TITLE 72 (Continued)
72-1347B Amended..... Ch. 13 - 31
72-1349A Amended..... Ch. 38 - 105
72-1349A Referred to..... Ch.417 - 1288
72-1366 Amended..... Ch. 38 - 107
72-1422 Amended..... Ch. 19 - 73
72-1461 Amended..... Ch. 19 - 73
72-1462 Amended..... Ch. 19 - 74
72-1463 Amended..... Ch. 19 - 75
72-1464 Amended..... Ch. 19 - 75
72-1465 Amended..... Ch. 19 - 76

IDAHO CONSTITUTION

Art.III, Sec.28 New Section Proposed..... HJR 2 - 1359
Art.VII, Sec.18 New Section Proposed..... SJR107 - 1357
Art.VII, Sec.18 Referred to..... Ch.187 - 588
Art. IX, Sec. 1 Referred to..... Ch.311 - 957

LAWS OF 1972

SJM115 Referred to..... HJM 26 - 1382

LAWS OF 1990

Ch.211, Sec. 8 Am & Redesig Ch.211, Sec.9..... Ch.253 - 791
Ch.211, Sec. 8 New Section Added..... Ch.253 - 791
Ch.211, Sec. 9 Redesignated from Ch.211, Sec.8... Ch.253 - 791

LAWS OF 2000

Ch.59 Referred to..... Ch. 33 - 97
Ch.472, Sec.20 Amended(added Ch.477/Laws2000).... Ch.280 - 863
Ch.472, Sec.21 Amended(added Ch.477/Laws2000).... Ch.280 - 863

LAWS OF 2001

HCR21 Referred to..... HCR 47 - 1406

LAWS OF 2002

Ch.137, Sec. 2 Amended..... Ch.141 - 403
SJM114 Referred to..... HJM 26 - 1382

LAWS OF 2004

Ch.132, Sec. 3	Repealed	Ch. 44 - 133
Ch.132, Sec. 5	Repealed	Ch. 44 - 133
Ch.352, Sec. 3	Amended	Ch.356 - 1089

LAWS OF 2005

Ch.86	Referred to	Ch.376 - 1169
Ch.146, Sec. 1	Referred to	Ch. 5 - 26
Ch.169, Sec. 1	Referred to	Ch. 7 - 27
Ch.196, Sec. 1	Referred to	Ch. 10 - 30
Ch.212, Sec. 1	Referred to	Ch. 3 - 25
Ch.227, Sec. 1	Referred to	Ch. 6 - 27
Ch.231, Sec. 1	Referred to	Ch.189 - 593
Ch.249, Sec. 1	Referred to	Ch.456 - 1352
Ch.251, Sec. 1	Referred to	Ch.333 - 1037
Ch.286, Sec. 1	Referred to	Ch. 65 - 196
Ch.289, Sec. 1	Referred to	Ch. 11 - 30
Ch.300, Sec. 1	Referred to	Ch.455 - 1349
Ch.302, Sec. 1	Referred to	Ch. 8 - 28
Ch.302, Sec. 2	Referred to	Ch. 8 - 28
Ch.312, Sec. 2	Repealed	Ch.281 - 866
Ch.313, Sec. 1	Referred to	Ch.403 - 1229
Ch.318, Sec. 1	Amended	Ch. 68 - 211
Ch.318, Sec. 2	Amended	Ch. 68 - 212
Ch.319, Sec. 1	Referred to	Ch.296 - 913
Ch.319, Sec. 2	Referred to	Ch.296 - 913
Ch.345, Sec. 1	Referred to	Ch. 64 - 196
Ch.347, Sec. 1	Amended	Ch. 66 - 197
Ch.347, Sec. 3	Amended	Ch. 66 - 197
Ch.373, Sec. 1	Referred to	Ch. 12 - 31
Ch.375, Sec. 1	Referred to	Ch.188 - 591
Ch.375, Sec. 2	Referred to	Ch.188 - 591
Ch.382, Sec. 1	Amended	Ch. 40 - 118
Ch.382, Sec. 2	Amended	Ch. 40 - 118
Ch.385, Sec. 1	Referred to	Ch. 9 - 29
Ch.385, Sec. 1	Referred to	Ch.389 - 1211
Ch.393, Sec. 2	Repealed	Ch.438 - 1323
Ch.396, Sec. 1	Referred to	Ch.215 - 650
Ch.396, Sec. 4	Referred to	Ch.215 - 650
Ch.397, Sec. 1	Amended	Ch.190 - 593
Ch.397, Sec. 4	Referred to	Ch.190 - 594
HCR 16	Referred to	HCR 62 - 1418

LAWS of 2006

H.B.615	Referred to	Ch.375 - 1166
HCR 47	Referred to	Ch.455 - 1347
S.B.1390	Referred to	Ch.376 - 1169
SJR107	Referred to	Ch.187 - 591

RULES

Building Safety, Division of
IDAPA 07.01.04 Rejected..... HCR 55 - 1415
Dentistry, Idaho State Board of
IDAPA 19.01.01 Rejected..... SCR125 - 1386
Fish and Game, Department of
IDAPA 13.01.10 Rejected..... HCR 59 - 1417
Health and Welfare, Department of
IDAPA 16.03.09 Rejected..... SCR126 - 1386
IDAPA 16.03.22
Section 009 Rejected..... SCR128 - 1387
Section 011
Subsection 15 Rejected..... SCR128 - 1387
Subsection 28 Rejected..... SCR128 - 1387
Section 055 Rejected..... SCR128 - 1387
Section 220
Subsection 03 Rejected..... SCR128 - 1387
Section 250
Subsection 13 Rejected..... SCR128 - 1387
Subsection 14 Rejected..... SCR128 - 1387
Section 260
Subsection 05.b Rejected..... SCR128 - 1387
Section 451
Subsection 01.b Rejected..... SCR128 - 1387
Section 705
Subsection 05 Rejected..... SCR128 - 1387
Section 730
Subsection 01.i Rejected..... SCR128 - 1387
Industrial Commission
IDAPA 17.02.08 Rejected..... SCR129 - 1389
Lands, Department of
IDAPA 20.03.02
Section 160
Subsection 01 Rejected..... SCR128 - 1388
Real Estate Commission, Idaho
IDAPA 33.01.01 Approved..... SCR128 - 1388
Transportation Department, Idaho
IDAPA 39.03.11 Rejected..... HCR 56 - 1415
IDAPA 39.03.45 Rejected..... HCR 56 - 1416

ACTS

Capitol Restoration and Relocation Act of 2006
Referred to..... Ch.455 - 1347
Environmental Protection and Health Act
Referred to..... HCR 64 - 1421
Genetic Testing Privacy Act
Referred to..... Ch.293 - 903
Idaho Criminal Gang Enforcement Act
Referred to..... Ch.184 - 582
Idaho Educational Interpreters Act
Referred to..... Ch.173 - 531

ACTS (Continued)

Idaho Medicaid Simplification Act
Referred to..... Ch.278 - 853
Idaho Petroleum Clean Water Trust Fund Act
Referred to..... Ch.140 - 402
Idaho Uniform Electronic Transaction Act
Referred to..... Ch.195 - 605
Property Tax Deferral Act
Referred to..... Ch.134 - 694
Title Loan Act Referred to..... Ch.323 - 1023
Uniform Environmental Covenants Act
Referred to..... Ch. 15 - 34
Uniform Limited Partnership Act
Referred to..... Ch.144 - 407

FEDERAL LAWS

24 CFR 3280 Referred to..... Ch. 79 - 238
24 CFR 3282.352 Referred to..... Ch. 79 - 238
42 CFR 435.225 Referred to..... Ch.278 - 856
42 CFR part 2 Referred to..... Ch. 92 - 266
42 CFR part 73 Referred to..... Ch.164 - 489
49 CFR part 172 Referred to..... Ch.164 - 489
49 CFR part 384 Referred to..... Ch.164 - 493
Airport and Airway Improvement Act of 1982
Referred to..... Ch.279 - 861
Chamberlain-Ferris Act Referred to..... HJM 21 - 1378
Clean Water Act Referred to..... HCR 64 - 1420
Collaboration for the Recovery of Endangered Species Act
Referred to..... HJM 16 - 1374
Electronic Signatures in Global and National Commerce Act
Referred to..... Ch. 15 - 40
Electronic Signatures in Global and National Commerce Act
Referred to..... Ch.258 - 796
Employee Retirement Income Security Act of 1974
Referred to..... Ch.414 - 1257
Employee Retirement System Act of 1974
Referred to..... Ch.414 - 1258
Endangered Species Act Referred to..... HJM 16 - 1374
Federal Lands Recreation Enhancement Act
Referred to..... HJM 14 - 1372
Federal Lands Recreation Enhancement Act
Referred to..... HJM 20 - 1376
Food, Drug and Cosmetic Act, Sec. 409
Referred to..... Ch. 57 - 176
Food, Drug and Cosmetic Act, Sec. 721
Referred to..... Ch. 57 - 176
G.I. Bill of Rights Referred to..... Ch. 51 - 151
Internal Revenue Code Referred to..... Ch.242 - 736
Internal Revenue Code, Sec. 151
Referred to..... Ch.312 - 968

FEDERAL LAWS (Continued)

Internal Revenue Code, Sec. 170
Referred to..... Ch. 36 - 100
Internal Revenue Code, Sec. 501
Referred to..... Ch. 89 - 263
Internal Revenue Code, Sec. 501
Referred to..... Ch.169 - 523
Internal Revenue Code, Sec. 7701
Referred to..... Ch. 90 - 264
McCarran Amendment Referred to..... Ch.222 - 661
National Defense Act Referred to..... Ch.172 - 531
Newborns' and Mothers' Health Protection Act of 1996
Referred to..... Ch.414 - 1271
No Child Left Behind Act
Referred to..... HCR 66 - 1423
No Child Left Behind Act
Referred to..... HJM 13 - 1371
No Child Left Behind Act
Referred to..... HJM 18 - 1375
Oregon and California Grant Lands Act
Referred to..... HJM 21 - 1378
P.L. 106-393 Referred to..... HJM 21 - 1378
Secure Rural Schools and Community Self-Determination Act
Referred to..... HJM 21 - 1378
Social Security Act, Sec. 223
Referred to..... Ch.174 - 534
Social Security Act, Sec. 903
Referred to..... Ch.334 - 1039
Social Security Act, Sec. 1902
Referred to..... Ch.278 - 858
Social Security Act, Sec. 1905
Referred to..... Ch.278 - 855
Social Security Act, Sec. 1915
Referred to..... Ch.278 - 858
Social Security Act, Sec. 1920
Referred to..... Ch.278 - 856
Social Security Act, Sec. 1931
Referred to..... Ch.278 - 856
Social Security Act, Title I
Referred to..... Ch.278 - 856
Social Security Act, Title X
Referred to..... Ch.278 - 856
Social Security Act, Title XIV
Referred to..... Ch.278 - 856
Social Security Act, Title XVI
Referred to..... Ch.278 - 856
Social Security Act, Title XVIII
Referred to..... Ch.278 - 857
Social Security Act, Title XIX
Referred to..... Ch.277 - 850
Social Security Act, Title XIX
Referred to..... Ch.278 - 854

FEDERAL LAWS (Continued)

Social Security Act, Title XXI
Referred to..... Ch.278 - 854
Ticket to Work and Work Incentives Improvement Act
Referred to..... Ch.174 - 533
Twenty-five Percent Fund Act
Referred to..... HJM 21 - 1378
Uniformed Services Employment and Reemployment Rights Act
Referred to..... Ch. 51 - 151
10 USC 12103 Referred to..... Ch. 51 - 147
15 USC 7001 Referred to..... Ch.258 - 796
15 USC 7001 et seq. Referred to..... Ch. 15 - 40
15 USC 7003 Referred to..... Ch. 15 - 41
16 USC 471 Referred to..... HJM 21 - 1377
16 USC 500 Referred to..... HJM 21 - 1379
16 USC 6801 thru 6814 Referred to..... HJM 14 - 1372
38 USC 101 Referred to..... Ch. 51 - 147
38 USC 4301 et seq. Referred to..... Ch. 51 - 151
42 USC 423 Referred to..... Ch.174 - 534
42 USC 1396a Referred to..... Ch.278 - 855
43 USC 666 Referred to..... Ch.222 - 661
49 USC 5103 Referred to..... Ch.164 - 489

UNITED STATES CONSTITUTION

Article 3, 2.2 Referred to..... SJM119 - 1365
First Amendment Referred to..... SJM119 - 1364

FEDERAL LEGISLATION

HR 1070 Referred to..... SJM119 - 1394
HR 3283 Referred to..... HJM 14 - 1372
HR 3283 Referred to..... HJM 20 - 1376
HR 4818 Referred to..... HJM 14 - 1372
HR 4818 Referred to..... HJM 20 - 1376
S 520 Referred to..... SJM119 - 1394
S 2110 Referred to..... HJM 16 - 1374

FEDERAL RULES

Wildlife Service 10j Rule
Referred to..... HJM 11 - 1369

MISCELLANEOUS

123 Idaho 573 Referred to..... Ch.311 - 957
132 Idaho 559 Referred to..... Ch.311 - 957
Bellevue City Charter Referred to..... Ch.317 - 986

MISCELLANEOUS (Continued)

Idaho Schools for Equal Educational Opportunity v. Evans
Referred to..... Ch.311 - 957
Idaho Schools for Equal Educational Opportunity v. State
Referred to..... Ch.311 - 957
Snake River Water Rights Agreement
Referred to..... Ch.112 - 308

NUMERICAL LIST OF SENATE BILLS

that became law with a brief synopsis and
chapter number of each bill

		Chapter	Page
S 1243aa	Eminent domain complaint, requirements	Ch.450	1339
S 1247	Eminent domain, purposes deleted	Ch.451	1340
S 1250	Juvenile corrections, court inquiry	Ch.177	543
S 1251	Court, person appear appointed place	Ch.142	404
S 1252	Correction Bd, mental health courts	Ch.143	404
S 1255	Uniform Environmental Covenants Act	Ch. 15	34
S 1256	Uniform Limited Partnership Act	Ch.144	405
S 1258	F&G license, long-term care facility	Ch.145	457
S 1259	Water dist meeting, notice	Ch.146	458
S 1260	Horse racing, definitions	Ch.147	461
S 1263	Approp, state employee salaries	Ch. 1	3
S 1264	Hazardous waste permit vendors	Ch. 20	77
S 1266aa	Airstrips, private, liability	Ch.279	861
S 1268	PERSI, disability retirement	Ch.148	462
S 1269	PERSI, voluntary contributions	Ch.149	463
S 1270	PERSI, unused sick leave	Ch.150	463
S 1271	PERSI, benefits suspended, when	Ch.151	466
S 1272	PERSI member, not vested, separation	Ch.152	467
S 1275	POST, juvenile correction employees	Ch.246	752
S 1277	Approp, State Controller, add'l	Ch. 6	27
S 1278	Approp, Arts comm, add'l	Ch. 7	27
S 1295	Industrial indemnity fund, assessment	Ch.247	755
S 1296	Tenant at sufferance, actions	Ch.248	756
S 1297	Criminal judgment, enhanced penalty	Ch.249	758
S 1299	Timber protective assn, liability	Ch.153	467
S 1300aa, aaH	Sex offender bd, powers/duties	Ch.379	1172
S 1301	Sex offender, certain, minimum sentence	Ch.154	468
S 1302	Death sentence, judicial review	Ch.155	470
S 1303	Public financial card, misuse	Ch.156	471
S 1304	Sex offenders, judgment not amended	Ch.157	473
S 1305	Approp, Building Safety Div, add'l	Ch. 8	28
S 1306	Approp, Prof-Tech Education, add'l	Ch. 9	29
S 1307	Approp, Educ Bd, special prog, add'l	Ch. 10	30
S 1311	Real property, recover, actions	Ch.158	474
S 1312	Sex offenders, penalty, registration	Ch.178	544
S 1314aa	Health Care Task Force, members	Ch.280	862
S 1315	Insurance, county property, fund balance	Ch. 21	78
S 1316	Schools, educational interpreters	Ch.173	531

		Chapter - Page
S 1317	Horse racing, meets, license	Ch.159 - 476
S 1318	Medical asst costs, recovery	Ch.179 - 553
S 1319	Estate values, cap increased	Ch.160 - 480
S 1320	Minor, guardian appt, proceedings	Ch.180 - 558
S 1321	Trusts, doctrine of worthier title	Ch.250 - 759
S 1322	Conservator/guardian, duties	Ch.181 - 560
S 1323	Trusts, execution with will	Ch.161 - 481
S 1324	Trust assets, value allowable	Ch.162 - 482
S 1326	Guardians/conservators, foreign	Ch.182 - 564
S 1327	Vulnerable adult/child, care, staff	Ch.281 - 864
S 1328	Guardian/minor, testamentory appt	Ch.183 - 581
S 1329	Approp, Blind Comm, add'l	Ch. 11 - 30
S 1330	Approp, Veterans Services, add'l	Ch. 12 - 31
S 1331	Parole, exam, mental health professional	Ch.251 - 760
S 1332aa	Uniform Interstate Family Support	Ch.252 - 762
S 1334	Firemen, paid, retirement	Ch.253 - 791
S 1335	Probate code, interested person	Ch.163 - 484
S 1336	Criminal gang enforcement act	Ch.184 - 582
S 1338	Certified family home, complaint	Ch.282 - 866
S 1339	Personal care services, standards	Ch.283 - 869
S 1340aa	Disabled, developmentally, evaluation	Ch.284 - 871
S 1343	Dentistry, licenses	Ch.285 - 873
S 1345	PERSI retirees, reemployment	Ch.185 - 585
S 1347	Driver's licenses, commercial	Ch.164 - 488
S 1348	Hwy dist comm, vacancy	Ch.165 - 499
S 1350aa	County recorder fee, electronic copy	Ch.286 - 881
S 1351	Alcohol without liquid devices	Ch.254 - 791
S 1352	Irrigation dist, handling charges	Ch.255 - 792
S 1353	Water, public surface/ground	Ch.256 - 793
S 1356aa	Domestic violence, protective orders	Ch.287 - 883
S 1360	Real estate license, qualification	Ch.166 - 500
S 1362	Military deployment, health insurance	Ch.172 - 530
S 1363aaH	State employee compensation plan	Ch.380 - 1174
S 1367	Motorcycle, proceed thru red light	Ch.381 - 1198
S 1370	Medicaid reimbursement, dentists	Ch.382 - 1200
S 1371	Workers comp, income benefit, when	Ch.186 - 586
S 1373	State employee. organ donor, absence	Ch.257 - 794
S 1374	Personal/financial info, databases	Ch.258 - 796
S 1375	Military deployment, state benefits	Ch.171 - 530
S 1379	School lunch personnel, PERSI payment	Ch.259 - 798
S 1383	Water/sewer dist, filings	Ch.167 - 515
S 1385	F&G license, disabled person	Ch.168 - 518
S 1386aa	F&G violation, statute of limitation	Ch.288 - 885
S 1388	Liquor account, distribution	Ch.289 - 886
S 1389aaH	Regional mental health services	Ch.277 - 848
S 1391	Child, no hunting license, when	Ch.169 - 520
S 1395aa	Teachers, college/univ experience	Ch.260 - 799
S 1396	Animal cruelty, penalties, treatment	Ch.170 - 523
S 1397	DUI, penalties	Ch.261 - 800
S 1399	Homestead exemption, increased	Ch.262 - 814
S 1400aa	Small claims, allowable claim raised	Ch.263 - 815
S 1401	Firearms, lawful use, no restriction	Ch.264 - 818

		Chapter - Page
S 1403	Anatomical gifts, age	Ch.265 - 820
S 1407	Judicial dist, certain, add'l judges	Ch.266 - 827
S 1409aa	Senior magistrate judge fund, use	Ch.267 - 828
S 1411	PERSI Bd members, indemnification	Ch.268 - 833
S 1412aa	Pharmacists, electronic drug order	Ch.290 - 888
S 1413	Honorarium, increase	Ch.269 - 838
S 1414	Crime victim, mental health benefit	Ch.291 - 895
S 1415	State communication interoperability	Ch.292 - 899
S 1416	Millennium Permanent Endowment Fund	Ch.187 - 588
S 1417	Medical assistance, eligible child	Ch.270 - 839
S 1422	Approp, H&W Dept, medical asst, amend	Ch.188 - 591
S 1423aa	Genetic testing, privacy act	Ch.293 - 903
S 1425aaH	Sex offender registration, exemption	Ch.408 - 1237
S 1427	Deaf/Blind, special education service	Ch.383 - 1201
S 1428	Weapons, concealed, license	Ch.294 - 906
S 1429	Eminent domain, damages, amount	Ch.452 - 1343
S 1430	Approp, Legislative Council	Ch.189 - 592
S 1431	Approp, H&W Dept, welfare div, amend	Ch.190 - 593
S 1432	Approp, Comm on Aging	Ch.191 - 595
S 1434	Approp, Building Safety Div	Ch.192 - 596
S 1435	Approp, Public Health Dist	Ch.193 - 597
S 1436	Approp, Veterans Services Div	Ch.194 - 598
S 1441aa, aaH	Civil immunity, self-defense	Ch.453 - 1345
S 1442	Approp, Community Colleges	Ch.271 - 842
S 1443	Approp, State Controller	Ch.272 - 842
S 1444	Approp, Colleges/Universities	Ch.273 - 844
S 1445	Approp, Military Division	Ch.274 - 846
S 1446	Approp, Lieutenant Governor	Ch.275 - 847
S 1447	Approp, Secretary of State	Ch.276 - 847
S 1449	Approp, Attorney General	Ch.295 - 911
S 1450	Approp, Correction Dept, add'l	Ch.296 - 913
S 1451	Approp, Administration Dept	Ch.297 - 915
S 1452	Approp, Supreme Court	Ch.298 - 918
S 1454	Approp, Idaho State Police	Ch.299 - 918
S 1455	Approp, Juvenile Corrections Dept	Ch.300 - 921
S 1456	Approp, Parks & Recreation Dept	Ch.384 - 1202
S 1457	Approp, Correction Dept	Ch.301 - 924
S 1458	Approp, Vocational Rehabilitation	Ch.385 - 1206
S 1459	Approp, Independent Living Council	Ch.386 - 1207
S 1460	Approp, Millennium Fund, use	Ch.387 - 1208
S 1461	Approp, Blind/Visual Impaired Comm	Ch.388 - 1209
S 1462	Capitol Bldg project, construction mngr	Ch.454 - 1345
S 1463	Approp, Professional-Technical Education	Ch.389 - 1210
S 1464	Approp, Finance Dept	Ch.390 - 1212
S 1465	Approp, Women's Comm	Ch.391 - 1213
S 1466	Approp, Liquor Dispensary	Ch.392 - 1214
S 1467	Approp, Industrial Comm	Ch.393 - 1216
S 1469	Approp, Self-Governing Agencies	Ch.394 - 1217
S 1470	Approp, Idaho State Police, add'l	Ch.395 - 1220
S 1471	Approp, H&W, community mental health	Ch.396 - 1221
S 1472	Precinct committeemen, meetings	Ch.397 - 1222
S 1473	Approp, Supreme Court, add'l	Ch.398 - 1223

		Chapter - Page
S 1474	Approp, Supreme Court, add'l	Ch.399 - 1223
S 1475	Approp, Water Resources, add'l	Ch.400 - 1223
S 1476	Approp, Tax Commission	Ch.401 - 1225
S 1477	Approp, Tax Appeals Bd	Ch.402 - 1227
S 1478	Approp, Deaf & Blind School	Ch.403 - 1228
S 1479	Approp, Historical Society	Ch.404 - 1229
S 1480	Approp, Education Bd	Ch.409 - 1239
S 1481	Approp, Public Broadcasting	Ch.405 - 1230
S 1482aa	Abortion, informed consent	Ch.438 - 1322
S 1484	Approp, Education Dept	Ch.427 - 1310
S 1487	Approp, State Library Bd	Ch.426 - 1309
S 1490	Approp, State Controller, add'l	Ch.406 - 1231
S 1491	Approp, capitol restoration/relocation	Ch.455 - 1347
S 1492aa	Open legislative meetings	Ch.439 - 1325
S 1493	Approp, Soil Conservation Comm, add'l	Ch.440 - 1326
S 1494	Approp, Environmental Quality Dept, add'l ..	Ch.441 - 1326
S 1495	Approp, Environmental Quality Dept, add'l .	Ch.442 - 1327
S 1496	Approp, Water Management Fund, use	Ch.443 - 1328
S 1497	Approp, Water Resource Dept, add'l	Ch.444 - 1328
S 1498	Approp, Commerce & Labor Dept, add'l	Ch.445 - 1329
S 1499	Approp, Commerce & Labor Dept, add'l	Ch.446 - 1329
S 1500	Approp, Commerce & Labor Dept, add'l	Ch.447 - 1330

NUMERICAL LIST OF HOUSE BILLS

that became law with a brief synopsis and
chapter number of each bill

		Chapter	Page
H 403	Approp, fire/pest/hazardous substance	Ch. 2	24
H 404	Approp, Military Div, add'l	Ch. 3	25
H 405	Workforce development training tax	Ch. 13	31
H 406	Science/Technology Advisory Council	Ch. 14	33
H 409	Approp, Budget stabilization fund	Ch. 4	25
H 410	Meat inspection, repealed	Ch. 94	267
H 411	Cattle, destroyed, compensation	Ch. 93	267
H 412	Brucellosis, veterinarian duties	Ch.216	651
H 413	Codifier corrections	Ch. 16	41
H 414	Candidate, unspent moneys/debt	Ch. 22	79
H 415	Campaign contribution, political comm	Ch. 23	80
H 421aaS	Property tax, homestead exemptn increased	Ch.429	1312
H 422aaS	Property tax, circuit breaker, income	Ch.350	1065
H 430	Mental health records, offenders	Ch. 92	266
H 431	Probation officer, peace officer, when	Ch. 91	265
H 432	Small lawsuit resolution act, sunset	Ch.141	403
H 433	Petroleum Clean Water Fund, honorarium	Ch.140	402
H 434	State treasury moneys, investment	Ch. 17	65
H 435	Liquor dispensary, merchandise	Ch. 18	68
H 436	Cemetery dist, treasurers	Ch. 24	82
H 440	Approp, Commerce & Labor, add'l	Ch. 5	26
H 443aaS	Income tax, misc. changes	Ch.195	599
H 444aa	Income tax, military members	Ch. 63	193
H 446	Insurer, stock/mutual, surplus, use	Ch. 25	83
H 447	Insurers, loan to value ratio	Ch. 26	84
H 448	Insurers, investments, Canada	Ch. 27	86
H 451	Firemen's retirement fund, benefits	Ch. 19	71
H 452	Purchasing, bid canceled, procedure	Ch. 62	192
H 453	Grape Grower/Wine Producer, opt out	Ch. 28	88
H 454	Winery, ship to ID residents, permit	Ch. 29	89
H 457	Income tax, resident redefined	Ch. 90	263
H 458	Sales tax, no sellers permit, penalty	Ch. 61	190
H 459	Tax licenses/permits, accts, violation	Ch. 60	186
H 461	Property tax, new construction roll	Ch. 59	183
H 462	MV insurance discount, age 55	Ch. 30	92
H 463aa	MV, commercial, unladen weight permit	Ch. 58	181
H 464	Port of entry, certain vehicles stop	Ch. 31	93
H 465	Commercial feed law revised	Ch. 57	167

		Chapter	Page
H 466	Carbon sequestration advisory comm	Ch.217	651
H 471	Income tax extension, pymt due, when	Ch. 56	166
H 472aa	Cigarettes, unstamped, penalty	Ch.196	610
H 473	Tax refund, offset, tax liability	Ch. 55	165
H 474aa	Occupancy tax, application	Ch.302	930
H 475	Museum admission, exempt sales tax	Ch. 89	260
H 476	Lien, invalid, public employees	Ch. 32	95
H 477	Veterans, services, property	Ch. 33	96
H 483	Income tax checkoff, Red Cross	Ch. 88	258
H 488	Legislator, resignation, successor	Ch. 34	97
H 490	Honey advertising comm, duties	Ch. 87	256
H 491	Veterinary facility, emergency services	Ch.139	395
H 492	CAFO, animal numbers	Ch.218	652
H 493	Bee inspections, revisions	Ch. 86	251
H 497aaS	Sales tax rebate, media production	Ch.219	654
H 513	Agricultural technology, cooperation	Ch.220	657
H 514	Plant pests, infestation, compensation	Ch.197	611
H 515	Brand renewal, fee	Ch.198	612
H 517	Motor carrier, agricultural product, exmpt	Ch.138	393
H 520	Engineers, license, exam requirement	Ch.137	392
H 521	Survey record, filing	Ch.136	391
H 522	Reciprocal insurers, worker's comp	Ch.199	614
H 524	Encroachments, navigational, permit	Ch.135	390
H 525	Lakes, navigable, encroachments	Ch.134	389
H 526	Encroachments, certain, permit fee	Ch.133	388
H 527	Encroachments, permits, recording	Ch.132	385
H 528	Encroachment, community navigational	Ch.131	381
H 529	Timber, state-owned, sale, measure	Ch.130	381
H 530	Pseudoephedrine, sale	Ch. 95	269
H 533aaS	Death penalty, add'l offense	Ch.129	375
H 534aa	Felonies, certain, statute of limitations	Ch. 39	116
H 535	Sex offender registration, info, media	Ch. 35	98
H 536	Human trafficking, penalty	Ch. 85	249
H 538	Landscape architects, licenses/fees	Ch.128	371
H 539	Architect, technical submissions	Ch.127	365
H 541	State parks, parking violations	Ch.221	660
H 544	Irrigation dist elections, acreage	Ch.200	615
H 545	N. Idaho water rights adjudication	Ch.222	660
H 546	Water project costs, loan approval	Ch.126	362
H 547	PTE, vocational rehab services	Ch. 84	247
H 548	Electrical contractors, insurance	Ch. 83	245
H 549	Electrical contractor, license, renew	Ch. 82	244
H 550	Elevator Safety Fund created	Ch. 81	243
H 551	Public Works Contractor, license fees	Ch. 80	241
H 554	Building Safety administrator, duties	Ch. 79	237
H 555	Eminent domain, limitation	Ch. 96	270
H 556	Campaign contributions, use	Ch. 36	99
H 559	Cities, law enforcement, residents	Ch. 53	163
H 560	Driver duty, approach police vehicle	Ch. 78	236
H 561aaS, aaS	MV, allow able load for tires	Ch.351	1069
H 562aa	MV license, dealer, laden trailer	Ch.223	664
H 564	Optometrists, license fees	Ch. 54	164

		Chapter	Page
H 565aa	Residential care admin, license, educ	Ch.125	360
H 566	Psychologist license, renewal fee	Ch. 52	163
H 567	Aging, ombudsman program, grants	Ch.201	617
H 570aa	Public records, applicant defined	Ch.352	1070
H 571	Public employees, veteran preference	Ch. 51	145
H 574	State veterans home, spouse	Ch. 50	144
H 575	Surface mining reclamation fund, balance	Ch. 37	101
H 576	Irrigation dist, elections	Ch.124	357
H 577	Unemployment benefits, violations	Ch. 38	104
H 578	Employment security reserve tax	Ch. 48	139
H 579	POST council, powers/duties	Ch. 47	136
H 580	Explosives, false reports, penalty	Ch. 46	135
H 581	Adoption, foreign born child	Ch. 77	234
H 582	DUI, refusal of test, penalty	Ch.224	665
H 584	Mortgage brokering, license req'd	Ch.123	356
H 585	Insurance, license denied, hearings	Ch. 49	141
H 586	Insurance admin, certificates	Ch. 45	134
H 587	Idaho Credit Code, misc. amendments	Ch.122	339
H 589aa	Controlled substance, child present	Ch. 76	233
H 590	Intermodal commerce authority	Ch. 75	228
H 591	Endowment funds, gains, calculation	Ch. 44	133
H 592	Endowment funds, gains/losses	Ch. 43	130
H 593	Crop residue, definition	Ch.121	338
H 594	Noxious weed law, revisions	Ch.225	669
H 596	Animals, furbearing, possession	Ch.226	677
H 599	Idaho horse bd, assessments, cards	Ch.202	618
H 601aaS	License plate, motorcycle, veterans	Ch.120	337
H 602aa	MV registration, project choice fee	Ch.227	679
H 603	Utility type vehicles, defined	Ch. 42	121
H 605	License plate, historic preservation	Ch.119	334
H 606	MV license plate/Elks rehab hospital	Ch.118	331
H 607	MV license plate, breast cancer education	Ch.176	541
H 608	MV license plate, NRA	Ch. 41	119
H 611aa	Prescriptions, validity	Ch.117	330
H 613aa	Controlled substance, hydrocodone	Ch.203	620
H 614	Prescription record, electronic filing	Ch.175	535
H 615	State employee insurance, mental health	Ch. 97	271
H 619	Physical Therapy Practice Act	Ch.116	314
H 621	Tobacco, stamping agent, definition	Ch. 74	227
H 624aaS	School property, disposal, when	Ch.228	680
H 627	ISTARS, credit/debit card payment	Ch. 73	226
H 628	Judges' retirement, rules	Ch. 72	225
H 629	Misdemeanors, certain penalties	Ch. 71	216
H 630aa	School grounds, violence threatened	Ch.303	936
H 631	Prosecuting atty, vacancy, contract	Ch.115	314
H 632	Concealed weapon license, exemption	Ch.114	309
H 633	Drug violations, drug hotline fee	Ch.113	308
H 634aa	Civil action, apology, inadmissible	Ch.204	623
H 636	Clearwater River, minimum streamflow	Ch.112	306
H 637	Water Resources Dept, public works	Ch.205	624
H 638	Park&Rec Bd, committees, appointment	Ch.229	682
H 639	Navigable lakes, encroachments	Ch.111	304

		Chapter - Page
H 640	F&G, Animal Damage Control Fund	Ch.230 - 686
H 645	Liquefied petroleum gas tank, install	Ch.110 - 303
H 646	Disinterment permits, issued, when	Ch.109 - 302
H 648aaS	Workers comp, employment defined	Ch.231 - 687
H 649	Workers comp, no balance billing	Ch.206 - 626
H 650aa	Aquifer protection dist	Ch.304 - 937
H 652	Insurance co, goodwill/trade name	Ch.207 - 636
H 653	MV dealer/manuf, liability insurance	Ch.208 - 637
H 655aaS	Insurance, employer carrier, discontinued	Ch.353 - 1079
H 659	MV license, manufacturer, issuance	Ch.108 - 301
H 663aa	Medicaid, personal health acct, copayment	Ch.305 - 943
H 664	Medicaid eligibility, disabled worker	Ch.174 - 533
H 671aaS	School district election, watchers	Ch.232 - 689
H 672	Elections, conduct, watchers	Ch. 70 - 213
H 673aaS	Liquor license, year-round resort	Ch.449 - 1332
H 676aaS	Property tax, agric land, platting	Ch.233 - 691
H 680	Property tax deferral act	Ch.234 - 694
H 684	Idaho Commission for Libraries	Ch.235 - 701
H 685	Income tax credit, Learning Lab	Ch. 69 - 212
H 686	Sales tax exemption, shooting range fee	Ch.236 - 720
H 687	Sales tax exemption, glider kit vehicle	Ch.237 - 721
H 688	Income tax credit, Project Safe Place	Ch.209 - 638
H 694	Utility rates, construction work	Ch.107 - 300
H 695aaS	Emergency communication fee, use	Ch.238 - 722
H 696	Electric generation plant, county owned	Ch.210 - 639
H 700	Approp, Juvenile Corrections, amend	Ch. 68 - 210
H 701	Approp, Education Dept, amended	Ch. 40 - 117
H 705aa	Schools, cooperative serv agency, levy	Ch.306 - 945
H 706	Sales tax exemption, free dental clinic	Ch.211 - 639
H 707	Lobbying, executive/administrative acts	Ch.106 - 293
H 708	Health care directive registry	Ch. 67 - 198
H 709aa	Body found, notify law enforcement	Ch.239 - 724
H 711	Municipal elections, law revised	Ch.105 - 288
H 712	Proprietary schools, law revisions	Ch.240 - 724
H 713aa, aaS	School child, no sex offender access	Ch.354 - 1084
H 714aa, aaS	Mortgage brokers, multistate license	Ch.410 - 1240
H 716	Defendant, drug/mental health court	Ch.104 - 287
H 718	Public records, electronic format	Ch.103 - 283
H 719aa	Creutzfeldt-Jakob Disease, autopsy	Ch.241 - 735
H 722	Insurance policyholder, inducements	Ch.212 - 642
H 723aaS	Haircutter, requirements, permits	Ch.411 - 1242
H 724	Hearing, testify, conflict of interest	Ch.213 - 644
H 726	Income tax credit, Project P.A.T.C.H	Ch.307 - 946
H 727	Salvage vehicles, title	Ch.102 - 279
H 728	Community reinvestment pilot initiative	Ch.308 - 947
H 729	Internal Revenue Code, reference	Ch.242 - 736
H 731	Income tax credit, drug free youth	Ch.309 - 952
H 734	Mentally ill, treatment	Ch.214 - 644
H 735aa	Urban renewal, definitions	Ch.310 - 953
H 736aa	Ground water, assessments	Ch.355 - 1085
H 737aa	Water rights, East Snake River Plain	Ch.356 - 1089
H 738aa	H&W Dept, Health Quality Planning	Ch.243 - 736

		Chapter - Page
H 739	Students, writing/math assessments	Ch.357 - 1090
H 742aa	Idaho Digital Academy, risk management	Ch.358 - 1091
H 743	School Facilities Improvement	Ch.311 - 956
H 745	Income tax credit, live organ donation	Ch.312 - 968
H 746	Approp, H&W, Public health, add'l	Ch. 66 - 197
H 747	Approp, catastrophic health care, add'l	Ch. 65 - 196
H 748	Approp, H&W Dept, disabilities, add'l	Ch. 64 - 195
H 750aa	Schools, bullying, penalty	Ch.313 - 969
H 752	Student info management system	Ch.244 - 740
H 753aa	Fire insurance, cancellation, notice	Ch.359 - 1091
H 754	Income tax credit, new plant facility	Ch.314 - 974
H 756	Sales tax exemption, heating materials	Ch.315 - 980
H 757	Sales tax exemptn, domestic violence grp	Ch.316 - 983
H 758	Bellevue City charter, amended	Ch.317 - 986
H 760aa	Moped, definition revised	Ch.360 - 1097
H 762	Pseudoephedrine, possession, amt	Ch.245 - 749
H 763	Fire protection dist, law revised	Ch.318 - 988
H 764	Personal property tax, hospitals	Ch.319 - 1016
H 765	Income tax credit, Shepherd's Home	Ch.320 - 1017
H 766	Approp, Financial Mngmt Division	Ch.101 - 279
H 767	Approp, Governor's Office	Ch.100 - 278
H 770aaS, aaS	Schools, instructional staff allowance	Ch.412 - 1249
H 771	Alfalfa/Clover Seed Comm, accounting	Ch.361 - 1098
H 772	Mint Comm, accounting	Ch.362 - 1099
H 773	Canola/Rapeseed Comm, accounting	Ch.363 - 1100
H 774	Bean Comm, accounting	Ch.364 - 1101
H 775	Alfalfa/Clover Seed Comm, districts	Ch.365 - 1102
H 776	Medicaid Simplification Act	Ch.278 - 853
H 778aa	Property tax, valuation, school use	Ch.366 - 1104
H 780	Development impact fees, procedure	Ch.321 - 1019
H 781	Property tax notice, content	Ch.322 - 1021
H 782	Approp, Fish & Game Dept	Ch. 99 - 274
H 783	Approp, Species Conservation Office	Ch. 98 - 273
H 784	Title loan act	Ch.323 - 1023
H 788	Approp, H&W/psychiatric hosp, add'l	Ch.215 - 650
H 791	Coal fired power plant, moratorium	Ch.367 - 1105
H 793	Approp, Human Resources Division	Ch.324 - 1028
H 794	Approp, Agricultural Research	Ch.325 - 1029
H 795	PUC/Tax Comm/Industrial Comm, salary	Ch.368 - 1106
H 796	Sales tax exemption, pollution control	Ch.326 - 1029
H 797	Approp, Endowment Fund Investment Bd	Ch.327 - 1030
H 798	Approp, Water Resources Dept	Ch.328 - 1031
H 799	Approp, Public Utilities Comm	Ch.329 - 1033
H 801	Approp, Appellate Public Defender	Ch.330 - 1034
H 802	Approp, Catastrophic Health Care	Ch.331 - 1035
H 803	Approp, Education Bd, Special Prog	Ch.332 - 1035
H 804	Approp, Educ Bd, Health Educ Prog	Ch.333 - 1036
H 805	Approp, Commerce & Labor Dept	Ch.334 - 1038
H 808	Approp, Insurance Dept	Ch.335 - 1040
H 809	Approp, Idaho State Lottery	Ch.336 - 1041
H 810	Approp, Public Employee Retirement	Ch.337 - 1042
H 811	Approp, State Treasurer	Ch.338 - 1043

		Chapter - Page
H 812	Approp, Human Rights Comm	Ch.339 - 1045
H 813	Approp, Arts Comm	Ch.340 - 1045
H 814aa	Judges, salaries	Ch.369 - 1107
H 817	Approp, Lands Dept	Ch.341 - 1046
H 818	Approp, Soil Conservation Comm	Ch.342 - 1048
H 819	Approp, Agriculture Dept	Ch.343 - 1049
H 820	Rural Economic Dvlp/Freight Transp	Ch.413 - 1251
H 822	Self-funded health care plans	Ch.414 - 1256
H 825	Health care plans, self-funded	Ch.415 - 1271
H 826	Approp, H&W Dept, Child Welfare	Ch.344 - 1053
H 827	Approp, H&W, Welfare Division	Ch.345 - 1054
H 828	Approp, H&W Dept, Indirect Support	Ch.346 - 1056
H 829	Approp, H&W, Independent Councils	Ch.347 - 1057
H 830	Approp/H&W/Development Disabilities	Ch.348 - 1059
H 831	Approp, Environmental Quality Dept	Ch.349 - 1061
H 832aa	H&W Bd, powers & duties	Ch.416 - 1282
H 833	Substance abuse prevention comm	Ch.407 - 1232
H 834	Guard, Reserve Family Support Fund	Ch.370 - 1108
H 836	Approp, H&W, Mental Health Services	Ch.371 - 1109
H 837	Approp, H&W, Psychiatric Hospitals	Ch.372 - 1111
H 838	Approp, H&W, Public Health Services	Ch.373 - 1113
H 839	Approp, Public Works Projects	Ch.374 - 1117
H 844	State employees, salary increase	Ch.375 - 1119
H 845	Approp, Public Schools, Teacher Div	Ch.417 - 1287
H 846	Approp, Public Schools, Operations	Ch.418 - 1290
H 847	Approp, Public School, Children's Prog	Ch.419 - 1296
H 848	Approp, Public School, Administrators	Ch.420 - 1299
H 849	Approp, H&W, Medical Assistance	Ch.376 - 1166
H 851	Approp, Transportation Dept	Ch.456 - 1350
H 852	Approp, Legislative Council, add'l	Ch.377 - 1170
H 853	Movie theater, alcohol, minor present	Ch.378 - 1170
H 854	Hwy projects, bonding authority	Ch.457 - 1353
H 857	Rules, agency, continued	Ch.425 - 1308
H 858	EMS Medical Services Comm	Ch.421 - 1301
H 860	Approp, Supreme Court, add'l	Ch.422 - 1306
H 861	Approp, elected officials, salaries	Ch.430 - 1316
H 862	Approp, salaries, commissioners	Ch.424 - 1307
H 864	Approp, Public Schools, Facilities	Ch.423 - 1306
H 865	Elective officers, salaries	Ch.431 - 1318
H 866	Approp, Public Education Stabilization	Ch.432 - 1319
H 868	Approp, H&W, add'l, rural health care	Ch.458 - 1354
H 869	Approp, Agriculture Dept, add'l	Ch.428 - 1311
H 870	Approp, Revolving Development Fund	Ch.433 - 1319
H 871	Approp, Educ Bd, special programs, add'l	Ch.434 - 1320
H 872	Approp, Commerce & Labor Dept, add'l	Ch.435 - 1320
H 873	Approp, Commerce & Labor Dept, add'l	Ch.436 - 1321
H 874	Approp, Commerce & Labor Dept, add'l	Ch.459 - 1355
H 875	Approp, Parks & Rec Dept, add'l	Ch.448 - 1331
H 877	Caregiver support, medicaid prog	Ch.437 - 1321

NUMERICAL LIST OF SENATE AND HOUSE JOINT RESOLUTIONS, JOINT MEMORIALS AND CONCURRENT RESOLUTIONS

SENATE JOINT RESOLUTIONS

		Page
SJR 107	Millennium Permanent Endowment Fund	1356

HOUSE JOINT RESOLUTIONS

HJR 2	Marriage, man/woman	1359

SENATE JOINT MEMORIALS

SJM 113	Judge Randy Smith, confirmation, support	1360
SJM 114	INL funding, commercial replication	1361
SJM 118	Drinking water, arsenic levels	1362
SJM 119	Ten commandment display	1364
SJM 120	Federal land sale, opposition	1366

HOUSE JOINT MEMORIALS

HJM 10	Wolves, delisting strategies	1367
HJM 11	Wolf monitoring, helicopter use	1368
HJM 12	American farmers/ranchers, free trade	1369
HJM 13	No child left behind, enhancement	1371
HJM 14	Federal land recreation enhancement act	1372
HJM 16	Endangered species act, reform	1374
HJM 18aa	No Child Left Behind Act, amendment	1374
HJM 20	Federal Lands Recreation Act	1376
HJM 21	National forest land, Idaho manage	1377
HJM 22	World Health Org, Taiwan participate	1380
HJM 25	Offshore energy development encouraged	1381
HJM 26	Basque Homeland, peace actions	1382

SENATE CONCURRENT RESOLUTIONS

		Page
SCR 123	Idaho Olympic athletes, recognized	1384
SCR 124	H&W Dept, dispute resolution process	1385
SCR 125	Dentistry Bd, rules rejected	1386
SCR 126	H&W Dept, rules rejected	1386
SCR 128	Agency rules, fee, approved	1387
SCR 129	Agency rules, temporary, approved	1388
SCR 130	Water/wastewater service, regional	1389
SCR 132	Postsecondary education, study	1390
SCR 136	Aquifer management plan requested	1392

HOUSE CONCURRENT RESOLUTIONS

HCR 30	Governor, State of State Address	1394
HCR 31	Suicide Prevention Plan, endorsed	1394
HCR 32	Bullying Awareness Week	1395
HCR 33	Civic & Historical Learning Summit	1396
HCR 34	Colorectal Cancer Awareness Month	1397
HCR 36	Niagara Springs Creek, streamflow	1398
HCR 37	Clearwater River, N. Fork, streamflow	1400
HCR 38	Idaho Birding Trail, supported	1401
HCR 39	Health care, military personnel, IMA	1402
HCR 40	Physician order, life-sustaining treatment	1403
HCR 45	Missing Persons Day	1404
HCR 46	Patriot's Day proclaimed	1405
HCR 47	Capitol Bldg, restoration	1406
HCR 48	Medicaid, mental health services	1407
HCR 49	Prescription drugs, medicaid, financing	1409
HCR 50aa	Medicaid participant, cost-sharing	1410
HCR 51	Medicaid products, H&W Dept contract	1411
HCR 52	Long-term care, counseling program	1412
HCR 53	Medicaid recipient, enroll Medicare	1413
HCR 54	Bioscience tax incentive, task force	1413
HCR 55	Building Safety Div, rules rejected	1415
HCR 56	Transp Dept, rules rejected	1415
HCR 58	Elementary school teacher training, math/science	1416
HCR 59	F&G Dept rules, rejected	1416
HCR 60	Hunger/food insecurity awareness	1417
HCR 62	Integrated state energy plan	1418
HCR 63	Mental health, substance abuse study	1419
HCR 64	Water quality standards, requested	1420
HCR 65	Higher education personnel issues, study	1422
HCR 66	No Child Left Behind, compliance	1423
HCR 67	Carl Bianchi commended	1424

APPENDIX

IDAHO STATE OFFICIAL DIRECTORY

ELECTED OFFICIALS

CONGRESSIONAL

UNITED STATES SENATORS

Senator Larry E. Craig (R)
225 N. 9th, Suite 530
Boise, Idaho 83702

Senator Mike Crapo (R)
251 E. Front Street, Suite 205
Boise, Idaho 83702

REPRESENTATIVES IN CONGRESS

C. L. "Butch" Otter (R), First District
802 W. Bannock, #101
Boise, Idaho 83702

Mike Simpson (R), Second District
802 W. Bannock, #600
Boise, Idaho 83702

STATE ELECTED OFFICIALS

GOVERNOR Dirk Kempthorne (R)

LT. GOVERNOR James E. Risch (R)

SECRETARY OF STATE Ben T. Ysursa (R)

STATE CONTROLLER Keith L. Johnson (R)

STATE TREASURER Ron G. Crane (R)

ATTORNEY GENERAL Lawrence Wasden (R)

SUPERINTENDENT OF PUBLIC INSTRUCTION Marilyn Howard (D)

Mailing Address:
700 W. Jefferson St.
P.O. Box 83720
Boise, Idaho 83720-0054

LEGISLATORS BY DISTRICT

1-BONNER & BOUNDARY COUNTIES

Shawn Keough (R) Senate . . . . . 5th Term
P.O. Box 101, Sandpoint 83864
Home 263-1839
Toll Free Bonner/Boundary
Counties Only 1-888-453-6844
E-mail: skeough@senate.idaho.gov
Public Relations Spouse - Mike
CO-CHAIR-Joint Legislative Oversight
VICE CHAIR-Finance/JFAC
Health & Welfare; Transportation

Eric Anderson (R) House Seat A . . . . . 1st Term
28544 Hwy. 57, Priest Lake 83856
Home 265-6316 FAX 265-6316
E-mail: eanderso@house.idaho.gov
General Contracting/Real Estate Dev. Spouse - Nicky
Commerce & Human Resources; Environment, Energy & Technology; State Affairs

George E. Eskridge (R) House Seat B . . . . . 3rd Term
P.O. Box 112, Dover 83825
Home 265-0123
E-mail: geskridg@house.idaho.gov
Real Estate Spouse - Jenise
Appropriations/JFAC; Environment, Energy & Technology;
Resources & Conservation

2-BENEWAH, BONNER, KOOTENAI & SHOSHONE COUNTIES

Joyce M. Broadsword (R) Senate . . . . . 1st Term
P.O. Box 76, Cocolalla 83813
Home 263-7735 Bus. 263-3250 FAX 255-7714
E-mail: jbroadsw@senate.idaho.gov
Business Owner/Log Home Company Spouse - John
VICE-CHAIR - Health & Welfare
Agricultural Affairs; Commerce & Human Resources

Mary Lou Shepherd (D) House Seat A . . . . . 4th Term
273 Crescent Dr., Wallace 83873
Home 682-4771 FAX 682-2319
E-mail: mshepher@house.idaho.gov
Retired Business Owner Spouse - James
Commerce & Human Resources; Legislative Council; State Affairs; Transportation & Defense

R. J. "Dick" Harwood (R) House Seat B . . . . 3rd Term
8152711wy. 3 S., St. Maries 83861
Home 245-4446
E-mail: dharwood@house.idaho.gov
Self Employed Businesses Spouse - Carole
VICE CHAIR-Environment, Energy & Technology
Appropriations/JFAC; Judiciary, Rules & Administration

3-KOOTENAI COUNTY

Michael Jorgenson (R) Senate . . . . . 1st Term
2953 Point Hayden Dr., Hayden Lake 83835
Home 762-4514 Bus. 762-7784 FAX 762-1485
E-mail: mnjorgen@senate.idaho.gov
Consultant Spouse - Cynthia
VICE CHAIR-Education
Judiciary & Rules; Transportation

Jim Clark (R) House Seat A . . . . . 5th Term
8798 N. Clarkview Pl., Hayden Lake 83835
Home 772-5992 Bus. 772-5992 FAX 772-7718
E-mail: jclark@house.idaho.gov
Web Page: www.clarkforidaho.com
Retired Professor Spouse - Vickie Parker-Clark
CHAIR-Ways & Means
Judiciary, Rules & Administration
Local Government; Revenue & Taxation

Phil Hart (R) House Seat B . . . . . 1st Term
4430 E. Sarah Loop, Athol 83801
Home 683-0456 Bus. 772-2522 FAX 772-1881
E-mail: phart@house.idaho.gov
Structural Engineer
Judiciary, Rules & Administration; State Affairs; Transportation & Defense

4-KOOTENAI COUNTY

John W. Goedde (R) Senate . . . . . 3rd Term
525-B W. Harrison Ave., Coeur d'Alene 83814
Home 660-7663 Bus. 664-9223 FAX 664-9336
E-mail: jgoeddc@senate.idaho.gov
Web Page: www.johngoedde.com
Property/Casualty Insurance Sales
CHAIR-Education
Commerce & Human Resources

Marge Chadderdon (R) House Seat A . . . . . 1st Term
109 Lakeview Dr., Coeur d'Alene 83814
Home 769-9309 FAX 667-7920
E-mail: mchadder@house.idaho.gov
Co-owned a chain of floor covering stores
Business; Education; Local Government

George C. Sayler (D) House Seat B . . . . . 2nd Term
1102 Ash Ave., Coeur d'Alene 83814
Home 664-2787 FAX 665-9704
E-mail: gsayler@house.idaho.gov
Retired Teacher Spouse - Kathleen
ASST. MINORITY LEADER
Resources & Conservation; Revenue & Taxation; Ways & Means

LEGISLATORS BY DISTRICT (Continued)

5-KOOTENAI COUNTY

Richard L. "Dick" Compton (R) Senate . . . 2nd Term
P.O. Box 1738, Coeur d'Alene 83816-1738
Home 667-6912
E-mail: dcompton@senate.idaho.gov
Retired Consultant Spouse - Janette
CHAIR-Health & Welfare
Commerce & Human Resources; Legislative Council

Bob Nonini (R) House Seat A . . . . . 1st Term
5875 W. Harbor Dr., Coeur d'Alene 83814
Home 765-1904 Bus. 667-5762 FAX 667-5959
E-mail: bnonini@house.idaho.gov
Web Page: www.bobforidaho.com
Financial Consulting Spouse - Cathyanne
Business; Education; Transportation & Defense

Frank N. Henderson (R) House Seat B . . . . . 1st Term
362 S. Ponderosa Loop, Post Falls 83854
Home 773-2269
E-mail: fhenders@house.idaho.gov
Retired Newspaper Publisher/ Spouse - Lillian
Marketing Executive (Deceased)
Appropriations/JFAC; Business; Local Government

6-LATAH COUNTY

Gary J. Schroeder (R) Senate . . . . . 7th Term
1289 Highland, Moscow 83843
Home 882-9092 Bus. 882-0601 FAX 882-5715
E-mail: gschroed@senate.idaho.gov
Web Page: www.schroederforsenate.com
Business owner/Outdoor writer
CHAIR-Resources & Environment
Education

Tom Trail (R) House Seat A . . . . . 5th Term
1375 Mountain View Rd., Moscow 83843
Home 882-6077 Bus. 882-6077 FAX 882-0896
E-mail: ttrail@house.idaho.gov
Web Page: users.moscow.com/ttrail
Education Consultant/Farmer Spouse - Jo Ann
VICE CHAIR-Agricultural Affairs
Commerce & Human Resources; Education

Shirley G. Ringo (D) House Seat B . . . . . 2nd Term
(Served 1 Term, House 1999-2000)
1021 Herrington Rd., Moscow 83843
Home 883-1005 Bus. 301-2272 FAX 883-1005
E-mail: sringo@house.idaho.gov
Web Page: shirleyringo.com
Retired teacher Spouse - John A.
Appropriations/JFAC; Commerce & Human Resources; Transportation & Defense

7-NEZ PERCE COUNTY

Joe Stegner (R) Senate . . . . . 4th Term
216 Prospect Blvd., Lewiston 83501
Home 743-3032 FAX 798-8016
E-mail: jstegner@senate.idaho.gov
Retired Grain Dealer Spouse - Deborah
ASST. MAJORITY LEADER
Commerce & Human Resources; Local Government & Taxation; State Affairs

Mike P. Mitchell (D) House Seat A . . . . . 2nd Term
(Served 5 Terms, Senate 1971-82; House 1969-70)
1916 Gateway Dr., Lewiston 83501
Home 746-6313 FAX 743-1713
E-mail: mmitchel@house.idaho.gov
Business Consultant Spouse - Arlene Rae
Education; Resources & Conservation; Transportation & Defense

John Rusche (D) House Seat B . . . . . 1st Term
1405 27th Ave., Lewiston 83501
Home 743-1339
E-mail: jrusche@house.idaho.gov
Physician Spouse - Kay
Business; Health & Welfare

8-CLEARWATER, IDAHO, LEWIS & VALLEY COUNTIES

R. Skipper "Skip" Brandt (R) Senate . . . . . 3rd Term
P.O. Box 296, Kooskia 83539
Home 926-0150 FAX (509) 463-8912
E-mail: sbrandt@senate.idaho.gov
Web Page: skipbrandt.us
Co-Owner Stites Ace Hardware Spouse - Pia
CHAIR-Transportation
Health & Welfare; Legislative Council; Resources & Environment

Ken A. Roberts (R) House Seat A . . . . . 3rd Term
P.O. Box 1003, McCall 83638
Home 634-0050 Bus. 325-8351
E-mail: kroberts@house.idaho.gov
Farmer/Construction Contractor Spouse - Mary Jo
VICE CHAIR-Transportation & Defense
Resources & Conservation; Revenue & Taxation

Paul E. Shepherd (R) House Seat B . . . . . 1st Term
906 N. McArthur, P.O. Box 277, Riggins 83549
Home 628-3695 Bus. 628-3563 FAX 628-3563
E-mail: pshepher@house.idaho.gov
Partner/Manager Shepherd Sawmill & Spouse - Dawn
Log Homes
Education; Health & Welfare; Resources & Conservation;

9-ADAMS, CANYON, PAYETTE & WASHINGTON COUNTIES

Monty J. Pearce (R) Senate ..... 2nd Term
(Served 2 Terms, House 1999-2002)
2001 County Line Rd., New Plymouth 83655
Home 278-5408
E-mail: mpearce@senate.idaho.gov
Rancher Spouse - Merry
VICE CHAIR-Resources & Environment
Education; Finance/JFAC

Lawerence Denney (R) House Seat A ..... 5th Term
P.O. Box 114, Midvale 83645
Home 355-2374
E-mail: ldenney@house.idaho.gov
Farmer Spouse - Donna
MAJORITY LEADER
Legislative Council; Resources & Conservation; Revenue & Taxation; Ways & Means

Clete Edmunson (R) House Seat B ..... 2nd Term
2255 NW 1st Ave., Fruitland 83619
Home 452-3890 Bus. 869-4274 FAX 452-5998
E-mail: cedmunso@house.idaho.gov
Web Page: edmunsonforidaho.com
Teacher/Small Business Owner
Business; Environment, Energy & Technology; State Affairs

10-CANYON COUNTY

John McGee (R) Senate ..... 1st Term
1601 Idaho Ave., Caldwell 83605
Home 459-8404 Bus. 455-3950 FAX 455-3836
E-mail: jmcgee@senate.idaho.gov
Web Page: www.johnmcgee.org
Marketing Director,
West Valley Medical Center Spouse - Hanna
VICE CHAIR-Transportation
Finance/JFAC; Health & Welfare

Robert "Bob" Ring (R) House Seat A ..... 2nd Term
406 Spruce St., Caldwell 83605
Home 459-8079
E-mail: bring@house.idaho.gov
Retired Physician Spouse - Dorothy
Health & Welfare; Judiciary, Rules & Administration; State Affairs

Darrell Bolz (R) House Seat B ..... 3rd Term
3412 College Ave., Caldwell 83605-6136
Home 454-1334
E-mail: dbolz@house.idaho.gov
U of I Extension Professor Emeritus Spouse - Carol
VICE CHAIR-Appropriations/JFAC
Agricultural Affairs; Commerce & Human Resources;

11-CANYON & GEM COUNTIES

Brad Little (R) Senate ..... 3rd Term
P.O. Box 488, Emmett 83617-0488
Home 365-6566 Bus. 365-4611 FAX 365-4615
E-mail: blittle@senate.idaho.gov
Rancher Spouse - Teresa
MAJORITY CAUCUS CHAIR
Resources & Environment; State Affairs; Transportation

Kathy Skippen (R) House Seat A ..... 2nd Term
5454 W. Central Rd., Emmett 83617
Home 365-5686
E-mail: kskippen@house.idaho.gov
Farmer Spouse - Dar Olberding
Appropriations/JFAC; Commerce & Human Resources; Transportation & Defense

Carlos Bilbao (R) House Seat B ..... 1st Term
2062 Corral Rd., Emmett 83617
Home 365-9438 Bus. 284-0539
E-mail: cbilbao@house.idaho.gov
Retired Sr. Quality Manager Spouse - Nancy
Boeing Company
Business; Health & Welfare; State Affairs

12-CANYON COUNTY

Curt McKenzie (R) Senate ..... 2nd Term
1911 Candlewood Dr., Nampa 83686
Home 468-1027 Bus. 319-2600 FAX 319-2601
E-mail: cmckenzi@senate.idaho.gov
Attorney Spouse - Renee
VICE CHAIR-State Affairs
Local Government & Taxation; Transportation

Robert E. Schaefer (R) House Seat A ..... 11th Term
P.O. Box 55, Nampa 83653
Home 466-3636 Bus. 466-3636
E-mail: rschaefe@house.idaho.gov
Architect Spouse - Betty
CHAIR-Commerce & Human Resources
Revenue & Taxation

Gary E. Collins (R) House Seat B ..... 3rd Term
2019 E. Massachusetts, Nampa 83686
Home 466-5460 Bus. 466-4787 FAX 466-8412
E-mail: gcollins@house.idaho.gov
Insurance Agency Owner Spouse - Ann
VICE CHAIR-Business
Legislative Council; Local Government; Revenue & Taxation

13-CANYON COUNTY

Patti Anne Lodge (R) Senate ..... 3rd Term
P.O. Box 96, Huston 83630
Home 459-7158 FAX 459-7199
E-mail: palodge@senate.idaho.gov
Education Media Spouse - Edward J.
Consultant/Agribusiness Owner
Finance/JFAC; Judiciary & Rules; Legislative Council

Dolores J. Crow (R) House Seat A ..... 12th Term
203 S. Olive, Nampa 83686
Home 467-1302
E-mail: dcrow@house.idaho.gov
Retired Businesswoman
CHAIR-Revenue & Taxation
Commerce & Human Resources

W. W. "Bill" Deal (R) House Seat B ..... 8th Term
917 2nd St. S., Nampa 83651
Home 466-3184 Bus. 466-2465 FAX 466-2471
E-mail: bdeal@house.idaho.gov
Insurance Spouse - Joan
CHAIR-State Affairs
Business

14-ADA COUNTY

Hal Bunderson (R) Senate ..... 7th Term
582 River Heights Dr., Meridian 83642
Home 888-7156 Bus. 888-7156
E-mail: hbunders@senate.idaho.gov
Web Page: senatorbunderson.com
Retired CPA-Auditor Spouse - Mary Kay
& Real Estate Developer
CHAIR-Local Government & Taxation
Judiciary & Rules

Mike Moyle (R) House Seat A ..... 4th Term
480 N. Plummer Rd., Star 83669
Home 286-7842 Bus. 286-7842 FAX 286-9540
E-mail: mmoyle@house.idaho.gov
Agribusiness Spouse - Sue Ann
ASST. MAJORITY LEADER
Resources & Conservation; Revenue
& Taxation; Transportation & Defense; Ways & Means

Stan Bastian (R) House Seat B ..... 1st Term
1369 E. Nest View Ct., Eagle 83616
Home 939-8272 Bus. 468-7820 ext. 422 FAX 939-8272
E-mail: sbastian@house.idaho.gov
Web Page: Bastian4house.com
School Administrator Spouse - Kathleen
Environment, Energy & Technology; Judiciary,
Rules & Administration

15-ADA COUNTY

John C. Andreason (R) Senate ..... 6th Term
(Served 2 terms, Senate 1967-70)
5120 N. Mountain View Dr., Boise 83704
Home 322-8558 FAX 672-8558
E-mail: jandreas@senate.idaho.gov
Retired Director, Legislative Spouse - Darlene
Budget Office
CHAIR-Commerce & Human Resources
Education; Joint Legislative Oversight

Steve Smylie (R) House Seat A ..... 4th Term
2220 N. Coolwater Ave., Boise 83713
Home 377-5281 FAX 377-5281
E-mail: ssmylie@house.idaho.gov
Web Page: www.ssmylie.com
Educator, Businessman Spouse - Marsha
VICE CHAIR-State Affairs
Environment, Energy & Technology

Max C. Black (R) House Seat B ..... 7th Term
3731 Buckingham Dr., Boise 83704
Home 375-2635 FAX 375-8250
E-mail: mblack@house.idaho.gov
Retired Insurance Spouse - Clydene
CHAIR-Business
State Affairs

16-ADA COUNTY

David Langhorst (D) Senate ..... 1st Term
(Served 1 term, House 2003-2004)
6700 Hill Rd., Boise 83714
Home 853-0307
E-mail: dlanghor@senate.idaho.gov
Web Page: www.davidlanghorst.com
Commercial Real Estate Appraiser Spouse - Christine
Legislative Council; Local Government & Taxation;
Resources & Environment; Transportation

Margaret Henbest (D) House Seat A ..... 5th Term
P.O. Box 934, Boise 83701
Home 853-5423 Bus. 853-5423 FAX 853-5423
E-mail: mhenbest@house.idaho.gov
Nurse Practitioner Spouse - Michael
CO-CHAIR-Joint Legislative Oversight
Appropriations/JFAC; Business; Health & Welfare

Jana Kemp (R) House Seat B ..... 1st Term
P.O. Box 8045, Boise 83707
Bus. 367-1701
E-mail: jkemp@house.idaho.gov
Web Page: www.janakemp.com
Owner of Meeting & Management Essentials
Commerce & Human Resources; Education; Local
Government

LEGISLATORS BY DISTRICT (Continued)

17-ADA COUNTY

Elliot Werk (D) Senate ..... 2nd Term
6810 Randolph Dr., Boise 83709
Home 373-0993 Bus. 658-0388 FAX 375-3822
E-mail: ewerk@senate.idaho.gov
Web Page: www.elliotwerk.org
Spouse - Nancy Greenwald
Commerce & Human Resources; Finance/JFAC; Health & Welfare; Legislative Council

Kathie Garrett (R) House Seat A ..... 2nd Term
3227 Crescent Rim Dr., Boise 83706
Home 344-5838 FAX 344-4825
E-mail: kgarrett@house.idaho.gov
Homemaker Spouse - Vernon
VICE CHAIR-Health & Welfare
Commerce & Human Resources; State Affairs

Janet J. Miller (R) House Seat B ..... 2nd Term
5707 W. Randolph Dr., Boise 83705
Home 375-7627
E-mail: jmiller@house.idaho.gov
Web Page: www.janetjmiller.com
Property Management Spouse - Donald B. (Deceased)
Business; State Affairs

18-ADA COUNTY

Kate Kelly (D) Senate ..... 1st Term
P.O. Box 654, Boise 83701
Home 850-7217
E-mail: kkelly@senate.idaho.gov
Web Page: www.katekellysenate.org
Attorney
Agricultural Affairs; Health & Welfare; Judiciary & Rules

Debbie S. Field (R) House Seat A ..... 6th Term
3236 Chickory Way, Boise 83706
Home 336-8565
E-mail: dfield@house.idaho.gov Spouse - Mike
CHAIR-Judiciary, Rules & Administration
Joint Legislative Oversight; Revenue & Taxation

Julie Ellsworth (R) House Seat B ..... 5th Term
P.O. Box 668, Boise 83701
Home 336-6747
Homemaker
E-mail: jellswor@house.idaho.gov Spouse - Maurice
MAJORITY CAUCUS CHAIR
Environment, Energy & Technology; Judiciary, Rules & Administration; State Affairs; Ways & Means

19-ADA COUNTY

Mike Burkett (D) Senate ..... 2nd Term
(Served 2 Terms, Senate 1989-92)
512 N. 13th St., Boise 83702
Home 344-2424 Bus. 344-2424 FAX 344-3370
E-mail: mburkett@senate.idaho.gov
Attorney Spouse - Sharon
ASST. MINORITY LEADER
Education; Judiciary & Rules

Anne Pasley-Stuart (D) House Seat A ..... 2nd Term
2301 Hillway Dr., Boise 83702
Bus. 424-0440
E-mail: aps@house.idaho.gov
Web Page: www.pasleystuart.org
President/CEO Pasley-Stuart Consulting Spouse - Tom
Commerce & Human Resources; Local Government; State Affairs

Nicole LeFavour (D) House Seat B ..... 1st Term
1210 N. 11th St., Boise 83702
Home 724-0468
E-mail: nlefavou@house.idaho.gov
Web Page: 4idaho.org
Teacher, Non-Profit Organizer, Small Business Owner
Partner - Carol Growhoski
Environment, Energy & Technology; Judiciary, Rules & Administration; Revenue & Taxation

20-ADA COUNTY

Gerry Sweet (R) Senate ..... 2nd Term
3122 N. Sunny Side Ave., Meridian 83642
Home 887-1085 Bus. 895-0224
E-mail: gsweet@senate.idaho.gov
Small Business Owner Spouse - Christine
Finance/JFAC; Judiciary & Rules; Local Government & Taxation

Mark A. Snodgrass (R) House Seat A ..... 2nd Term
1406 N. Leslie Way, Meridian 83642
Home 887-4939 Bus. 861-0728 FAX 884-4219
E-mail: msnodgra@house.idaho.gov
Economics Instructor Spouse - Pascale
& Real Estate Agent
Business; Environment, Energy & Technology; State Affairs

Shirley McKague (R) House Seat B ..... 5th Term
933 E. Pine, Meridian 83642
Home 888-2842
E-mail: smckague@house.idaho.gov
Retired Family Service Station Business Spouse - Paul
VICE CHAIR-Commerce & Human Resources
Revenue & Taxation; Transportation & Defense

21-ADA COUNTY

Russell M. Fulcher (R) Senate ..... 1st Term
P.O. Box 1166, Meridian 83680-1166
Bus. 323-1041 FAX 332-1422
E-mail: rfulcher@senate.idaho.gov
Preco Electronics Spouse - Kara
Agricultural Affairs; Education

William T. "Bill" Sali (R) House Seat A .... 8th Term
175 Linke Ct., Kuna 83634-2053
Bus. 922-5377
E-mail: bsali@house.idaho.gov
Web Page: www.billsali.com
Attorney Spouse - Terry
Health & Welfare; Judiciary, Rules & Administration

Clifford R. Bayer (R) House Seat B ..... 2nd Term
8020 W. Amity, Boise 83709
Home 362-5058 FAX 362-5058
E-mail: cbayer@house.idaho.gov
Medical Research Scientist Spouse - Nicole
VICE CHAIR- Local Government
Appropriations/JFAC

22-BOISE & ELMORE COUNTIES

Tim Corder (R) Senate ..... 1st Term
357 S.E. Corder Dr., Mountain Home 83647
Home 587-8562 Bus. 599-0427 FAX 587-5871
E-mail: tcorder@senate.idaho.gov
Trucking Company Spouse - LaVonne
Agricultural Affairs; Local Government & Taxation

Richard "Rich" Wills (R) House Seat A ... 2nd Term
P.O. Box 602, Glenns Ferry 83623
Home 366-7408 Bus. 484-0403 FAX 366-2457
E-mail: rwills@house.idaho.gov
Business Owner-Opera Theatre; Spouse - Connie
Communications Consulting Business
Education; Judiciary, Rules & Administration;
Transportation & Defense

Pete Nielsen (R) House Seat B ..... 2nd Term
3955 S. 136 W., Mountain Home 83647
Home 832-4382 FAX 832-4013
E-mail: pnielsen@house.idaho.gov
Life & Health Insurance Agent Spouse - Connie
Education; Health & Welfare; Judiciary,
Rules & Administration

23-OWYHEE & TWIN FALLS COUNTIES

Tom Gannon (R) Senate ..... 2nd Term
4180 N. 1572 E., Buhl 83316
Home 543-2330 Bus. 543-5125 FAX 543-2884
E-mail: tgannon@senate.idaho.gov
Retired Naval Officer, City Planning Spouse - Jeanne
& Zoning Administrator
VICE CHAIR-Agricultural Affairs
Education

Frances Chatburn Field (R) House Seat A .. 11th Term
23608 Field Ln., Grand View 83624
Home 834-2488 FAX 834-2488
E-mail: ffield@house.idaho.gov
Retired Teacher & Clerk/Business Spouse - Oscar
Mgr./Farm Owner (deceased)
CHAIR-Agricultural Affairs
Legislative Council; Resources & Conservation

Bert Brackett (R) House Seat B ..... 1st Term
Flat Creek Ranch, Rogerson 83302
Home 857-2217 FAX 857-2217
E-mail: bbracket@house.idaho.gov
Rancher Spouse -Paula
Agricultural Affairs; Education;
Resources & Conservation

24-TWIN FALLS COUNTY

Charles H. Coiner (R) Senate ..... 1st Term
2138 Hillcrest Dr., Twin Falls 83301
Home 734-1675 Bus. 731-4015 FAX 423-9089
E-mail: ccoiner@ senate.idaho.gov
Farmer Spouse - Carolyn
VICE CHAIR-Commerce & Human Resources
Agricultural Affairs; Health & Welfare

Leon E. Smith (R) House Seat A ..... 4th Term
1381 Galena Dr., Twin Falls 83301
Home 733-0843 Bus. 736-2006
E-mail: lsmith@house.idaho.gov
Lawyer and Mediator Spouse - Janice Mittleider-Smith
VICE CHAIR-Judiciary, Rules & Administration
Revenue & Taxation; Transportation & Defense

Sharon L. Block (R) House Seat B ..... 3rd Term
1093 Lakewood Dr., Twin Falls 83301
Home 734-6360 FAX 736-7187
E-mail: sblock@house.idaho.gov
Property Mgr./Former Teacher Spouse - D.W. "Bill"
CHAIR-Health & Welfare
Business; Education

25-BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

Clint Stennett (D) Senate . . . . . 6th Term
(Served 2 terms, House 1990-94)
P.O. Box 475, Ketchum 83340
Home 726-8106 Bus. 788-4504 FAX 788-4444
E-mail: cstennet@senate.idaho.gov
Businessman, TV Broadcasting Spouse - Michelle
MINORITY LEADER
Agricultural Affairs; Legislative Council; Resources & Environment; State Affairs

Wendy Jaquet (D) House Seat A . . . . . 6th Term
P.O. Box 783, Ketchum 83340
Home 726-3100 FAX 726-0674
E-mail: wjaquet@house.idaho.gov
Web Page: www.idahohousedemocrats.org
Tour Guide Spouse - Jim
MINORITY LEADER
Agricultural Affairs; Legislative Council; Resources & Conservation; Revenue & Taxation; Ways & Means

Donna L. Pence (D) House Seat B . . . . . 1st Term
1960 US Hwy. 26, Gooding 83330
Home 934-5302 FAX 934-5302
E-mail: dpence@house.idaho.gov
Retired Teacher/Tree Farmer Spouse - Lew
Agricultural Affairs; Education; Judiciary, Rules & Administration

26-JEROME & MINIDOKA COUNTIES

Dean L. Cameron (R) Senate . . . . . 8th Term
1101 Ruby Dr., Rupert 83350
Home 436-5624 Bus. 436-4424 FAX 436-3776
E-mail: 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 . 5th Term
1099 N. 400 W., Rupert 83350
Home 532-4524 FAX 532-4720
E-mail: jstevens@house.idaho.gov
Farmer Spouse - Elaine
CHAIR-Resources & Conservation
Agricultural Affairs; State Affairs

Maxine T. Bell (R) House Seat B . . . . . 9th Term
194 S. 300 E., Jerome 83338
Home 324-4296
E-mail: mbell@house.idaho.gov
Farmer/Homemaker Spouse - H. Jack
CHAIR-Appropriations, CO-CHAIR-JFAC
Joint Legislative Oversight; Resources & Conservation

27-BINGHAM, CASSIA, ONEIDA & POWER COUNTIES

Denton Darrington (R) Senate . . . . . 12th Term
302 S. Hwy. 77, Declo 83323
Home 654-2712
E-mail: ddarring@senate.idaho.gov
Farmer/Teacher Spouse - Virgene
CHAIR-Judiciary & Rules
Health & Welfare; State Affairs

Scott Bedke (R) House Seat A . . . . . 3rd Term
P.O. Box 89, Oakley 83346
Home 862-3619 FAX 862-3688
E-mail: sbedke@house.idaho.gov
Rancher Spouse - Sarah
Appropriations/JFAC; Resources & Conservation; Transportation & Defense

Bruce Newcomb (R) House Seat B . . . . . 10th Term
P.O. Box 757, Burley 83318
Statehouse: Ph 332-1111 FAX 334-2491 Rm 309
E-mail: bnewcomb@house.idaho.gov
Farmer/Rancher Spouse - Celia Gould
SPEAKER OF THE HOUSE
CO-CHAIR-Legislative Council

28-BINGHAM COUNTY

J. Stanley "Stan" Williams (R) Senate . . . . . 4th Term
1286 W. 200 S., Pingree 83262
Home 684-4932 FAX 684-9211
E-mail: swilliam@senate.idaho.gov
Farmer/Rancher Spouse - Nancy
CHAIR-Agricultural Affairs
Local Government & Taxation; Resources & Environment

Dennis M. Lake (R) House Seat A . . . . . 5th Term
830 Taber Rd., Blackfoot 83221
Home 684-4967 FAX 684-9336
E-mail: dlake@house.idaho.gov
Agribusiness Spouse - Luann
VICE CHAIR-Revenue & Taxation
Agricultural Affairs; Commerce & Human Resources

Joseph S. Cannon (R) House Seat B . . . . . 2nd Term
725 Airport Rd. #20, Blackfoot 83221
Home 785-4290 Bus. 785-6281 FAX 785-4775
E-mail: jcannon@house.idaho.gov
General Contractor, Spouse - Jeanne
Cannon Builders, Inc.
Business; Education; Transportation & Defense

29-BANNOCK COUNTY

Bert C. Marley (D) Senate . . . . . 3rd Term
(Served 1-1/2 terms, House 1998-2001)
8806 S. Old Hwy. 91, McCammon 83250
Home 254-3586 Bus. 254-3711
E-mail: bmarley@senate.idaho.gov
Teacher Spouse - Michelle
Education; Finance/JFAC; Joint Legislative Oversight; Legislative Council; Transportation

Ken Andrus (R) House Seat A . . . . . 1st Term
6948 E. Old Oregon Trail Rd., Lava Hot Springs 83246
Home 776-5380
E-mail: kandrus@house.idaho.gov
Cattle & Sheep Rancher Spouse - Colleen
Agricultural Affairs; Resources & Conservation; State Affairs

Elmer Martinez (D) House Seat B . . . . . 3rd Term
8209 W. Portneuf Rd., Pocatello 83204
Home 232-4532
E-mail: emartine@house.idaho.gov
Retired Firefighter/Paramedic Spouse - DeeAnn
MINORITY CAUCUS CHAIR
Health & Welfare; Revenue & Taxation; Ways & Means

30-BANNOCK COUNTY

Edgar J. Malepeai (D) Senate . . . . . 2nd Term
585 S. 19th, Pocatello 83201
Home 232-2038 Bus. 237-1300 FAX 237-1350
E-mail: emalepea@senate.idaho.gov
Teacher Spouse - Brenda K.
MINORITY CAUCUS CHAIR
Commerce & Human Resources; Local Government & Taxation; State Affairs

Donna H. Boe (D) House Seat A . . . . . 5th Term
226 S. 16th, Pocatello 83201
Home 233-5651 FAX 234-4223
E-mail: dboe@house.idaho.gov
ESL Tutor Spouse - Roger
Education; Joint Legislative Oversight; Judiciary, Rules & Administration; Local Government

Elaine Smith (D) House Seat B . . . . . 3rd Term
3759 Heron Ave., Pocatello 83201
Home 237-1462 Bus. 232-3563 FAX 235-3280
E-mail: esmith@house.idaho.gov
Volunteer Services Coordinator/ Spouse - Rich
School District 25
Business; Environment, Energy & Technology; Legislative Council; State Affairs

31-BEAR LAKE, BONNEVILLE, CARIBOU, FRANKLIN & TETON COUNTIES

Robert L. Geddes (R) Senate . . . . . 6th Term
370 Mountain View Ave., Soda Springs 83276
Home 547-2423
Statehouse: Ph 332-1300 FAX 334-2320 Rm 351
E-mail: rlgeddes@senate.idaho.gov
Environmental Engineer Spouse - Tammy
PRESIDENT PRO TEM
CO-CHAIR-Legislative Council
State Affairs; Transportation

Larry C. Bradford (R) House Seat A . . . . . 3rd Term
3208 E. Cub River Rd., Franklin 83237
Home 646-2409
E-mail: lbradfor@house.idaho.gov
Retired Mink Rancher Spouse - Larene
Commerce & Human Resources; Education; Local Government

Thomas F. Loertscher (R) House Seat B . . . . 1st Term
(Served 7 terms, House 1987-2002)
1357 Bone Rd., Iona 83427
Home 522-3072 Bus. 523-7796 FAX 522-1141
E-mail: tloertsc@house.idaho.gov
Farmer/Rancher Spouse - Linda
Health & Welfare; State Affairs

32-BONNEVILLE COUNTY

Melvin M. "Mel" Richardson (R) Senate . . . 7th Term
(Served 2 terms, House 1989-92)
3725 Brookfield Ln., Idaho Falls 83406
Home 522-0772 FAX 522-3230
E-mail: mrichard@senate.idaho.gov
Public Relations - Broadcaster; Spouse - Dixie
Host, Probing America Radio Show
VICE CHAIR-Judiciary & Rules
Finance/JFAC

Janice K. McGeachin (R) House Seat A . . . 2nd Term
6121 N. 5th W., Idaho Falls 83401
Home 524-5521 Bus. 523-1718 FAX 529-9936
E-mail: jmcgeach@house.idaho.gov
Web Page: www.votemcgeachin.com
Business Owner - J.R. McGeachin, Spouse - James J.
Inc. dba: IdahoTransmission Warehouse/Western Transmission
Health & Welfare; Judiciary, Rules & Administration; Revenue & Taxation

Ann Rydalch (R) House Seat B . . . . . 2nd Term
(Served 4 terms Senate, 1983-90)
3824 E. 17th St., Idaho Falls 83406
Home 522-6741 Bus. 526-1010
E-mail: arydalch@house.idaho.gov
Business Systems Specialist, INL Spouse - Vernal
VICE CHAIR-Education
Business; Environment, Energy & Technology

33-BONNEVILLE COUNTY

Bart M. Davis (R) Senate . . . . . 4th Term
2638 S. Bellin Cir., Idaho Falls 83402
Home 529-4993 Bus. 522-8100 FAX 522-1334
E-mail: bmdavis@senate.idaho.gov
Attorney Spouse - Marion
MAJORITY LEADER
Judiciary & Rules; Legislative Council; State Affairs

Jack T. Barraclough (R) House Seat A . . . . . 7th Term
3018 Westmoreland Cir., Idaho Falls 83402
Home 523-4463
E-mail: jbarracl@house.idaho.gov
Certified Professional Hydrologist Spouse - Elaine
CHAIR-Education
Environment, Energy & Technology; Resources & Conservation

Russ Mathews (R) House Seat B . . . . . 1st Term
2583 Genevieve Way, Idaho Falls 83402
Home 528-7893 FAX 528-7893
E-mail: rmathews@house.idaho.gov
Qwest Communications Consultant Spouse - Virginia
Commerce & Human Resources; Education; Environment, Energy & Technology

34-FREMONT & MADISON COUNTIES

Brent Hill (R) Senate . . . . . 3rd Term
1010 S. 2nd E., Rexburg 83440
Home 356-7495 Bus. 356-3677 FAX 356-3689
E-mail: bhill@senate.idaho.gov
Web Page: www.senatorhill.com
Accounting Firm CEO Spouse - Julie
VICE CHAIR-Local Government & Taxation
Finance/JFAC

Mack G. Shirley (R) House Seat A . . . . . 2nd Term
443 W. Moran View, Rexburg 83440-5177
Home 356-3831
E-mail: mshirley@house.idaho.gov
Retired Educator Spouse - Shanna
Agricultural Affairs; Education; Judiciary, Rules & Administration

Dell Raybould (R) House Seat B . . . . . 3rd Term
3215 N. 2000 W., Rexburg 83440
Home 356-6837 Bus. 356-6837
E-mail: draybou@house.idaho.gov
Farmer/Businessman Spouse - Vera
CHAIR-Environment, Energy & Technology
Resources & Conservation; Revenue & Taxation

35-BUTTE, CLARK, CUSTER, FREMONT, JEFFERSON & LEMHI COUNTIES

Don M. Burtenshaw (R) Senate . . . . . 5th Term
1603 N. 1000 E., Terreton 83450-5033
Home 663-4493 Bus. 663-4492 FAX 663-4499
E-mail: dburtens@senate.idaho.gov
Farmer/Rancher/Business Spouse - Beverly
CHAIR-State Affairs
Agricultural Affairs; Resources & Environment

JoAn E. Wood (R) House Seat A . . . . . 12th Term
3778 E. 500 N., Rigby 83442
Home 745-7846 FAX 745-8420
E-mail: jawood@house.idaho.gov
Partner-Ranch/Farm Spouse - Tom (Deceased)
CHAIR-Transportation & Defense
VICE CHAIR-Resources & Conservation
Revenue & Taxation

Lenore Hardy Barrett (R) House Seat B . . . . 7th Term
P.O. Box 347, Challis 83226
Home 879-2797 FAX 879-4257
E-mail: lbarrett@house.idaho.gov
Mining/Investments Spouse - Robert
CHAIR-Local Government
Resources & Conservation; Revenue & Taxation