GENERAL LAWS

OF THE

STATE OF IDAHO

PASSED BY
THE FIRST REGULAR SESSION OF THE
FIFTY-NINTH IDAHO LEGISLATURE

Convened January 8, 2007
Adjourned March 30, 2007

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 212
(H.B. No. 287)

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO STATE INDEPENDENT LIVING COUNCIL FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING MONEYS TO THE STATE INDEPENDENT LIVING COUNCIL FUND; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 Independent Living Council, the following amounts to be expended from the listed funds for the period July 1, 2007, through June 30, 2008.

FROM:

State Independent Living Council (Gen) Fund	$123,100
State Independent Living Council (Ded) Fund	130,600
State Independent Living Council (Fed) Fund	253,700
TOTAL	$507,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho State Independent Living Council is authorized no more than four and five-tenths (4.5) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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 appropriated $123,100 from the General Fund to be deposited in the State Independent Living Council Fund for the period July 1, 2007, through June 30, 2008.

SECTION 4. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 5. The Idaho State Independent Living Council 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 27, 2007.

CHAPTER 213
(H.B. No. 288)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC HEALTH TRUST FUND FOR THE PUBLIC HEALTH DISTRICTS FOR FISCAL YEAR 2008; AND DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION.

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

SECTION 1. There is hereby appropriated $10,270,900 from the General Fund to be deposited in the Public Health Trust Fund for the period July 1, 2007, through June 30, 2008.

SECTION 2. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

Approved March 27, 2007.

CHAPTER 214
(H.B. No. 289)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE HUMAN RIGHTS COMMISSION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General Fund	$555,400	$129,200	$684,600
Federal Grant Fund	120,500	111,700	232,200
Miscellaneous Revenue Fund		5,000	5,000
TOTAL	$675,900	$245,900	$921,800

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, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services

Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. 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 27, 2007.

CHAPTER 215
(H.B. No. 291)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE STATE APPELLATE PUBLIC DEFENDER FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

FOR:	
Personnel Costs	$1,533,700
Operating Expenditures	550,500
TOTAL	$2,084,200
FROM:	
General Fund	$2,084,200

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, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. 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 27, 2007.

CHAPTER 216
(H.B. No. 292)

AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2008; 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, 2007, through June 30, 2008:

FROM:	
General Fund	$28,521,100
Senior Magistrate Judges Fund	510,000
Guardian Ad Litem Fund	663,100
ISTARS Technology Fund	3,370,300
Federal Grant Fund	1,536,100
Miscellaneous Revenue Fund	318,500
Guardianship Pilot Project Fund	276,400
Drug Court, Mental Health Court and Family Court Services Fund	3,042,900
TOTAL	$38,238,400

SECTION 2. There is hereby appropriated $649,100 from the General Fund to be deposited in the Guardian Ad Litem Fund for the period July 1, 2007, through June 30, 2008.

Approved March 27, 2007.

CHAPTER 217
(H.B. No. 293)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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; AND SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION.

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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OPERATIONS DIVISION:					
A. OPERATIONS ADMINISTRATION:					
FROM:					
General Fund	$ 662,300	$18,869,000			$ 19,531,300
Miscellaneous Revenue Fund		36,900			36,900
Federal Grant Fund		83,700			83,700
TOTAL	$ 662,300	$18,989,600			$ 19,651,900
B. OFFENDER PROGRAMS:					
FROM:					
General Fund	$ 905,600	$ 4,608,500	$ 8,100		$ 5,522,200
Miscellaneous Revenue Fund		255,500	3,000		258,500
Federal Grant Fund	548,600	933,900			1,482,500
TOTAL	$ 1,454,200	$ 5,797,900	$ 11,100		$ 7,263,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
C. COMMUNITY SUPERVISION:					
FROM:					
General Fund	$12,103,100	$ 2,230,900	$ 6,700		$ 14,340,700
Parolee Supervision Fund	3,614,800	892,800	460,900		4,968,500
Federal Grant Fund	17,700	489,900			507,600
TOTAL	$15,735,600	$ 3,613,600	$ 467,600		$ 19,816,800
D. COMMUNITY WORK CENTERS:					
FROM:					
General Fund	$ 2,735,000	$ 87,500			$ 2,822,500
Inmate Labor Fund	178,800	1,137,800	$ 164,700		1,481,300
Miscellaneous Revenue Fund		27,700			27,700
TOTAL	$ 2,913,800	$ 1,253,000	$ 164,700		$ 4,331,500
E. IDAHO STATE CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General Fund	$19,231,200	$ 3,498,300	$ 533,600		$ 23,263,100
Inmate Labor Fund		47,200			47,200
Miscellaneous Revenue Fund	413,200	103,000			516,200
Penitentiary Endowment Fund		728,500			728,500
Federal Grant Fund	57,700				57,700
TOTAL	$19,702,100	$ 4,377,000	$ 533,600		$ 24,612,700
F. IDAHO CORRECTIONAL INSTITUTION - OROFINO:					
FROM:					
General Fund	$ 6,559,400	$ 1,506,800	$ 210,300		$ 8,276,500
Inmate Labor Fund	795,800	673,900	105,000		1,574,700
Miscellaneous Revenue Fund	105,000	55,500			160,500
TOTAL	$ 7,460,200	$ 2,236,200	$ 315,300		$ 10,011,700
G. NORTH IDAHO CORRECTIONAL INSTITUTION - COTTONWOOD:					
FROM:					
General Fund	$ 4,002,700	$ 1,182,100	$ 85,800		$ 5,270,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Inmate Labor Fund		32,600			32,600
Miscellaneous Revenue Fund	45,200	139,600			184,800
TOTAL	$ 4,047,900	$ 1,354,300	$ 85,800		$ 5,488,000
H. SOUTH IDAHO CORRECTIONAL INSTITUTION - BOISE:					
FROM:					
General Fund	$ 6,306,900	$ 1,694,000	$ 80,200		$ 8,081,100
Inmate Labor Fund	969,100	637,000			1,606,100
Miscellaneous Revenue Fund	43,200	49,600			92,800
Federal Grant Fund	55,200				55,200
TOTAL	$ 7,374,400	$ 2,380,600	$ 80,200		$ 9,835,200
I. IDAHO MAXIMUM SECURITY INSTITUTION - BOISE:					
FROM:					
General Fund	$ 8,028,900	$ 1,810,800	$ 203,100		$ 10,042,800
Inmate Labor Fund		23,600			23,600
Miscellaneous Revenue Fund	100,900	55,300			156,200
TOTAL	$ 8,129,800	$ 1,889,700	$ 203,100		$ 10,222,600
J. ST. ANTHONY WORK CAMP:					
FROM:					
General Fund	$ 2,120,900	$ 460,000	$ 53,900		$ 2,634,800
Inmate Labor Fund	585,700	512,500	143,000		1,241,200
Miscellaneous Revenue Fund		16,500			16,500
TOTAL	$ 2,706,600	$ 989,000	$ 196,900		$ 3,892,500
K. POCATELLO WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General Fund	$ 4,394,100	$ 977,600	$ 239,500		$ 5,611,200
Inmate Labor Fund	245,800	73,700			319,500
Miscellaneous Revenue Fund	213,700	21,000			234,700
Federal Grant Fund		31,000			31,000
TOTAL	$ 4,853,600	$ 1,103,300	$ 239,500		$ 6,196,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
L. SOUTH BOISE WOMEN'S CORRECTIONAL CENTER:					
FROM:					
General Fund	$ 2,499,900	$ 695,600			$ 3,195,500
Inmate Labor Fund			$ 406,500		406,500
Miscellaneous Revenue Fund		7,200			7,200
TOTAL	$ 2,499,900	$ 702,800	$ 406,500		$ 3,609,200
DIVISION TOTAL	$77,540,400	$44,687,000	$2,704,300		$124,931,700
II. SUPPORT DIVISION:					
A. SUPPORT SERVICES:					
FROM:					
General Fund	$ 5,971,400	$ 3,305,500	$ 405,000		$ 9,681,900
Parolee Supervision Fund	153,900	92,300			246,200
Inmate Labor Fund	33,800				33,800
Miscellaneous Revenue Fund	219,700	94,300			314,000
Federal Grant Fund	63,300	292,900		$1,750,000	2,106,200
TOTAL	$ 6,442,100	$ 3,785,000	$ 405,000	$1,750,000	$ 12,382,100
B. MEDICAL SERVICES CONTRACT:					
FROM:					
General Fund		$20,369,800			$ 20,369,800
Miscellaneous Revenue Fund		81,000			81,000
TOTAL		$20,450,800			$ 20,450,800
DIVISION TOTAL	$ 6,442,100	$24,235,800	$ 405,000	$1,750,000	$ 32,832,900
III. PRIVATELY-OPERATED STATE PRISON:					
FROM:					
General Fund		$23,721,800			$ 23,721,800
Inmate Labor Fund		404,000			404,000
TOTAL		$24,125,800			$ 24,125,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. COMMISSION OF PARDONS AND PAROLE:					
FROM:					
General Fund	$ 1,823,400	$ 424,400	$ 19,900		$ 2,267,700
Miscellaneous Revenue Fund		20,700			20,700
TOTAL	$ 1,823,400	$ 445,100	$ 19,900		$ 2,288,400
GRAND TOTAL	$85,805,900	$93,493,700	$3,129,200	$1,750,000	$184,178,800

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Correction is authorized no more than one thousand six hundred one and four-tenths (1,601.4) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. 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 5. 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 2008, 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 6. 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 7. The Department of Correction is hereby directed to continue exploring and evaluating a full range of options for implementing video-teleconferencing capabilities between it and other jurisdictions, including courts and other noncourt entities; and to provide a written report of such findings, recommendations, and cost estimates to the next regular session of the Idaho Legislature.

SECTION 8. There is hereby reappropriated to the Idaho Department of Correction, subject to the provisions of Section 9 of this act, the unexpended and unencumbered balance of General Fund moneys that were appropriated to the department for fiscal year 2007, to be used for nonrecurring expenditures, for the period July 1, 2007, through June 30, 2008. For accounting purposes, this reappropriation shall be considered exempt from the provisions of Section 67-3511, Idaho Code, relating to the transfer of moneys between programs and expenditure classes. The reappropriation shall be used for the replacement of federal funding lost through the Maintaining Dignity in Idaho Jails Grant; conducting a criminal justice study; and for other one-time expenses related to moving offenders that are diagnosed with acute mental health disorders from the maximum security prison to Unit 16 at the Idaho State Correctional Institution. In addition, the department is directed to provide a detailed written report on the expenditure and use of these funds to the next regular session of the Idaho Legislature.

SECTION 9. The reappropriation for the General Fund granted in Section 8 of this act shall be subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2007, is zero, the reappropriation for the General Fund in Section 8 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, 2007, is greater than zero, but less than the total General Fund reappropriation authority granted to all state agencies, that

amount reappropriated in Section 8 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.

Approved March 27, 2007.

CHAPTER 218
(S.B. No. 1143)

AN ACT
RELATING TO REGIONAL MENTAL HEALTH SERVICES; AMENDING SECTION 39-3134A, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO DEVELOPMENT GRANTS.

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

SECTION 1. That Section 39-3134A, Idaho Code, be, and the same is hereby amended to read as follows:

39-3134A. COOPERATIVE SERVICE PLAN COMPONENT. (1) 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.

(2) 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.

(3) In addition to the funds provided for in section 39-3136, Idaho Code, the state may provide development grants for mental health and substance abuse treatment services through the state mental health authority, ~~and~~ working in coordination as a development grant advisory group with the department of correction, the department of juvenile corrections, the courts and the regional mental health board. ~~for~~ Such treatment services shall include, but not be limited to: twenty-four (24) hour emergency psychiatric services, short-term psychiatric beds, crisis intervention teams, transitional housing and detoxification facilities. The development grants may be made on a multiagency, multiyear basis. Proposals for development grants shall be submitted no later than August 1 and shall be granted no later than October 1 on such forms and in such a manner as provided by rule by the state mental health authority.

(4) 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 27, 2007.

CHAPTER 219
(H.B. No. 28, As Amended in the Senate)

AN ACT

RELATING TO PROFESSIONAL ENGINEERS AND LAND SURVEYORS; AMENDING SECTION 54-1202, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1205, IDAHO CODE, TO REVISE COMPENSATION FOR BOARD MEMBERS; AMENDING SECTION 54-1215, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE USE OF SEALS, SIGNATURE AND DATES ON DOCUMENTS; AMENDING SECTION 54-1220, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCIPLINARY ACTIONS; AMENDING SECTION 54-1223, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR CERTAIN WORK CONDUCTED BY PROFESSIONAL ENGINEERS; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 54-1202, Idaho Code, be, and the same is hereby amended to read as follows:

54-1202. DEFINITIONS. As used in this chapter, unless the context or subject matter requires otherwise:

(~~a~~1) Engineer. The term "engineer" means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, physical and engineering sciences, and the principles and methods of engineering analysis and design, acquired by professional education and engineering experience.

(~~b~~2) Professional Engineer. The term "professional engineer" means a person who has been duly registered or licensed as a professional engineer by the board under this chapter.

(~~c~~3) Professional Engineering and Practice of Professional Engineering. The terms "professional engineering" and "practice of professional engineering" mean any service or creative work offered to or performed for the public for any project physically located in this state, such as consultation, investigation, evaluation, planning, designing, teaching upper division engineering design subjects, and responsible charge of observation of construction in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such service requires the application of engineering principles and data. A person shall be construed to practice or offer to practice professional engineering within the meaning and intent of this chapter who practices or offers to practice any of the branches of the profession of engineering for the public for any project physically located in this state or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer or through the use of some other title implies that he is a professional engineer or that he is registered under this chapter, or holds himself out as able to perform or who does perform for the public for any project physically located in this state, any engineering service or work or any other service designated by the practitioner which is the practice of professional engineering.

(~~d~~4) Consulting Engineer. The term "consulting engineer" means a professional engineer whose principal occupation is the independent

practice of professional engineering; whose livelihood is obtained by offering engineering services to the public; who is devoid of public, commercial and product affiliation that might tend to infer a conflict of interest; and who is cognizant of his public and legal responsibilities, and is capable of discharging them.

(~~e~~5) Professional Land Surveyor. The term "professional land surveyor" means a person who is qualified by reason of his knowledge of the principles of land surveying acquired by education and practical experience to engage in the practice of professional land surveying and who has been duly registered or licensed as a professional land surveyor by the board under this chapter.

(~~f~~6) Professional Land Surveying and Practice of Professional Land Surveying. The terms "land surveying" and "professional land surveying" mean responsible charge of surveying of land to determine the correct boundary description, to convey, to establish or reestablish land boundaries, or to plat lands and subdivisions thereof. Any person shall be construed to practice or offer to practice professional land surveying who engages in professional land surveying, or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional land surveyor, or who represents himself as able to perform or who does perform any professional land surveying service or work or any other service designated by the practitioner which is professional land surveying.

(~~g~~7) Board. The term "board" means the Idaho board of registration of professional engineers and professional land surveyors, hereinafter provided by this chapter.

(~~h~~8) Responsible Charge. The term "responsible charge" means the control and direction of ~~the investigation, studies, design, construction or operation of~~ engineering work, or the control and direction of ~~record research, field retracement, office calculations, boundary determination and mapping of~~ land surveying work, requiring initiative, professional skill, ~~and~~ independent judgment and professional knowledge of the content of relevant documents during their preparation. Except as allowed under section 54-1223, Idaho Code, reviewing, or reviewing and correcting, documents after they have been prepared by others does not constitute the exercise of responsible charge.

(~~i~~9) Engineer-in-Training. The term "engineer-in-training" means a person who has qualified for, taken and passed an examination in the fundamentals of engineering subjects as provided in this chapter.

(~~j~~10) Land Surveyor-in-Training. The term "land surveyor-in-training" means a person who has qualified for, taken and passed an examination in the fundamentals of land surveying subjects as provided in this chapter.

(~~k~~11) Rules of Professional Responsibility. The term "rules of professional responsibility" means those rules, if any, promulgated by the board, as authorized by the Idaho Code.

(~~l~~12) Public. The term "public" means any person, firm, corporation, partnership, company, government agency, institution or any other entity recognized by law.

(~~m~~13) Business Entity. The term "business entity" means a corporation, professional corporation, limited liability company, professional limited liability company, general partnership, limited partnership, limited liability partnership, professional limited liability partnership or any other form of business except a sole proprietorship.

(~~n~~14) Signature. The term "signature" shall mean either: an original handwritten message identification containing the name of the person who applied it; or a digital signature which is an electronic authentication process attached to or logically associated with an electronic document. The digital signature must be unique to the person using it; must be capable of verification; must be under the sole control of the person using it; and must be linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.

(15) Standard Design Plan. The term "standard design plan" shall mean a building, structure, equipment or facility which is intended to be constructed or sited at multiple locations and for which some or all of the plans must be prepared by a professional engineer.

SECTION 2. That Section 54-1205, Idaho Code, be, and the same is hereby amended to read as follows:

54-1205. COMPENSATION AND EXPENSES OF BOARD MEMBERS. Each member of the board shall be compensated as provided by section 59-509(~~h~~i), Idaho Code, when attending to the work of the board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual travel, per diem, incidentals and clerical expenses necessarily incurred in carrying out the provisions of this chapter.

SECTION 3. That Section 54-1215, Idaho Code, be, and the same is hereby amended to read as follows:

54-1215. CERTIFICATES -- SEALS. (1) The board shall issue a certificate of registration upon payment of the registration fee as provided for in this chapter to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this chapter, and an enrollment certificate shall be issued to those who qualify as engineers-in-training and land surveyors-in-training. In the case of a registered professional engineer, the certificate shall authorize the practice of "professional engineering," and in the case of a registered professional land surveyor the certificate shall authorize the practice of "professional land surveying." Certificates of registration shall show the full name of the registrant, shall give a serial registration number, and shall be signed by the chairman and the secretary of the board under seal of the board.

(2) The issuance of a certificate of registration by the board shall be prima facie evidence that the person named therein is entitled to all the rights, privileges and responsibilities of a registered professional engineer or of a registered professional land surveyor, provided that said certificate of registration has not expired or has not been suspended or revoked.

(3) Each registrant hereunder shall, upon registration, obtain a seal, the use and design of which are described below. It shall be unlawful for any person to affix or to permit his seal and signature to be affixed to any documents after the certificate of the registrant named thereon has expired or has been suspended or revoked, unless said certificate shall have been renewed, reinstated, or reissued, or for the purpose of aiding or abetting any other person to evade or attempt to evade any portion of this chapter.

(a) The seal may be a rubber stamp, crimp or electronically generated image. Whenever the seal is applied, the registrant's signature and date shall also be included. If the signature is handwritten, it shall be adjacent to or across the seal. No further words or wording is required. A facsimile signature generated by any method will not be acceptable unless accompanied by a digital signature.

(b) The seal, signature and date shall be placed on all final specifications, land surveys, reports, plats, drawings, plans, design information and calculations, whenever presented to a client or any public or governmental agency. Any such document presented to a client or public or governmental agency that is not final and does not contain a seal, signature and date shall be clearly marked as ~~"preliminary,"~~ "draft," "not for construction" or with similar words to distinguish the document from a final document. In the event the final work product is preliminary in nature or contains the word "preliminary," such as a "preliminary engineering report," the final work product shall be sealed, signed and dated as a final document if the document is intended to be relied upon to make policy decisions important to the life, health, property, or fiscal interest of the public.

(c) The seal, signature and date shall be placed on all original documents in such a manner that such seal, signature and date are reproduced when the original document is copied. The application of the registrant's seal, signature and date shall constitute certification that the work thereon was done by him or under his responsible charge. Each plan or drawing sheet shall be sealed and signed by the registrant or registrants responsible for each sheet. In the case of a business entity, each plan or drawing sheet shall be sealed and signed by the registrant or registrants involved. ~~The principal in responsible charge shall sign and seal the title or first sheet.~~ Copies of electronically produced documents, listed in paragraph (b) of this subsection, distributed for informational uses such as for bidding purposes or working copies, may be issued with the registrant's seal and a notice that the original document is on file with the registrant's signature and date. The words "Original Signed By:" and "Date Original Signed:" shall be placed adjacent to or across the seal on the electronic original. The storage location of the original document shall also be provided. Only the title page of reports, specifications and like documents need bear the seal, signature and date of the registrant.

(d) The seal and signature shall be used by registrants only when the work being stamped was under the registrant's responsible charge.

(e) The design of the seal shall be as determined by the board.

(4) The board shall issue to any applicant who, in the opinion of the board, has met the requirements of this chapter, an enrollment certificate or card as an engineer-in-training or land surveyor-in-training, which indicates that his name has been recorded as such in the board office. The engineer-in-training or land surveyor-in-training enrollment card does not authorize the holder to practice as a professional engineer or a professional land surveyor.

SECTION 4. That Section 54-1220, Idaho Code, be, and the same is hereby amended to read as follows:

54-1220. DISCIPLINARY ACTION -- PROCEDURES. (1) Any affected party may prefer charges of fraud, deceit, gross negligence, incompetence, misconduct or violation of any provision of this chapter, or violation of any of the rules promulgated by the board against any individual registrant or against any business entity holding a certificate of authorization or against a person applying for a certificate of authorization. Repeated acts of negligence may be considered as a gross act for disciplinary action. Such charges shall be in writing, and shall be sworn to by the person or persons making them and shall be filed with the executive director of the board. The executive director of the board shall be considered an affected party and may be the person making and filing the charges.

(2) All charges, unless dismissed by the board as unfounded or trivial, or unless settled informally, shall be heard by the board within six (6) months after the date they were received at the board office unless such time is extended by the board for justifiable cause.

(3) The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such individual registrant or business entity holding a certificate of authorization. ~~at--least-thirty-(30)-days-before-the-date fixed-for-the-hearing.~~ The proceedings shall be governed by the provisions of chapter 52, title 67, Idaho Code.

(4) If, after such hearing, the board votes in favor of sustaining the charges, the board may, in its discretion, impose an administrative penalty, not to exceed two thousand dollars ($2,000) for deposit in the general account of the state of Idaho. In addition, the board, in its discretion, may admonish, reprimand, suspend, revoke, refuse to renew, refuse to grant, or any combination thereof, the individual's certificate of registration or a business entity's certificate of authorization. The board may also, in its discretion, require the individual to practice under the supervision of another licensee, or require the individual to successfully complete continuing education courses as may be prescribed by the board.

(5) The board shall have jurisdiction over registrants whose licenses are not current provided the action relates to services performed when the license was current and valid.

SECTION 5. That Section 54-1223, Idaho Code, be, and the same is hereby amended to read as follows:

54-1223. SAVING CLAUSE -- EXEMPTIONS. (1) This chapter shall not be construed to affect:

(a) The practice of any other profession or trade for which a license is required under any law of this state or the United States.

(b) The work of an employee or a subordinate of a person holding a certificate of registration under this chapter, provided such work does not include final engineering design or land surveying decisions and is done under the direct responsibility, checking, and supervision of, and verified by, a person holding a certificate of registration under this chapter.

(c) Any individual teaching upper division engineering subjects that are classified as engineering design for any college or univer-

sity in this state as of July 1, 1988, and any such individual employed after July 1, 1988, for a period of five (5) years from the date of employment with any college or university in this state.

(d) An individual doing surveying work for himself, or through a business entity, on property owned or leased by the individual or business entity, or in which the individual or business entity has an interest, estate or possessory right and which affects exclusively the property or interests of the individual or business entity; provided, that all land surveying maps, plats or plans filed with any county recorder's office in the state of Idaho for the purpose of illustrating or defining boundaries of property ownership, shall be made and certified by a registered, professional land surveyor as provided in this chapter.

(e) An individual doing survey work for himself, or through a business entity with respect to the location, amendment, or relocation of a mining claim.

(f) The practice of engineering by employees of a business entity as long as the services provided by them are for internal business entity use only.

(2) The board, at its discretion, may exempt an exceptional individual who has twelve (12) or more years of appropriate experience in engineering from the requirement for satisfactory completion of an examination in the fundamentals of engineering.

(3) An applicant for licensure as a professional engineer either by examination or by comity who has earned a bachelor degree in engineering from an approved engineering program and has, in addition, earned a doctorate degree in engineering from a college or university which offers an approved undergraduate program in the same discipline as the doctorate degree earned, shall be exempt from the requirement for satisfactory completion of an examination in the fundamentals of engineering. Honorary doctorate degrees are not considered earned degrees for purposes of this subsection.

(4) In addition to, and notwithstanding other provisions of this chapter, in circumstances of emergency creating conditions of imminent and substantial danger to the public health, safety or environment through the provision of engineering services, the prosecuting attorney or the attorney general may institute a civil action for an immediate injunction to halt the provision of engineering services.

(5) A professional engineer licensed in Idaho may review the work of a professional engineer who is licensed in another jurisdiction of the United States or a foreign country on a project that is a site adaptation of a standard design plan to determine that the standard design plan meets the standard of care and is applicable to the intended circumstance, with or without modification. The Idaho professional engineer shall demonstrate responsible charge, as defined in this chapter, by performing professional services related to his assignment including developing or obtaining a complete design record with design criteria and calculations, performing necessary code research and developing any necessary and appropriate changes to the standard design plan necessary to properly apply the standard design to the intended circumstance. The nonprofessional services, such as drafting, need not be redone by the Idaho professional engineer, but must clearly and accurately reflect the Idaho professional engineer's work. The burden is on the Idaho professional engineer to show such compliance. The Idaho professional engineer

shall have control of and responsibility for the entire work product, shall seal, sign and date it as required in this chapter, and shall be in possession of all original documents or certified copies of documents related to the professional engineer's work for the project.

SECTION 6. Sections 1, 3, 4 and 5 of this act shall be in full force and effect on and after July 1, 2007. Section 2 of this act shall be in full force and effect on and after July 1, 2008.

Approved March 27, 2007.

CHAPTER 220
(H.B. No. 34)

AN ACT

RELATING TO ACUPUNCTURE; AMENDING SECTION 54-4703, IDAHO CODE, TO REVISE LICENSURE REQUIREMENTS; AMENDING SECTION 54-4707, IDAHO CODE, TO REVISE CERTIFICATION REQUIREMENTS; AND AMENDING SECTION 54-4711, IDAHO CODE, TO PROVIDE FOR DISCIPLINARY ACTION BASED UPON CONDUCT THAT VIOLATES THE CHAPTER OR RULES OF THE BOARD.

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

SECTION 1. That Section 54-4703, Idaho Code, be, and the same is hereby amended to read as follows:

54-4703. LICENSE REQUIRED. (1) From and after the 1st day of July, 1999, it is unlawful for any person to practice acupuncture in this state without, at such time being licensed or certified pursuant to this chapter; provided however, the provisions of this chapter shall not apply to persons licensed pursuant to chapter 18, title 54, Idaho Code, but such persons may seek licensure or certification pursuant to this chapter on a voluntary basis.

(2) No person shall use any title, designation, words, letters, abbreviations, or sign, card or device which indicates to the public that such person may practice acupuncture in any form or has been issued a license or been certified pursuant to this chapter unless the person is so licensed or certified, has been issued such license or certification, and the license or certification is in good standing pursuant to rules of the board.

~~(3) A person who meets NCCAOM eligibility criteria for certification shall be considered by the board as meeting the requirements for licensure pursuant to this chapter. This provision shall be effective until one (1) year after the effective date of this act. Thereafter all applicants for licensure must meet the licensing requirement of this chapter.~~

~~(4) A person who meets the requirements for full or associate membership of the American academy of medical acupuncture, or for fellowship of the international academy of medical acupuncture, inc., shall be considered by the board as meeting the requirements for certification pursuant to this chapter. This provision shall be effective until one~~

~~(1) year after the effective date of this act. Thereafter all applicants for certification must meet the certification requirement of this chapter.~~

SECTION 2. That Section 54-4707, Idaho Code, be, and the same is hereby amended to read as follows:

54-4707. REQUIREMENTS FOR CERTIFICATION. A person applying for a certification shall, in addition to paying all required fees, submit a written application provided by the board showing ~~to the satisfaction of the board~~ that such person ~~meets the following requirements~~ has successfully passed an examination or other demonstration of proficiency as may be uniformly required by the board and:

(1) Has successfully completed the requirements for full membership in the American academy of medical acupuncture~~, fellowship in the international academy of medical acupuncture, inc., or such other comparable requirements as have been approved by the board~~; ~~and~~ or

(2) Has ~~passed an examination or other demonstration of proficiency as may be uniformly required by the board for other similarly qualified applicants for certification~~ met each of the following education and experience requirements:

(a) Possesses from an accredited college or university a doctoral degree in chiropractic, dentistry, podiatric medicine, or naturopathic medicine;

(b) Has successfully completed an approved program consisting of a minimum of one hundred (100) hours of on-site didactic coursework, two hundred (200) hours of practice as a certified technician over a one (1) year period and twenty-five (25) case studies; and

(c) Has successfully passed a blood-borne pathogen course and comprehensive examination concerning the practice of acupuncture approved by the board that incorporates clean needle techniques and OSHA procedures and requirements.

SECTION 3. That Section 54-4711, Idaho Code, be, and the same is hereby amended to read as follows:

54-4711. SUSPENSION AND REVOCATION. To protect the health, safety and welfare of the public, the board, in accordance with the requirements of chapter 52, title 67, Idaho Code, may refuse to issue a license or certification, refuse to renew a license or certification, or may suspend or revoke a license or certification, under such conditions as the board may determine, if the applicant or holder of the license or certification:

(1) Has been convicted of a felonious act, or crime involving moral turpitude;

(2) Obtained a license or permit pursuant to this chapter by means of fraud, misrepresentation or concealment of material facts;

(3) Endangered the health of any person engaging in the practice of acupuncture in a manner which does not meet the generally accepted standards for the practice of acupuncture within the state of Idaho;

(4) Has failed to maintain the confidentiality of records or other information pertaining to an identifiable client, except as required or authorized by law;

(5) Engaged in any conduct that constitutes an abuse or exploitation of a client arising out of the trust and confidence placed in the acupuncturist by the client; or

(6) Has engaged in conduct that violates this chapter or rules of the board.

Approved March 27, 2007.

CHAPTER 221
(H.B. No. 155, As Amended)

AN ACT

RELATING TO NURSING; AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4727, IDAHO CODE, TO ESTABLISH THE NURSING WORKFORCE ADVISORY COUNCIL, TO PROVIDE FOR MEMBERSHIP, OFFICERS AND COMPENSATION, TO ESTABLISH AND SET FORTH THE DUTIES OF THE IDAHO NURSING WORKFORCE CENTER AND TO PROVIDE FOR FUNDING SUBJECT TO STATE APPROPRIATION AND MONEYS FROM OTHER SOURCES; AND PROVIDING A SUNSET DATE.

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

SECTION 1. That Chapter 47, 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 67-4727, Idaho Code, and to read as follows:

67-4727. NURSING WORKFORCE ADVISORY COUNCIL -- MEMBERS -- OFFICERS -- COMPENSATION -- IDAHO NURSING WORKFORCE CENTER. (1) The state of Idaho recognizes the need to understand and address the critical issue of Idaho's nursing shortage and the opportunity to collaborate and take full advantage of research, educational and incentive programs to address the current and future nursing shortage. The nursing workforce advisory council is hereby created within the department of commerce and labor to advise the department, the state board of education, state colleges and universities, and other state, local, federal and private sector agencies and organizations on nursing workforce issues and to assist with the development and implementation of a state strategic plan for addressing the nursing shortage.

(2) Except as otherwise provided, the council shall be appointed by and serve at the pleasure of the governor and shall include:

(a) Two (2) senators and two (2) members of the house of representatives, to be appointed by the legislative council;

(b) One (1) representative each from the nursing programs at Boise State University, the College of Southern Idaho, Idaho State University, Lewis-Clark State College, North Idaho College and Eastern Idaho Technical College;

(c) One (1) representative each from a rural hospital and an urban hospital, as determined based upon location within or outside of a metropolitan statistical area (MSA) as defined by the United States bureau of the census;

(d) One (1) representative each from the department of commerce and labor, the Idaho board of nursing, the office of the state board of education, and the office of the governor; and

(e) One (1) representative from the Idaho alliance of leaders in nursing.

(3) The governor shall designate a chairman from the council's membership and the council shall designate such other officers from its membership as it deems necessary. A majority of the members shall constitute a quorum. The council shall be staffed and supported by the department of commerce and labor.

(4) Members of the council who are not state employees shall not be compensated, but shall be reimbursed for travel expenses incurred for attendance at council meetings.

(5) The Idaho nursing workforce center is hereby established within the department of commerce and labor to assist the nursing workforce advisory council in planning for a qualified workforce necessary to meet the current and future nursing and health care needs of the state. The Idaho nursing workforce center shall:

(a) Conduct research activities, including the collection of valid and reliable data about Idaho's current nursing workforce and the forecasting of future needs, or contract for such research activities to be conducted by an Idaho college or university; and

(b) Provide expertise in workforce planning and project evaluation.

(6) The Idaho nursing workforce center shall report to the nursing workforce advisory council and shall be funded pursuant to state appropriation in addition to any funding from grants, federal moneys, donations or funds from any other sources.

SECTION 2. The provisions of Section 1 of this act shall be null, void and of no force and effect on and after July 1, 2009.

Approved March 27, 2007.

CHAPTER 222
(H.B. No. 167, As Amended)

AN ACT

RELATING TO PERSONAL ASSISTANCE SERVICES; AMENDING THE HEADING FOR CHAPTER 56, TITLE 39, IDAHO CODE; AMENDING SECTION 39-5602, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 39-5603, IDAHO CODE, TO PROVIDE THAT PERSONAL CARE SERVICES BE INCLUDED IN MEDICAID SERVICES AS DESCRIBED IN IDAHO CODE, TO PERMIT A SINGLE PROVIDER TO OPERATE AS BOTH A PERSONAL ASSISTANCE AGENCY AND A FISCAL INTERMEDIARY AGENCY, TO PROVIDE FOR PERSONAL ASSISTANCE AGENCY RESPONSIBILITIES AND TO PROVIDE FOR FISCAL INTERMEDIARY AGENCY RESPONSIBILITIES; REPEALING SECTION 39-5607, IDAHO CODE, REGARDING THE EFFECT OF PERSONAL ASSISTANCE AGENCY RATES; AND AMENDING SECTION 39-5609, IDAHO CODE, TO DELETE LANGUAGE REGARDING A DETERMINATION TO BE MADE BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE.

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

SECTION 1. That the Heading for Chapter 56, Title 39, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 56
PERSONAL ~~CARE~~ ASSISTANCE SERVICES

SECTION 2. That Section 39-5602, Idaho Code, be, and the same is hereby amended to read as follows:

39-5602. DEFINITIONS. As used in this chapter, the following terms shall have the following meanings:

(1) ~~"Attendant care" means services provided under a medicaid home and community based services waiver that involve personal and medically orientated tasks dealing with the functional needs of the participant and accommodating the participant's needs for long term maintenance, supportive care or IADLs. These services may include, but are not limited to, personal assistance and medical tasks that can be done by unlicensed persons or delegated to unlicensed persons by a health care professional or participant. Services shall be based on the participant's abilities and limitations, regardless of age, medical diagnosis or other category of disability.~~

~~(2)~~ "Case management" means a service which coordinates multiple services for individual participants through a process of assessment, planning, arranging for and monitoring services.

(~~3~~2) "Department" means the department of health and welfare of the state of Idaho.

(~~4~~3) "Director" means the director of the department of health and welfare.

(~~5~~4) "Eligible participant" or "participant" means an individual determined eligible by the department for Idaho medicaid services, as authorized by title XIX, of the social security act, as amended.

(~~6~~5) "Fiscal intermediary ~~services~~ agency" means an entity that provides services that allow the participant receiving personal assistance services, or his designee or legal representative, to choose the level of control he will assume in recruiting, selecting, managing, training, and dismissing his personal assistant. ~~regardless of who the employer of record is, and allows the participant control over the manner in which services are delivered.~~

(~~7~~6) "Individual service plan" means a document which outlines all services including, but not limited to, personal assistance services and IADLs, required to maintain the individual in his or her home and community.

(~~8~~7) "Instrumental activities of daily living (IADL)" means those activities performed in supporting the activities of daily living, including, but not limited to: managing money, preparing meals, shopping, light housekeeping, using the telephone, or getting around in the community.

(~~9~~8) "Personal assistance agency" means an entity that recruits, hires, fires, trains, supervises, schedules, oversees quality of work, takes responsibility for services provided, provides payroll and benefits for personal assistants working for them, is the employer of record and in fact~~, and may provide fiscal intermediary services~~.

(~~10~~9) "Personal assistance services" includes both attendant care services and personal care services and means services that involve per-

sonal and medically oriented tasks dealing with the functional needs of the participant and accommodating the participant's needs for long-term maintenance, supportive care or IADLs. These services may include, but are not limited to, personal assistance and medical tasks that can be done by unlicensed persons or delegated to unlicensed persons by a health care professional or participant. Services shall be based on the participant's abilities and limitations, regardless of age, medical diagnosis or other category of disability.

(1~~1~~0) "Personal assistant" means an individual who directly provides personal assistance services.

~~(12) "Personal care services" means services ordered by a physician or authorized provider that involve personal and medically orientated tasks dealing with the functional needs of the participant and accommodating the participant's needs for long-term maintenance, supportive care or IADLs. These services may include, but are not limited to, personal assistance and medical tasks that can be done by unlicensed persons or delegated to unlicensed persons by a health care professional or participant. Services shall be based on the participant's abilities and limitations, regardless of age, medical diagnosis or other category of disability.~~

(1~~3~~1) "Provider" means a personal assistance agency or a fiscal intermediary agency.

(1~~4~~2) "Representative" means an employee of the department of health and welfare.

(1~~5~~3) "Voucher service option" means a method of service provision whereby the participant receives vouchers to pay for personal assistance services.

SECTION 3. 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~~ in the medicaid services described in section 56-255(3) and (4), Idaho Code.

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

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

(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.

(5) The department shall enter into agreements with providers for the provision of personal assistance services. A single provider may operate as both a personal assistance agency and a fiscal intermediary

agency. However, the agency must clearly document whether it is operating as a personal assistance agency or as a fiscal intermediary for each participant. 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.

(6) A ~~provider~~ personal assistance 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) Collecting any participant contribution due;

(i) Referring participants to the department for case management services based on established criteria;

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

(7) A ~~personal assistance agency that provides~~ fiscal intermediary ~~services~~ agency 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~~ assure that all personal assistants providing services meet the standards and qualifications of this chapter;

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

(i) To maintain liability insurance coverage;

(j) To conduct, at least annually, participant satisfaction and quality control reviews which shall be available to the department and to the general public; and

(k) To maintain documentation that the participant or his legal

representative agrees in writing that he takes responsibility for and accepts potential risks, and any resulting consequences, for his choice to manage his own personal assistance services.

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

(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.

(10) 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.

(11) 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.

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

(13) 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.

(14) 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 4. That Section 39-5607, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 39-5609, Idaho Code, be, and the same is hereby amended to read as follows:

39-5609. PERSONAL ASSISTANCE OVERSIGHT COMMITTEE. The department shall establish, as part of the medical care advisory committee (MCAC), an oversight subcommittee consisting of providers of personal assistance services and participants of such services and advocacy organizations representing such participants, and other interested parties, for the purpose of planning, monitoring, and recommending changes to the medicaid waiver and personal assistance programs to the MCAC. At least fifty-one percent (51%) of the committee membership shall be participants or their representatives. ~~The director shall determine when and if this role shall be performed by the MCAC.~~

Approved March 27, 2007.

CHAPTER 223
(H.B. No. 171, As Amended in the Senate)

AN ACT

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1611, IDAHO CODE, TO PROVIDE LANGUAGE REQUIRING A COURT FINDING, TO REQUIRE A COURT TO INCLUDE ON THE SUMMONS AN ORDER TO REMOVE THE CHILD AND TO REVISE TERMINOLOGY; AMENDING SECTION 16-1615, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO SHELTER CARE HEARINGS; AMENDING SECTION 16-1619, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE DELIVERY OF INVESTIGATIVE REPORTS PRIOR TO PRETRIAL CONFERENCES, TO REVISE REQUIREMENTS FOR COURT FINDINGS AND TO REMOVE LANGUAGE REQUIRING A DECREE TO PROVIDE FOR THE PREPARATION OF WRITTEN CASE PLANS WITHIN A SPECIFIED PERIOD; AMENDING SECTION 16-1622, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REVIEW AND PERMANENCY HEARINGS; AND AMENDING SECTION 16-1629, IDAHO CODE, TO REQUIRE THE FILING OF A PERMANENCY PLAN AND DEPARTMENT RECOMMENDATIONS AT LEAST FIVE DAYS PRIOR TO A PERMANENCY HEARING IN THE CASE OF A FINDING OF AGGRAVATED CIRCUMSTANCES.

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

SECTION 1. That Section 16-1611, Idaho Code, be, and the same is hereby amended to read as follows:

16-1611. SUMMONS. (1) After a petition has been filed, the clerk of the court may issue a summons requiring the person or persons who have custody of the child to bring the child before the court at the adjudicatory hearing held in accordance with section 16-1619, Idaho Code. Each parent or guardian shall also be notified in the manner hereinafter provided of the pendency of the case and the time and place set for the hearing. A summons shall be issued and served requiring the appearance of each parent and legal guardian, and a summons may be issued and served for any other person whose presence is required by the child, either of his parents or guardian or any other person whose presence, in the opinion of the court, is necessary.

(2) A copy of the petition shall be attached to each summons.

(3) The summons shall notify each of the parents, guardian or legal custodian of their right to retain and be represented by counsel. Each parent or legal guardian of each child named in the petition shall be notified by the court of the case and of the time and place set for the hearing.

(4) If based on facts presented to the court, it appears that the court has jurisdiction upon the grounds set forth in section 16-1603, Idaho Code, and the court finds that the child should be removed from his present condition or surroundings because continuation in such condition or surroundings would be contrary to the welfare of the child and vesting legal custody with the department or other authorized agency would be in the child's best interests, the court ~~may so~~ shall include on the summons an order ~~by endorsement upon the summons~~ to remove the child. The ~~endorsement~~ order to remove the child shall specifically state that continuation in the present condition or surroundings is contrary to the welfare of the child and shall require a peace officer or

other suitable person to take the child at once to a place of shelter care designated by the authorized agency which shall provide shelter care for the child.

(5) If it appears that the child is safe in his present condition or surroundings and it is not in his best interest to remove him at this time, the court may issue a protective order based on an affidavit pending the adjudicatory hearing. If the child is in joint custody, the protective order shall state with specificity the rights and responsibilities of each parent. Each parent shall be provided with a copy of the protective order.

SECTION 2. That Section 16-1615, Idaho Code, be, and the same is hereby amended to read as follows:

16-1615. SHELTER CARE HEARING. (1) Notwithstanding any other provision of this chapter, when a child is taken into shelter care pursuant to section 16-1608 or 16-1611, Idaho Code, a hearing to determine whether the child should be released shall be held according to the provisions of this section.

(2) Each of the parents or custodian from whom the child was removed shall be given notice of the shelter care hearing. Such notice shall include the time, place, and purpose of the hearing; and, that such person is entitled to be represented by legal counsel. Notice as required by this subsection shall be given at least twenty-four (24) hours before the shelter care hearing.

(3) Notice of the shelter care hearing shall be given to the parents or custodian from whom the child was removed by personal service and the return of service shall be filed with the court and to any person having joint legal or physical custody of the subject child. Provided, however, that such service need not be made where the undelivered notice is returned to the court along with an affidavit stating that such parents or custodian could not be located or were out of the state.

(4) The shelter care hearing may be continued for a reasonable time upon request by the parent, custodian or counsel for the child.

(5) If, upon the completion of the shelter care hearing, it is shown that:

(a) A petition has been filed; and

(b) There is reasonable cause to believe the child comes within the jurisdiction of the court under this chapter and ~~that--reasonable efforts--to-prevent-the-placement-of-the-child-in-shelter-care-could not-be-provided-because-of-the-immediate-danger-to-the-child-or-were provided-but-were-not-successful-in-eliminating-the-need-for--foster care-placement-of-the-child;-and~~ either:

(i) The department made reasonable efforts to eliminate the need for shelter care but the efforts were unsuccessful; or

(ii) The department made reasonable efforts to eliminate the need for shelter care but was not able to safely provide preventive services; and

(c) The child could not be placed in the temporary sole custody of a parent having joint legal or physical custody; and

(d) It is contrary to the welfare of the child to remain in the home; and

(e) It is in the best interests of the child to remain in temporary shelter care pending the conclusion of the adjudicatory hearing; or

(f) There is reasonable cause to believe that the child comes within the jurisdiction of the court under this chapter, but a reasonable effort to prevent placement of the child outside the home could be affected by a protective order safeguarding the child's welfare and maintaining the child in his present surroundings; the court shall issue, within twenty-four (24) hours of such hearing, an order of temporary legal custody and/or a protective order. Any evidence may be considered by the court which is of the type which reasonable people may rely upon.

(6) Upon ordering shelter care pursuant to subsection (5) of this section, the court shall also order an adjudicatory hearing to be held as soon as possible, but in no event later than thirty (30) days from the date the petition was filed.

(7) If the court does not find that the child should remain in shelter care under subsection (5) of this section, the child shall be released and the court may dismiss the petition.

SECTION 3. That Section 16-1619, Idaho Code, be, and the same is hereby amended to read as follows:

16-1619. ADJUDICATORY HEARING — CONDUCT OF HEARING -- CONSOLIDATION. (1) When a petition has been filed, the court shall set an adjudicatory hearing to be held no later than thirty (30) days after the filing of the petition.

(2) A pretrial conference shall be held outside the presence of the court within three (3) to five (5) days before the adjudicatory hearing. Investigative reports required under section 16-1616, Idaho Code, shall be delivered to the court with copies to each of the parents and other legal custodians, guardian ad litem and attorney for the child prior to ~~the date set for~~ the pretrial conference.

(3) At the adjudicatory hearing, parents or guardians with disabilities shall have the right to introduce admissible evidence regarding how use of adaptive equipment or supportive services may enable the parent or guardian to carry out the responsibilities of parenting the child by addressing the reason for the removal of the child.

(4) If a preponderance of the evidence at the adjudicatory hearing shows that the child comes within the court's jurisdiction under this chapter upon the grounds set forth in section 16-1603, Idaho Code, the court shall so decree and in its decree shall make a finding on the record of the facts and conclusions of law upon which it exercises jurisdiction over the child.

(5) Upon entering its decree the court shall consider any information relevant to the disposition of the child but in any event shall:

(a) Place the child under protective supervision in his own home for an indeterminate period not to exceed the child's eighteenth birthday; or

(b) Vest legal custody in the department or other authorized agency subject to residual parental rights and subject to full judicial review by the court of all matters relating to the custody of the child by the department or other authorized agency.

(6) If the court vests legal custody in the department or other authorized agency, the court shall make detailed written findings based on facts in the record, that, in addition to the findings required in subsection (4) of this section, continuation of residence in the home

would be contrary to the welfare of the child and that vesting legal custody with the department or other authorized agency would be in the best interests of the child. In addition the court shall make detailed written findings based on facts in the record as to whether the department made reasonable efforts to prevent the placement of the child in foster care, including findings, when appropriate, that:

(a) Reasonable efforts were made but were not successful in eliminating the need for foster care placement of the child;

(b) ~~Reasonable efforts were not made because of immediate danger to the child~~ The department made reasonable efforts to prevent removal but was not able to safely provide preventive services;

(c) Reasonable efforts to temporarily place the child with related persons were made but were not successful; or

(d) Reasonable efforts were not required as the parent had subjected the child to aggravated circumstances as determined by the court including, but not limited to: abandonment; torture; chronic abuse; sexual abuse; committed murder; committed voluntary manslaughter of another child; aided or abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; committed a battery that results in serious bodily injury to a child; or the parental rights of the parent to a sibling of the child have been terminated involuntarily and that as a result, a hearing to determine the permanent future plan for this child will be held within thirty (30) days of this determination.

(7) A decree vesting legal custody in the department shall be binding upon the department and may continue until the child's eighteenth birthday. ~~The decree shall state that the department shall prepare a written case plan within thirty (30) days of placement.~~

(8) A decree vesting legal custody in an authorized agency other than the department shall be for a period of time not to exceed the child's eighteenth birthday, and on such other terms as the court shall state in its decree to be in the best interests of the child and which the court finds to be acceptable to such authorized agency.

(9) In order to preserve the unity of the family system and to ensure the best interests of the child whether issuing an order of protective supervision or an order of legal custody, the court may consider extending or initiating a protective order as part of the decree. The protective order shall be determined as in the best interests of the child and upon a showing of continuing danger to the child. The conditions and terms of the protective order shall be clearly stated in the decree.

(10) If the court does not find that the child comes within the jurisdiction of this chapter pursuant to subsection (4) of this section it shall dismiss the petition.

SECTION 4. That Section 16-1622, Idaho Code, be, and the same is hereby amended to read as follows:

16-1622. REVIEW AND PERMANENCY HEARINGS. (1) A motion for revocation or modification of an order issued under section 16-1619, Idaho Code, may be filed by the department or any party; provided that no motion may be filed by the respondents under this section within three (3) months of a prior hearing on care and placement of the child. All persons required to be summoned or notified of the original petition

pursuant to section 16-1611, Idaho Code, shall be served with notice of a motion for review of a child's case.

(2) If the motion filed under subsection (1) of this section alleges that the child's best interests are no longer served by carrying out the order issued under section 16-1619, Idaho Code, or the department or other authorized agency has failed to provide adequate care for the child, the court shall hold a hearing on the motion.

(3) A hearing for review of the child's case and permanency plan shall be held no later than six (6) months after entry of the court's order taking jurisdiction under the act, and every six (6) months thereafter, so long as the child is in the custody of the department or authorized agency.

(4) A hearing shall be held to review the permanency plan of the department prior to twelve (12) months from the date the child is removed from the home or the date of the court's order taking jurisdiction under this chapter, whichever occurs first. The court shall review, approve, reject or modify the permanency plan of the department and review progress in accomplishing the permanency plan. This permanency hearing may be combined with the review hearing required under subsection (3) of this section.

(5) ~~By--order--of--t~~The court ~~a-hearing-officer-may-be-appointed-to conduct-hearings-under-this-section~~ shall make written case-specific findings whether the department made reasonable efforts to finalize a permanency plan for the child.

(6) The department or authorized agency may move the court at any time to vacate any order placing a child in its custody or under its protective supervision.

(7) The department or any party may move the court requesting relief from the duty imposed on the department pursuant to the provisions of section 16-1629(9), Idaho Code, that it seek termination of parental rights. The court may grant the department's motion if it appears based on compelling reasons in the record that the presumption has been rebutted.

SECTION 5. That Section 16-1629, Idaho Code, be, and the same is hereby amended to read as follows:

16-1629. POWERS AND DUTIES OF THE DEPARTMENT. The department, working in conjunction with the court and other public and private agencies and persons, shall have the primary responsibility to implement the purpose of this chapter. To this end, the department is empowered and shall have the duty to do all things reasonably necessary to carry out the purpose of this chapter, including, but not limited to, the following:

(1) The department shall administer treatment programs for the protection and care of neglected, abused and abandoned children, and in so doing may place in foster care, shelter care, or other diagnostic, treatment, or care centers or facilities, children of whom it has been given custody. The department is to be governed by the standards found in chapter 12, title 39, Idaho Code.

(2) On December 1, the department shall make an annual statistical report to the governor covering the preceding fiscal year showing the number and status of persons in its custody and including such other data as will provide sufficient facts for sound planning in the conservation of children and youth. All officials and employees of the state

and of every county and city shall furnish the department upon request, such information within their knowledge and control as the department deems necessary. Local agencies shall report in such uniform format as may be required by the department.

(3) The department shall be required to maintain a central registry for the reporting of child neglect, abuse and abandonment information. Provided however, that the department shall not retain any information for this purpose relating to a child, or parent of a child, abandoned pursuant to chapter 82, title 39, Idaho Code.

(4) The department shall make periodic evaluation of all persons in its custody or under its supervision for the purpose of determining whether existing orders and dispositions in individual cases shall be modified or continued in force. Evaluations may be made as frequently as the department considers desirable and shall be made with respect to every person at intervals not exceeding six (6) months. Reports of evaluation made pursuant to this section shall be filed with the court which vested custody of the person with the department. Reports of evaluation shall be provided to persons having full or partial legal or physical custody of a child. Failure of the department to evaluate a person or to reevaluate him within six (6) months of a previous examination shall not of itself entitle the person to a change in disposition but shall entitle him, his parent, guardian or custodian or his counsel to petition the court pursuant to section 16-1622, Idaho Code.

(5) In a consultive capacity, the department shall assist communities in the development of constructive programs for the protection, prevention and care of children and youth.

(6) The department shall keep written records of investigations, evaluations, prognoses and all orders concerning disposition or treatment of every person over whom it has legal custody. Department records shall be subject to disclosure according to chapter 3, title 9, Idaho Code, unless otherwise ordered by the court, the person consents to the disclosure, or disclosure is necessary for the delivery of services to the person. Notwithstanding the provisions restricting disclosure or the exemptions from disclosure provided in chapter 3, title 9, Idaho Code, all records pertaining to investigations, the rehabilitation of youth, the protection of children, evaluation, treatment and/or disposition records pertaining to the statutory responsibilities of the department shall be disclosed to any duly elected state official carrying out his official functions.

(7) The department shall establish appropriate administrative procedures for the processing of complaints of child neglect, abuse and abandonment received and for the implementation of the protection, treatment and care of children formally or informally placed in the custody of the department under this chapter including, but not limited to:

(a) Department employees whose job duties are related to the child protective services system under this chapter shall first be trained as to their obligations under this chapter regarding the protection of children whose health and safety may be endangered. The curriculum shall include information regarding their legal duties, how to conduct their work in conformity with the requirements of this chapter, information regarding applicable federal and state laws with regard to the rights of the child, parent and others who may be under investigation under the child protective services system, and

the applicable legal and constitutional parameters within which they are to conduct their work.

(b) Department employees whose job duties are related to the child protective services system shall advise the individual of the complaints or allegations made against the individual at the time of the initial contact, consistent with protecting the identity of the referrant.

(8) The department having been granted legal custody of a child, subject to the judicial review provisions of this subsection, shall have the right to determine where and with whom the child shall live, provided that the child shall not be placed outside the state without the court's consent. Provided however, that the court shall retain jurisdiction over the child, which jurisdiction shall be entered on any order or petition granting legal custody to the department, and the court shall have jurisdiction over all matters relating to the child. The department shall not place the child in the home from which the court ordered the child removed without first obtaining the approval of the court.

(9) The department shall give to the court any information concerning the child that the court may at any time require, but in any event shall report the progress of the child under its custody at intervals of not to exceed six (6) months. The department shall file with the court at least five (5) days prior to the permanency hearing either under section 16-1622, Idaho Code, or, in the case of a finding of aggravated circumstances, section 16-1620, Idaho Code, the permanency plan and recommendations of the department. There shall be a rebuttable presumption that if a child is placed in the custody of the department and was also placed in out of the home care for a period not less than fifteen (15) out of the last twenty-two (22) months from the date the child entered shelter care, the department shall initiate a petition for termination of parental rights. This presumption may be rebutted by a finding of the court that the filing of a petition for termination of parental rights would not be in the best interests of the child or reasonable efforts have not been provided to reunite the child with his family, or the child is placed permanently with a relative.

(10) The department shall establish appropriate administrative procedures for the conduct of administrative reviews and hearings as required by federal statute for all children committed to the department and placed in out of the home care.

(11) At any time the department is considering a placement pursuant to this act, the department shall make a reasonable effort to place the child in the least disruptive environment to the child and in so doing may consider, without limitation, placement of the child with related persons.

Approved March 27, 2007.

CHAPTER 224
(H.B. No. 248)

AN ACT

RELATING TO ABORTION; AMENDING SECTION 18-609, IDAHO CODE, TO PROVIDE THAT ALL PHYSICIANS OR THEIR AGENTS WHO USE ULTRASOUND EQUIPMENT IN THE PERFORMANCE OF AN ABORTION SHALL INFORM THE PATIENT THAT SHE HAS

THE RIGHT TO VIEW THE ULTRASOUND IMAGE OF HER UNBORN CHILD BEFORE AN ABORTION IS PERFORMED, TO PROVIDE THAT IF THE PATIENT REQUESTS TO VIEW THE ULTRASOUND IMAGE, SHE SHALL BE ALLOWED TO VIEW IT BEFORE AN ABORTION IS PERFORMED AND TO PROVIDE THAT THE PHYSICIAN OR AGENT SHALL ALSO OFFER TO PROVIDE THE PATIENT WITH A PHYSICAL PICTURE OF THE ULTRASOUND IMAGE OF HER UNBORN CHILD PRIOR TO THE PERFORMANCE OF THE ABORTION.

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

SECTION 1. 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 easily comprehended, nonmisleading and medically accurate printed material to be made available at no expense to physicians, hospitals or other facilities providing 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; 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, no abortion shall be performed unless, prior to the abortion, the attending physician or the attending physician's agent certifies in writing that the materials provided by the director have been provided to the pregnant patient 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. <u>All physicians or their agents who use ultrasound equipment in the performance of an abortion shall inform the patient that she has the right to view the ultrasound image of her</u>

unborn child before an abortion is performed. If the patient requests to view the ultrasound image, she shall be allowed to view it before an abortion is performed. The physician or agent shall also offer to provide the patient with a physical picture of the ultrasound image of her unborn child prior to the performance of the abortion, and shall provide it if requested by the patient. 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) 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, 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.

Approved March 27, 2007.

CHAPTER 225
(H.B. No. 270, As Amended)

AN ACT

RELATING TO THE COLLEGE SAVINGS PROGRAM; AMENDING CHAPTER 54, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5409, IDAHO CODE, TO CREATE THE COLLEGE SAVINGS FUND AND TO PROVIDE FOR DEPOSITS TO THE FUND, APPROPRIATIONS FROM THE FUND AND USES OF THE FUND.

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

SECTION 1. That Chapter 54, 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 33-5409, Idaho Code, and to read as follows:

33-5409. COLLEGE SAVINGS FUND. (1) There is hereby created in the state treasury the "College Savings Fund" to which shall be credited:

(a) Administrative fees and service charges in connection with any agreement, contract or transaction related to the college savings program;

(b) Fees and charges collected to cover costs associated with the powers and duties of the state college savings board as required in section 33-5402, Idaho Code;

(c) Interest earned on the investment of idle moneys in the fund, which shall be paid to the fund; and

(d) All other moneys as may be provided by law.

(2) Moneys in the fund shall be continuously appropriated to the treasurer of the state of Idaho, and any moneys remaining in the fund at the end of each fiscal year shall not be appropriated to any other fund.

(3) Moneys in the fund shall only be used to effect the purposes of this chapter, pursuant to the provisions as prescribed herein; provided however, the office of the state treasurer is authorized to retain a portion of the moneys not to exceed one-half of one percent (0.5%) of the fund's annual revenues to defray costs associated with the implementation, administration and oversight of the college savings program.

Approved March 27, 2007.

CHAPTER 226
(H.B. No. 296)

AN ACT

APPROPRIATING MONEYS FOR THE MILITARY DIVISION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES.

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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MILITARY MANAGEMENT:					
FROM:					
General Fund	$ 1,691,200	$ 469,600	$ 33,000	$ 227,400	$ 2,421,200
Indirect Cost Recovery Fund	116,900	220,700			337,600
Federal Grant Fund		167,200			167,200
Miscellaneous Revenue Fund		115,900			115,900
TOTAL	$ 1,808,100	$ 973,400	$ 33,000	$ 227,400	$ 3,041,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. FEDERAL AND STATE CONTRACTS:					
FROM:					
General Fund	$ 793,900	$ 1,178,200	$ 15,100		$ 1,987,200
Federal Grant Fund	9,462,600	13,972,800	7,000		23,442,400
TOTAL	$10,256,500	$15,151,000	$ 22,100		$25,429,600
III. BUREAU OF HOMELAND SECURITY:					
FROM:					
General Fund	$ 1,283,000	$ 4,261,000	$395,700		$ 5,939,700
Federal Grant Fund	1,574,100	6,415,900		$14,937,900	22,927,900
TOTAL	$ 2,857,100	$10,676,900	$395,700	$14,937,900	$28,867,600
GRAND TOTAL	$14,921,700	$26,801,300	$450,800	$15,165,300	$57,339,100

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, 2007, through June 30, 2008, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. It is the intent of the Legislature that all General Fund moneys appropriated to the Military Division for expansion of the state Emergency Operations Center and the military Joint Operations Center for the period July 1, 2007, through June 30, 2008, be used exclusively for that purpose. Any unexpended and unencumbered balance at the end of June 30, 2008, is to be reverted back to the General Fund.

Approved March 27, 2007.

CHAPTER 227
(H.B. No. 297)

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMPENSATION:					
FROM:					
Industrial Administration Fund	$2,749,000	$1,202,300	$ 37,200	$1,103,100	$ 5,091,600
Federal Grant Fund	2,700	2,400			5,100
Miscellaneous Revenue Fund		35,500			35,500
TOTAL	$2,751,700	$1,240,200	$ 37,200	$1,103,100	$ 5,132,200
II. REHABILITATION:					
FROM:					
Industrial Administration Fund	$2,870,400	$ 723,800	$ 47,600		$ 3,641,800
III. CRIME VICTIMS COMPENSATION:					
FROM:					
Crime Victims Compensation Fund	$ 612,200	$ 234,000	$ 19,300	$2,338,500	$ 3,204,000
Federal Grant Fund				845,500	845,500
TOTAL	$ 612,200	$ 234,000	$ 19,300	$3,184,000	$ 4,049,500
IV. ADJUDICATION:					
FROM:					
Industrial Administration Fund	$1,480,800	$ 564,400	$ 17,100		$ 2,062,300
GRAND TOTAL	$7,715,100	$2,762,400	$121,200	$4,287,100	$14,885,800

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, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution

plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. 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.

Approved March 27, 2007.

CHAPTER 228
(H.B. No. 298)

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund	$ 694,000	$208,100	$ 697,500	$1,599,600
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	1,623,000	427,300	170,500	2,220,800
Miscellaneous Revenue Fund		17,400	9,100	26,500
TOTAL	$2,358,800	$742,000	$1,010,200	$4,111,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Commission for the Blind and Visually Impaired is authorized no more than forty-one and five-tenths (41.5) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. 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 March 27, 2007.

CHAPTER 229
(H.B. No. 299)

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 2008; ESTABLISHING AMOUNTS TO BE EXPENDED FOR SYSTEMWIDE PROGRAMS; DIRECTING THE STATE BOARD OF EDUCATION TO PROVIDE A SYSTEM OF REPORTING FACULTY AND STAFF TURNOVER; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; AND EXPRESSING LEGISLATIVE INTENT REGARDING OCCUPANCY COSTS.

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, 2007, through June 30, 2008:

FOR:	
General Education Programs	$399,011,800
FROM:	
General Fund	$264,227,700
Agricultural College Endowment Fund	725,000
Charitable Institutions Endowment Fund	688,500
Normal School Endowment Income Fund	2,310,000
Scientific School Endowment Income Fund	2,138,000
University Endowment Income Fund	1,990,000
Unrestricted Fund	103,629,900
UI Restricted Fund	23,302,700
TOTAL	$399,011,800

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 $1,560,000 in one-time funds for competitive research grants to be awarded by 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. PERSONNEL TURNOVER. The State Board of Education shall continue to provide a standardized system for tracking and reporting meaningful data about faculty, nonfaculty exempt, and classified staff turnover at the state's institutions of higher education. These statistics shall be available to the Division of Financial Management and the Legislative Services Office no later than November 1 of each year.

SECTION 4. CARRYOVER AUTHORITY. There is hereby reappropriated to the State Board of Education and the Board of Regents 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 2007, to be used for nonrecurring expenditures for the period July 1, 2007, through June 30, 2008.

SECTION 5. It is legislative intent that no further occupancy costs for postsecondary institutions shall be funded by the Legislature until a written policy has been established which sets forth the eligibility criteria and formula by which occupancy costs are to be calculated.

Approved March 27, 2007.

CHAPTER 230
(H.B. No. 300)

AN ACT

APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE GENERAL BOARDS FOR FISCAL YEAR 2008; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE MEDICAL BOARDS FOR FISCAL YEAR 2008; APPROPRIATING MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; APPROPRIATING ADDITIONAL MONEYS TO THE SELF-GOVERNING AGENCIES FOR THE REGULATORY BOARDS FOR FISCAL YEAR 2007; AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR FISCAL YEAR 2007; AND DECLARING AN EMERGENCY FOR SECTIONS 7 AND 8 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 programs according to the designated expense classes from the listed funds for the period July 1, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMMISSION ON HISPANIC AFFAIRS:				
FROM:				
General Fund	$ 95,500	$ 20,000		$115,500
Federal Grant Fund	51,700	90,700	$19,200	161,600
Miscellaneous Revenue Fund	45,400	42,800		88,200
TOTAL	$192,600	$153,500	$19,200	$365,300
II. BOARD OF EXAMINERS:				
FROM:				
General Fund			$20,600	$20,600
GRAND TOTAL	$192,600	$153,500	$39,800	$385,900

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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. BOARD OF DENTISTRY:				
FROM:				
State Regulatory Fund	$ 203,800	$ 148,300	$ 2,500	$ 354,600
II. BOARD OF MEDICINE:				
FROM:				
State Regulatory Fund	$ 754,700	$ 675,100	$ 9,400	$1,439,200
III. BOARD OF NURSING:				
FROM:				
State Regulatory Fund	$ 503,600	$ 338,300	$ 6,800	$ 848,700
IV. BOARD OF PHARMACY:				
FROM:				
Federal Grant Fund	$ 21,000	$ 115,300		$ 136,300
State Regulatory Fund	660,900	260,100	$50,500	$ 971,500
TOTAL	$ 681,900	$ 375,400	$50,500	$1,107,800
V. BOARD OF VETERINARY MEDICINE:				
FROM:				
State Regulatory Fund	$ 107,000	$ 97,000	$ 3,400	$ 207,400
GRAND TOTAL	$2,251,000	$1,634,100	$72,600	$3,957,700

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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. BOARD OF ACCOUNTANCY:					
FROM:					
State Regulatory Fund	$ 239,400	$ 186,700			$ 426,100
II. BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS:					
FROM:					
State Regulatory Fund	$ 307,900	$ 232,100			$ 540,000
III. BOARD OF PROFESSIONAL GEOLOGISTS:					
FROM:					
State Regulatory Fund	$ 32,800	$ 22,000			$ 54,800

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. BUREAU OF OCCUPATIONAL LICENSES:					
FROM:					
State Regulatory Fund	$1,553,700	$1,238,200	$ 4,600	$52,500	$2,849,000
V. CERTIFIED SHORTHAND REPORTERS BOARD:					
FROM:					
State Regulatory Fund	$ 15,200	$ 14,000			$ 29,200
VI. OUTFITTERS AND GUIDES BOARD:					
FROM:					
State Regulatory Fund	$ 344,200	$ 212,100	$12,000		$ 568,300
VII. REAL ESTATE COMMISSION:					
FROM:					
State Regulatory Fund	$ 866,700	$ 527,500	$10,000		$1,404,200
GRAND TOTAL	$3,359,900	$2,432,600	$26,600	$52,500	$5,871,600

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, 2007, through June 30, 2008, 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 three-tenths (14.3)
Board of Nursing ..... Eight and one-half (8.5)
Board of Pharmacy ..... Twelve (12)
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 ..... Thirty-one (31)
Certified Shorthand Reporters Board ..... Thirty-three hundredths (.33)
Outfitters and Guides Licensing Board ..... Six (6)
Real Estate Commission ..... Sixteen (16)

SECTION 5. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 6. 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 7. In addition to the appropriation made in Section 3, Chapter 394, Laws of 2006, there is hereby appropriated to the Department of Self-Governing Agencies for the regulatory boards the following amount 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:

BUREAU OF OCCUPATIONAL LICENSES:

FOR:	
Personnel Costs	$22,400
Operating Expenditures	6,000
Capital Outlay	8,200
TOTAL	$36,600
FROM:	
State Regulatory Fund	$36,600

SECTION 8. In addition to the authorization made in Section 4, Chapter 394, Laws of 2006, the Department of Self-Governing Agencies is hereby authorized two (2) full-time equivalent positions for the Bureau of Occupational Licenses for the period July 1, 2006, through June 30, 2007.

SECTION 9. An emergency existing therefor, which emergency is hereby declared to exist, Sections 7 and 8 of this act shall be in full force and effect on and after passage and approval.

Approved March 27, 2007.

CHAPTER 231
(H.B. No. 301)

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. GENERAL SERVICES:				
FROM:				
General Fund	$ 4,209,600	$3,374,600	$164,600	$ 7,748,800
Multistate Tax Compact Fund		63,600	20,100	83,700
Administration and Accounting Fund	6,400	29,100	$ 1,300	36,800
Administration Services for Transportation Fund	436,300	430,800	84,300	951,400
Seminars and Publications Fund		17,100		17,100
Abandoned Property Trust-Unclaimed Property Fund		110,300	6,300	116,600
TOTAL	$ 4,652,300	$4,025,500	$276,600	$ 8,954,400
II. AUDIT AND COLLECTIONS:				
FROM:				
General Fund	$10,079,100	$1,559,100		$11,638,200
Multistate Tax Compact Fund	1,274,900	447,300		1,722,200
Administration and Accounting Fund	12,200	23,800		36,000
Administration Services for Transportation Fund	1,557,100	319,500		1,876,600
Abandoned Property Trust-Unclaimed Property Fund	472,800	191,500		664,300
TOTAL	$13,396,100	$2,541,200		$15,937,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
III. REVENUE OPERATIONS:				
FROM:				
General Fund	$ 2,970,400	$1,689,200		$ 4,659,600
Multistate Tax Compact Fund		500	100	600
Administration and Accounting Fund	98,800	80,800	1,500	181,100
Administration Services for Transportation Fund	523,000	208,300	2,300	733,600
Seminars and Publications Fund		19,100		19,100
Abandoned Property Trust-Unclaimed Property Fund	70,000	500	100	70,600
TOTAL	$ 3,662,200	$1,998,400	$ 4,000	$ 5,664,600
IV. COUNTY SUPPORT:				
FROM:				
General Fund	$ 2,698,500	$ 583,700	$ 29,300	$ 3,311,500
Seminars and Publications Fund		100,000	30,000	130,000
TOTAL	$ 2,698,500	$ 683,700	$ 59,300	$ 3,441,500
GRAND TOTAL	$24,409,100	$9,248,800	$339,900	$33,997,800

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, 2007, through June 30, 2008, 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. SALARY DISTRIBUTION. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. SALARY SAVINGS. 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 March 27, 2007.

CHAPTER 232
(H.B. No. 302)

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

FOR:	
Personnel Costs	$364,400
Operating Expenditures	69,100
Capital Outlay	11,000
TOTAL	$444,500
FROM:	
General Fund	$444,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Board of Tax Appeals is authorized no more than five (5) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. SALARY DISTRIBUTION. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. SALARY SAVINGS. 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 March 27, 2007.

CHAPTER 233
(H.B. No. 303)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 Fish and Game the following amounts to be expended for the designated programs according to the designated expense classes from the listed funds for the period July 1, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
Fish and Game Fund (Licenses)	$ 2,751,400	$ 1,461,400	$2,414,600	$ 50,000	$ 6,677,400
Fish and Game Fund (Other)		12,200			12,200
Fish and Game Set-aside Fund (Licenses)	200	34,000			34,200
Fish and Game Set-aside Fund (Other)		15,300			15,300
Expendable Big Game Depredation Fund		2,900			2,900
Fish and Game Expendable Trust Fund		7,500			7,500
Fish and Game Nonexpendable Trust Fund		3,500			3,500
Fish and Game Fund (Federal)	2,892,800	2,792,200	29,000		5,714,000
TOTAL	$ 5,644,400	$ 4,329,000	$2,443,600	$ 50,000	$12,467,000
II. ENFORCEMENT:					
FROM:					
Fish and Game Fund (Licenses)	$ 7,132,300	$ 2,065,800	$ 295,000		$ 9,493,100
Fish and Game Fund (Other)	130,600	22,900			153,500
Fish and Game Set-aside Fund (Other)		20,600			20,600
Fish and Game Expendable Trust Fund		21,400			21,400
TOTAL	$ 7,262,900	$ 2,130,700	$ 295,000		$ 9,688,600
III. FISHERIES:					
FROM:					
Fish and Game Fund (Licenses)	$ 3,311,100	$ 2,330,800	$ 277,700		$ 5,919,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Fish and Game Fund (Other)	1,438,100	897,200	13,900		2,349,200
Fish and Game Set-aside Fund (Licenses)	182,300	258,000			440,300
Fish and Game Set-aside Fund (Other)	141,400	30,700			172,100
Fish and Game Expendable Trust Fund	89,300	61,000			150,300
Fish and Game Nonexpendable Trust Fund		33,400			33,400
Fish and Game Fund (Federal)	10,703,700	5,116,600	551,700		16,372,000
TOTAL	$15,865,900	$ 8,727,700	$ 843,300		$25,436,900
IV. WILDLIFE:					
FROM:					
Fish and Game Fund (Licenses)	$ 3,709,500	$ 3,807,900	$ 112,500		$ 7,629,900
Fish and Game Fund (Other)	312,000	590,000			902,000
Fish and Game Set-aside Fund (Other)	625,700	758,700			1,384,400
Fish and Game Expendable Trust Fund	383,400	298,100			681,500
Fish and Game Nonexpendable Trust Fund	10,700	2,300			13,000
Fish and Game Fund (Federal)	3,548,000	1,726,100			5,274,100
TOTAL	$ 8,589,300	$ 7,183,100	$ 112,500		$15,884,900
V. COMMUNICATIONS:					
FROM:					
Fish and Game Fund (Licenses)	$ 1,500,400	$ 460,400	$ 27,700		$ 1,988,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Fish and Game Fund (Other)	86,300	8,100	55,000		149,400
Fish and Game Set-aside Fund (Other)	145,800	58,600			204,400
Fish and Game Expendable Trust Fund	10,700	6,100			16,800
Fish and Game Fund (Federal)	699,000	310,400			1,009,400
TOTAL	$ 2,442,200	$ 843,600	$ 82,700		$ 3,368,500
VI. ENGINEERING:					
FROM:					
Fish and Game Fund (Licenses)	$ 865,300	$ 92,400	$ 4,400		$ 962,100
VII. NATURAL RESOURCE POLICY:					
FROM:					
Fish and Game Fund (Licenses)	$ 712,800	$ 75,200	$ 16,000	$270,500	$ 1,074,500
Fish and Game Fund (Other)	201,700	16,700			218,400
Fish and Game Set-aside Fund (Other)	85,400	13,100			98,500
Fish and Game Fund (Federal)	1,523,200	304,700			1,827,900
TOTAL	$ 2,523,100	$ 409,700	$ 16,000	$270,500	$ 3,219,300
VIII. WINTER FEEDING AND HABITAT IMPROVEMENT:					
FROM:					
Fish and Game Fund (Licenses)	$ 585,800	$ 659,000	$ 3,100		$ 1,247,900
Fish and Game Set-aside Fund (Licenses)	57,400	1,327,400			1,384,800
Expendable Big Game Depredation Fund				$407,600	407,600
TOTAL	$ 643,200	$ 1,986,400	$ 3,100	$407,600	$ 3,040,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
GRAND TOTAL	$43,836,300	$25,702,600	$3,800,600	$728,100	$74,067,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Fish and Game is authorized no more than five hundred twenty-six (526) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. SALARY DISTRIBUTION. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. SALARY SAVINGS. The Department of Fish and Game 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 27, 2007.

CHAPTER 234
(H.B. No. 304)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2008.

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 Supreme Court the sum of $1,014,100 from the General Fund for the period July 1, 2007, through June 30, 2008, for the purpose of increasing judicial salaries and adding a new district judge in the Fourth Judicial District.

Approved March 27, 2007.

CHAPTER 235
(H.B. No. 306)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDIRECT SUPPORT SERVICES FOR FISCAL YEAR 2008; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	$ 9,037,400	$ 7,395,800	$346,000	$16,779,200
Cooperative Welfare Fund (Federal)	10,479,700	7,002,000	281,300	17,763,000
Cooperative Welfare Fund (Dedicated)	417,300	662,800		1,080,100
TOTAL	$19,934,400	$15,060,600	$627,300	$35,622,300

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 twenty and ninety-eight hundredths (320.98) full-time equivalent positions for the Indirect Support Services Program during the period July 1, 2007, through June 30, 2008. 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

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 27, 2007.

CHAPTER 236
(H.B. No. 307)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PUBLIC HEALTH SERVICES IN THE PHYSICAL HEALTH SERVICES PROGRAM FOR FISCAL YEAR 2008; 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 2008; 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 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE LABORATORY SERVICES PROGRAM; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO SPECIAL HEALTH PROGRAMS; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; DIRECTING EMERGENCY MEDICAL SERVICES TO WORK WITH THE JOINT FINANCE-APPROPRIATIONS COMMITTEE ON REVENUE ISSUES; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$1,841,400	$ 4,617,900	$55,600	$ 1,287,700	$ 7,802,600
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)	5,211,000	7,631,200	38,700	39,635,100	52,516,000
Cooperative Welfare Fund (Dedicated)	1,473,900	769,300		8,369,000	10,612,200
TOTAL	$8,576,400	$13,171,600	$94,300	$50,310,900	$72,153,200

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, 2007, through June 30, 2008. 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Fund	$ 246,800	$ 12,000	$ 64,300	$ 323,100
Emergency Medical Services Fund I & II	1,302,000	1,080,800	370,200	2,753,000
Emergency Medical Services Fund III			1,400,000	1,400,000
Cooperative Welfare Fund (Dedicated)	179,500	33,500	150,000	363,000
Cooperative Welfare Fund (Federal)	283,200	1,075,100	362,300	1,720,600
TOTAL	$2,011,500	$2,201,400	$2,346,800	$6,559,700

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 twenty-eight and seventy-six hundredths (28.76) full-time equivalent positions for the Emergency Medical Services Program during the period July 1, 2007, through June 30, 2008. 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	$1,421,900	$ 420,400	$34,900	$1,877,200
Cooperative Welfare Fund (Dedicated)	419,000	199,300		618,300
Cooperative Welfare Fund (Federal)	679,800	1,643,400		2,323,200
TOTAL	$2,520,700	$2,263,100	$34,900	$4,818,700

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, 2007, through June 30, 2008. 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. 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 8. 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 9. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2008.

SECTION 10. EMERGENCY MEDICAL SERVICES PROGRAM REVENUES. The Emergency Medical Services Program is directed to work with the Joint Finance-Appropriations Committee during the 2007 interim to discuss and come up with solutions to address the issues surrounding ongoing revenues for the Emergency Medical Services Program.

SECTION 11. SALARY DISTRIBUTION. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 12. 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 March 27, 2007.

CHAPTER 237
(H.B. No. 315)

AN ACT

RELATING TO MENTAL HEALTH AND SUBSTANCE ABUSE; APPROPRIATING ADDITIONAL MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SUBSTANCE ABUSE TREATMENT PROGRAM FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR COMMUNITY SUPERVISION FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE COMMUNITY MENTAL HEALTH PROGRAM FOR MENTAL HEALTH AND SUBSTANCE ABUSE GRANTS FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2008; APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF DRUG POLICY FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS TO THE LEGISLATIVE SERVICES OFFICE FOR FISCAL YEAR 2008; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OF CORRECTION.

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 Supreme Court the sum of $680,000 from the Drug Court, Mental Health Court and Family Court Services Fund for the period July 1, 2007, through June 30, 2008, for the purpose of drug coordination and drug testing.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Substance Abuse Treatment Program the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2007, through June 30, 2008, for the purpose of substance abuse treatment:

FOR:	
Trustee and Benefit Payments	$880,000
FROM:	
Substance Abuse Treatment Fund	$880,000

SECTION 3. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Correction for Community Supervision the following amounts to be expended according to the designated expense classes from the listed fund for the period July 1, 2007, through June 30, 2008, for the purpose of offender supervision:

FOR:	
Personnel Costs	$200,200
Operating Expenditures	27,200
Capital Outlay	43,200
TOTAL	$270,600
FROM:	
Drug and Mental Health Court Supervision Fund	$270,600

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Health and Welfare for the Community Mental Health program the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2007, through June 30, 2008, for the purpose of providing mental health and substance abuse grants:

FOR:	
Trustee and Benefit Payments	$1,240,000
FROM:	
General Fund	$1,240,000

SECTION 5. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Correction for Community Supervision the following amounts to be expended according to the designated expense classes from the listed fund for the period July 1, 2007, through June 30, 2008, for the purpose of offender supervision as a result of mental health and substance abuse grants:

FOR:	
Personnel Costs	$124,800
Operating Expenditures	13,600
Capital Outlay	21,600
TOTAL	$160,000
FROM:	
General Fund	$160,000

SECTION 6. There is hereby appropriated to the Office of the Governor for the Office of Drug Policy the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2007, through June 30, 2008:

FOR:	
Personnel Costs	$230,000
Operating Expenditures	165,000
TOTAL	$395,000
FROM:	
General Fund	$250,000
Miscellaneous Revenue Fund	145,000
TOTAL	$395,000

SECTION 7. In addition to any other appropriation provided by law, there is hereby appropriated to the Legislative Services Office the sum of $250,000 from the General Fund for the period July 1, 2007, through June 30, 2008, for the purpose of a mental health and substance abuse system implementation plan.

SECTION 8. In addition to the authorization made in Section 2, House Bill No. 293, enacted by the First Regular Session of the Fifty-ninth Idaho Legislature, the Department of Correction is hereby authorized six (6) full-time equivalent positions for the period July 1, 2007, through June 30, 2008.

Approved March 27, 2007.

CHAPTER 238
(H.B. No. 56, As Amended in the Senate)

AN ACT

RELATING TO THE IDAHO RURAL DEVELOPMENT PARTNERSHIP ACT; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 90, TITLE 67, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO PROVIDE FOR THE IDAHO RURAL DEVELOPMENT PARTNERSHIP, TO PROVIDE FOR RESPONSIBILITIES OF THE PARTNERSHIP, TO PROVIDE FOR THE BOARD OF DIRECTORS, TO PROVIDE FOR COCHAIRS, TO PROVIDE FOR AN EXECUTIVE DIRECTOR, TO PROVIDE FOR GENERAL MEMBERSHIP AND TO PROVIDE FOR CONSIDERATION OF CERTAIN COMMENTS WHEN CONDUCTING PERFORMANCE EVALUATIONS OF STATE EMPLOYEES.

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

SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 90, Title 67, Idaho Code, and to read as follows:

CHAPTER 90
IDAHO RURAL DEVELOPMENT PARTNERSHIP ACT

67-9001. SHORT TITLE. This act may be referred to and cited as the "Idaho Rural Development Partnership Act."

67-9002. LEGISLATIVE FINDINGS. The legislature finds that:

(1) Rural development has been given a high priority as a means of achieving a sound and mutually beneficial balance between the economies, culture, infrastructure and community vitality of rural and urban areas of Idaho.

(2) (a) During the last half century, the legislature has enacted many laws and established many programs to provide resources to rural communities;

(b) Efforts have been made, and continue to be needed, to coordinate rural development programs; and

(c) During the last decade, the national rural development partnership and its principal components, the national rural development council and state rural development councils, have successfully provided opportunities for collaboration and coordination among federal agencies and between federal agencies and states, nonprofit organizations, the private sector, tribal governments, and other entities committed to rural advancement.

(3) State rural development councils were established in 1990 by

Presidential executive order as vehicles to help coordinate rural programs.

(4) The congress of the United States authorized and codified a national system of rural development coordination and cooperation with enactment of the "national rural development partnership act" (7 U.S.C. 2008m).

(5) The national rural development partnership has been recognized as a model of new governance and as an example of the effectiveness of collaboration between the federal, state, local, tribal, private, and nonprofit sectors in addressing the needs of the rural communities.

(6) Partnerships between governmental and nongovernmental entities can extend scarce funding through collaboration and cooperation.

(7) The continued success and efficacy of the Idaho rural development partnership could be enhanced through specific legislative authorization removing any statutory barriers that could detract from the benefits potentially achieved through the partnership's unique structure.

67-9003. DEFINITIONS. As used in this chapter:

(1) "Agency with rural responsibilities" means any public entity of the state of Idaho that:

(a) Implements a provision of law targeted at rural areas; or

(b) Administers a program that has a significant impact on rural areas.

(2) "National rural development partnership" means the organization created by the national rural development partnership act (7 U.S.C. 2008m).

(3) "Partnership" means the Idaho rural development partnership established by section 67-9004, Idaho Code.

(4) "Rural area" means:

(a) All the territory of the state of Idaho that is not within the boundary of any standard metropolitan statistical area as defined by the United States office of management and budget;

(b) All territory within any standard metropolitan statistical area described in subsection (4)(a) of this section within a census tract having a population density of less than twenty (20) persons per square mile, as determined according to the most recent census of the United States as of any date; and

(c) Such areas as the partnership may identify as rural.

67-9004. IDAHO RURAL DEVELOPMENT PARTNERSHIP CREATED. There is hereby created an independent public body corporate and politic to be known as the "Idaho rural development partnership," which shall be a public instrumentality of the state and its exercise of the powers conferred by this chapter is and shall be deemed to be the performance of essential public functions and purposes. The Idaho rural development partnership shall be exempt from taxation, and shall be an entity of the state of Idaho as provided in the tort claims act, chapter 9, title 6, Idaho Code, and shall be entitled to all the protection as provided in the tort claims act, chapter 9, title 6, Idaho Code.

67-9005. RESPONSIBILITIES. The partnership's responsibilities shall be to:

(1) Assess conditions of rural Idaho;

(2) Advise the governor and the legislature on public policy and

strategies to improve the quality of life in rural Idaho;

(3) Act as a clearinghouse of information and as a referral center on rural programs and policies;

(4) Conduct outreach to rural communities and facilitate communication between rural residents and public and private organizations that provide services to rural communities;

(5) Identify organizations, authorities and resources to address various aspects of rural development;

(6) Serve as a nonpartisan forum for identifying and understanding rural issues from all perspectives;

(7) Improve intergovernmental coordination, private and public cooperation, and to seek out opportunities for new partnerships to achieve rural development goals within existing governmental and community structures;

(8) Foster coordinated approaches to rural development that support local initiatives, with an imperative not to usurp the individual missions of any member organizations or duplicate effort;

(9) Seek solutions to unnecessary impediments to rural development, first within Idaho and then through the national rural development partnership; and

(10) Work cooperatively with the national rural development partnership and other state rural development councils.

67-9006. BOARD OF DIRECTORS. (1) The partnership shall be managed by a board of directors that shall include the following members:

(a) A representative from the executive office of the governor;

(b) The directors from not more than five (5) agencies with rural responsibilities, these being, unless otherwise seated by the balance of the board of directors, the Idaho departments of agriculture, commerce, environmental quality, labor, and transportation;

(c) The director of the cooperative extension service in the state of Idaho;

(d) Representatives from the following federal agencies: the United States department of agriculture's rural development, farm service agency and forest service, the United States department of the interior's bureau of land management, the United States department of commerce's economic development administration, the United States environmental protection agency, and the United States department of housing and urban development;

(e) Four (4) state legislators consisting of one (1) member appointed by the president pro tempore of the senate, one (1) member appointed by the minority leader of the senate, one (1) member appointed by the speaker of the house of representatives and one (1) member appointed by the minority leader of the house of representatives;

(f) A representative chosen by each of the federally recognized Indian tribes in the state of Idaho;

(g) Four (4) representatives from organizations of local government in the state of Idaho, one (1) each representing cities, counties, economic development agencies, and resource conservation and development organizations;

(h) Two (2) representatives from for-profit business organizations, to include agribusiness and other businesses operating with special emphasis on rural areas of the state of Idaho;

(i) A representative of the principal contractor for the United States department of energy's Idaho national laboratory; and

(j) Five (5) rural leaders chosen by the governor representing private entrepreneurs, chambers of commerce, nonprofit and community-based organizations, living in rural Idaho and representing a geographic balance across the state.

(2) Nonvoting, ad hoc members may be included on the board to assist with specific issues and projects as necessary.

(3) Except for appointments by the governor under subsection (1)(j) of this section, members of the board of directors shall serve at the pleasure of the organization or entity the member represents. Board members appointed under subsection (1)(j) of this section shall serve four (4) year terms concurrent with the governor's term, though lagging behind by three (3) months the governor's term.

(4) The duties of the board of directors shall be to:

(a) Elect a cochair as provided in section 67-9007, Idaho Code;

(b) To appoint and employ, and at its pleasure discharge, an executive director and to prescribe the duties and fix the compensation of the executive director; and

(c) To establish offices, to incur expenses, to enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter.

(5) The board of directors shall hold a meeting at least annually. A majority of the members of the board of directors shall constitute a quorum.

67-9007. COCHAIRS. (1) The board of directors of the partnership shall have two (2) cochairs, one (1) elected by the partnership's board of directors from among the board's membership, and the other appointed by the governor from among the state agency directors appointed pursuant to subsection (1)(b) of section 67-9006, Idaho Code. The cochair elected by the board of directors shall serve a two (2) year term, and may be reelected until a total of four (4) consecutive years have been served, following which that individual will be disqualified for election to the position of cochair until at least one (1) term of office has intervened.

(2) The duties of the cochairs shall be to:

(a) Set operating policies; and

(b) Manage the partnership budget and staff, including the hiring of an executive director.

67-9008. EXECUTIVE DIRECTOR. The executive director of the partnership shall:

(1) Be an exempt, full-time position within a department of the executive branch of Idaho state government as designated by the governor;

(2) Manage the day-to-day operations of the partnership as directed by the board of directors and the cochairs;

(3) Be a person with the skills necessary to manage a diverse public organization effectively and with broad experience in building and sustaining networks and partnerships; and shall be hired through an open and competitive process when a vacancy occurs, after a broad, statewide advertising campaign without any preselection;

(4) Hire an assistant, and such temporary or part-time employees as

may be necessary to achieve the partnership's purposes, provided approved by the cochairs of the board of directors and the availability of funding.

67-9009. GENERAL MEMBERSHIP. The general membership of the partnership shall be open to any and all individuals or organizations desiring to assist with the partnership's purposes, including all local, tribal, state, and federal governments, as well as for-profit and not-for-profit private organizations having an interest in or some responsibility for rural development in the state of Idaho. No voting privileges on the partnership's board of directors are granted by virtue of general membership.

67-9010. PERFORMANCE EVALUATIONS OF STATE EMPLOYEES. In conducting the performance evaluation of an employee of an agency who has worked with the partnership, that agency may consider any comments submitted by the partnership in support of the employee.

Approved March 28, 2007.

CHAPTER 239
(H.B. No. 98)

AN ACT

RELATING TO THE IDAHO ARSON AND FRAUD REPORTING-IMMUNITY ACT; AMENDING SECTION 41-291, IDAHO CODE, TO REVISE A DEFINITION AND TO DEFINE "RUNNER"; AND AMENDING SECTION 41-293, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO INSURANCE FRAUD.

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

SECTION 1. That Section 41-291, Idaho Code, be, and the same is hereby amended to read as follows:

41-291. DEFINITIONS. As used in sections 41-290 through and including 41-298, Idaho Code:

(1) Sections 41-290 through 41-298, Idaho Code, shall be known as the "Idaho Arson and Fraud Reporting-Immunity Act."

(2) "Authorized agencies" shall mean:

(a) Any law enforcement agency of this state;

(b) Any prosecuting attorney who may be responsible for prosecution in the jurisdiction where the fire or fraud occurred;

(c) The attorney responsible for the prosecution in the jurisdiction where the fire or fraud occurred as designated by the attorney general;

(d) The department of insurance, which includes the state fire marshal.

(3) Solely for the purpose of section 41-292(1), Idaho Code, "authorized agencies" shall also include:

(a) The United States attorney's office when authorized or charged with investigation or prosecution of the fire or fraud in question;

(b) The federal bureau of investigation or any other federal agency, charged with investigation or prosecution of the fire or fraud in question.

(4) "Relevant" means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the issue more probable or less probable than it would be without the evidence.

(5) Material will be "deemed important," if within the sole discretion of the "authorized agency," such material is requested by the "authorized agency."

(6) "Action," as used in this chapter, shall include nonaction or the failure to take action.

(7) "Immunity" means that no civil action may arise against any person for furnishing information pursuant to section 41-248, 41-258, 41-290, 41-292, 41-296 or 41-297, Idaho Code, where actual malice on the part of the insurance company, department of insurance, state fire marshal, authorized agency, their employees or agents, is not present.

(8) "Financial loss" includes, but is not limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs and claims payments.

(9) "Person" means a natural person, company, corporation, unincorporated association, partnership, professional corporation and any other legal entity.

(10) "Practitioner" means a licensee of this state authorized to practice medicine and surgery, psychology, chiropractic, law or any other licensee of the state whose services are compensated, directly or indirectly, by insurance proceeds, or a licensee similarly licensed in other states and nations or the practitioner of any nonmedical treatment rendered in accordance with a recognized religious method of healing.

(11) "Statement" includes, but is not limited to, any ~~notice--statement;-any-statement~~ of the following regardless of how it is made and in what format it is contained:

(a) Information submitted on an applications for insurance~~;~~;

(b) Description of policy terms, conditions, benefits or illustrations;

(c) Proof of insurance, certificate of insurance, or insurance card;

(d) Pproof of claim, proof of loss, bill of lading, receipt for payment, invoice, account, estimate of property damages, bills for services, diagnosis, prescription, hospital or ~~doctor~~ medical records, X-rays, test results or other evidence of loss, injury or expense~~;-whether-oral;-written-or-computer-generated~~ and

(e) Any other notice, correspondence, representation or information relating to an insurance coverage or claim.

(12) "Insurer" shall mean any insurance company contemplated by title 41, Idaho Code, any business operating as a self-insured for any purpose, the state insurance fund, and any self-insured as contemplated by title 72, Idaho Code.

(13) "Runner" means a person who procures, or persons working in conjunction with each other who procure, clients at the direction of, or in cooperation with, a person who, with the intent to deceive or defraud, performs or obtains a service or benefit under a contract of insurance or asserts a claim against an insured.

SECTION 2. That Section 41-293, Idaho Code, be, and the same is hereby amended to read as follows:

41-293. INSURANCE FRAUD. Insurance fraud includes:

(1) (a) Any person who, with the intent to defraud or deceive an insurer for the purpose of obtaining any money or benefit, presents or causes to be presented to any insurer, ~~a purported insurer, broker or agent~~ producer, practitioner or other person, any ~~written or oral~~ statement ~~including computer-generated documents~~ as part of, or in support of, a claim for payment or other benefit, knowing that such statement contains false, incomplete, or misleading information concerning any fact or thing material to such claim; or

(b) Any person who, with intent to defraud or deceive an insurer assists, abets, solicits, or conspires with another to prepare or make any ~~written or oral~~ statement that is intended to be presented to any insurer, ~~purported insurer, broker or agent~~ producer, practitioner or other person, in connection with, or in support of, any claim for payment or other benefit, knowing that such statement contains false, incomplete, or misleading information concerning any fact or thing material to such claim;

(c) Any ~~insurance agent or other~~ person who, with intent to defraud or deceive, ~~an insurer~~ presents or causes to be presented to or by an insurer, a ~~purported insurer or agent~~ producer, practitioner or other person, a ~~materially~~ false or altered ~~application of insurance~~ statement material to an insurance transaction;

(d) Any insurance ~~agent~~ producer or other person who, with intent to defraud or deceive, willfully takes premium money knowing that insurance coverage will not be ~~affected~~ effected;

(e) Any ~~medical~~ practitioner or other person who willfully submits a false or altered ~~bill~~ statement, with the intent of deceiving an insurer or other person in connection with an insurance transaction or claim;

(f) Anyone willfully making a false statement or material misrepresentation to an insurer, employer, practitioner or other person, with the intent ~~of deceiving~~ to defraud or deceive an insurer or other person, to obtain or extend worker's compensation benefits;

(g) Anyone who offers or accepts a direct or indirect inducement to file or solicits another person to file a false statement, ~~of claim,~~ with intent ~~of deceiving~~ to defraud or deceive an insurer;

(h) Any person who, with intent to defraud or deceive, transacts insurance of any kind or character, or transmits for a person other than himself an application for a policy of insurance, without proper licensing or after such license has been suspended or revoked;

(i) Any practitioner or any other person who, with intent to defraud or deceive, employs, uses or acts as a runner for the purpose of submitting a claim containing false, incomplete, or misleading information concerning any fact or thing material to such claim;

(j) Any employer or other person who, with intent to defraud or deceive, presents or causes to be presented to an insurer, producer or any other person or governmental agency any statement containing the number of employees, amount of payroll, job description or job title or any other statement material to worker's compensation insurance which contains false, misleading or incomplete information; or

(k) Any person who, with intent to defraud or deceive, obstructs the director in the conduct of any authorized examination.

(2) A fact, statement or representation is "material" if it includes any of the following:

(a) Any fact which, if communicated to the producer, insurer, adjuster or representative thereof, would induce him to either decline insurance altogether or not accept it unless a higher premium is paid by the insured;

(b) Any fact relating to a claim for insurance benefits which, if disclosed, would be a fair reason for rejecting a claim for insurance benefits;

(c) Any fact, the knowledge or ignorance of which would naturally influence the insurer in making or refusing the contract, in estimating the degree or character of the risk, or in fixing the rate of premium;

(d) Any fact, the knowledge or ignorance of which would naturally influence the insurer in accepting or rejecting a claim for insurance benefits or compensation, or in determining the amount of compensation or insurance benefits to be paid to the insured; or

(e) Any fact that necessarily has some bearing on the subject matter of the insurance coverage or claim for benefits under an insurance contract.

(~~2~~3) Any offense committed by use of a telephone, any means of electronic communication or mail as provided by this chapter may be deemed to have been committed at the place from which the telephone call or electronic communication was made, or mail was sent, or the offense may be deemed to have been committed at the place at which the telephone call, electronic communication or mail was received.

(~~3~~4) Any violator of this section is guilty of a felony and shall be subject to a term of imprisonment not to exceed fifteen (15) years, or a fine not to exceed fifteen thousand dollars ($15,000), or both and shall be ordered to make restitution to the insurer or any other person for any financial loss sustained as a result of a violation of this section. Each instance of violation may be considered a separate offense.

Approved March 28, 2007.

CHAPTER 240
(H.B. No. 200)

AN ACT

RELATING TO THE IDAHO SAFE BOATING ACT; AMENDING SECTION 67-7008, IDAHO CODE, TO INCREASE FEES FOR CERTIFICATES OF REGISTRATION OF VESSELS.

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

SECTION 1. That Section 67-7008, Idaho Code, be, and the same is hereby amended to read as follows:

67-7008. CERTIFICATE OF REGISTRATION -- EXPIRATION -- FEES. (1) Within fifteen (15) days after purchase, or as otherwise herein provided, the owner of each vessel requiring numbering by the state of Idaho shall file an application for registration with an assessor or authorized vendor on forms provided by the department. The application shall be signed by the owner and shall be accompanied by the fee herein designated. Upon receipt of an application in approved form, and the

appropriate fee, the assessor or authorized vendor shall enter the same upon the records of its office and issue to the applicant two (2) validation stickers and a certificate of registration stating the number issued to the vessel, the receipt of any fee paid and the name and address of the owner, and the assessor or authorized vendor shall forward to the department a duplicate copy. The owner shall paint on or permanently attach to each side of the bow of the vessel the registration number and validation sticker in a manner as may be prescribed by rules of the department in order that they may be completely visible, and the number shall be maintained in legible condition. The certificate of registration shall be pocket-size and shall be on board and available at all times for inspection on the vessel for which issued whenever that vessel is in operation, except that livery operators may have the rental agreement on board rented vessels in lieu of the certificate of registration.

(2) The owner of any vessel for which a current certificate of registration has been issued pursuant to any federal law or a federally approved numbering system of another state shall, if the vessel is operated on the waters of this state in excess of sixty (60) days, make application for a certificate of Idaho registration in the manner prescribed in this section.

(3) Each assessor and authorized vendor shall record, on a form provided by the department, the names of all owners of vessels who make application for certificates of registration, together with the amount of the fees paid by the owners. He shall, on or before the tenth of each month, forward to the department a duplicate copy of each record for the preceding month.

(4) All records of the department made or kept pursuant to this section shall be kept current and shall be public records.

(5) Every certificate of registration issued shall continue in full force and effect through December 31 of the year of issue unless sooner terminated or discontinued in accordance with law. Certificates of registration may be renewed by the owner in the same manner provided for in the initial securing of them.

(6) The owner of any vessel shall notify the department within fifteen (15) days if his vessel is destroyed or abandoned, or is sold or transferred either wholly or in part to another person or persons or if the owner's address no longer conforms to the address appearing on the certificate of registration. In all such cases, the notice shall be accompanied by a surrender of the certificate of registration. When the surrender of the certificate is by reason of the vessel being destroyed, abandoned or sold, the department shall cancel the certificate and enter that fact in its records. If the surrender is by reason of a change of address on the part of the owner, the new address shall be endorsed on the certificate and the certificate returned to the owner.

(7) Whenever the ownership of a vessel changes, the purchaser shall, within fifteen (15) days after acquisition, make application to the department for transfer to him of the certificate of registration issued for the vessel, giving his name, address, and the number of the vessel and shall, at the same time, pay to the department a transfer fee of three dollars ($3.00). Upon receipt of the application and fee, the department shall transfer the certificate of registration issued for the vessel to the new owner or owners. Unless the application is made and the fee paid within fifteen (15) days, the vessel shall be considered to

be without a certificate of registration.

(8) No number other than the registration number issued to a vessel or granted by reciprocity pursuant to law shall be painted, attached, or otherwise displayed on either side of the bow of the vessel.

(9) If any certificate of registration becomes lost, mutilated, or becomes illegible, the owner of the vessel for which the same was issued shall obtain a duplicate of the certificate from the department upon application and the payment of a fee of three dollars ($3.00). If one or both validation stickers are lost, stolen, or destroyed, any sticker remnants and the certificate of registration should be returned to the department along with a three dollar ($3.00) fee and an application for a duplicate certificate of registration and validation stickers.

(10) A person engaged in the manufacture or sale of vessels of a type otherwise required to be numbered by law, may obtain pursuant to regulations duly promulgated by the department, certificates of registration for use in the testing or demonstration only of a vessel upon payment of thirteen dollars ($13.00) for each certificate. Certificates of registration so issued may be used by the applicant in the testing or demonstration only of vessels by temporary placement of the numbers assigned by the certificates on the vessel tested or demonstrated, and shall be issued and displayed as otherwise prescribed by this chapter or by regulation of the department.

(11) The registration fees shall be:

(a) Vessels 0-12 feet in length $~~13~~20.00
Vessels over 12 feet in length ~~13~~20.00
plus $2.00 per foot for each additional foot in excess of 12 feet.

(b) The registration fees for new or used vessels which have not previously been registered in Idaho shall be:

(i) For vessels acquired or brought into the state January 1 through March 31, the full amount of the regular fees;

(ii) For vessels acquired or brought into the state April 1 through June 30, seventy-five percent (75%) of the regular fees;

(iii) For vessels acquired or brought into the state July 1 through September 30, fifty percent (50%) of the regular fees;

(iv) For vessels acquired or brought into the state after September 30, twenty-five percent (25%) of the regular fees.

(c) Each assessor and authorized vendor shall presume that any vessel is subject to the regular certificate of registration fees, unless the applicant can successfully show reasonable proof that the vessel has not previously been registered in Idaho.

(12) The provisions of subsection (11) of this section, with respect to the amount of payment of registration fees shall not apply to vessels owned by any charitable or religious organization, scout organization or any similar organization not used and operated for profit. All vessels currently registered by the state of Idaho and having paid the fees imposed by subsection (11) of this section shall not be assessed and taxed as personal property in the state of Idaho.

(13) The registration fee for vessels owned by any charitable or religious organization, scout organization or similar organization not used and operated for profit shall be two dollars ($2.00) per year.

Law Without Signature.

CHAPTER 241
(H.B. No. 237)

AN ACT

RELATING TO FORMATION OF COMMUNITY COLLEGE DISTRICTS; AMENDING SECTION 33-2104, IDAHO CODE, TO REVISE PROCEDURES AND ELECTIONS FOR THE FORMATION OF A COMMUNITY COLLEGE DISTRICT AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING APPLICATION.

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

SECTION 1. That Section 33-2104, Idaho Code, be, and the same is hereby amended to read as follows:

33-2104. FORMATION OF ~~JUNIOR~~ COMMUNITY COLLEGE DISTRICTS. A ~~junior~~ community college district may be organized by the vote of the school district electors of the proposed district, voting at an election called and held as herein provided:

a. A petition or petitions, signed by not less than one thousand (1,000) ~~school-district~~ qualified electors as defined in section 34-104, Idaho Code, residing in the proposed ~~junior~~ community college district, giving the name of the proposed ~~junior~~ community college, describing the boundaries of the proposed district and praying for the organization of the territory therein described as a ~~junior~~ community college district, together with a true copy thereof, shall be filed with the clerk of the board of county commissioners of the county in which such proposed district is to be located;

b. Said petition or petitions shall be ~~verified-by-at-least-one-(1)-school--district--elector,--which--verification-shall-state-that-affiant-knows-that-all-the-parties-whose-names-are-signed--to--the--petition--or-petitions--have--the--qualification--of-school-district-electors-and-are-residents-of-the-proposed-district.-The-verification-may-be-made--before-any--notary-public~~ presented to the clerk of the board of county commissioners. An examination to verify whether or not the petition signers are qualified electors shall be conducted by the county clerk as provided in section 34-1807, Idaho Code;

c. ~~Upon-receipt-of--such-petition-or-petitions--the--clerk--of--the-board--of-county-commissioners~~ In the event the petition is found by the county clerk to contain the required number of signatures, the clerk shall file the original in his office, and forthwith mail the copy thereof to the state board of education for its consideration and recommendation. The state board of education shall consider the existing opportunities for education beyond grade twelve (12) in the proposed district, the number of prospective students for such ~~junior~~ community college, the financial ability of the proposed district to maintain such college and furnish the standard of education contemplated by this chapter with income from tuition and other sources as herein provided. If the state board approves the establishment of such ~~junior~~ community college, it shall so advise the board of county commissioners within thirty (30) days after the receipt of such petition or petitions, and recommend that an election be called as herein provided for the organization of such district;

d. Upon receipt by the board of county commissioners of the written

approval of the state board of education, the board of county commissioners shall enter an order that a special election be called within the proposed new district for the purpose of voting on the question of the creation of such district on one (1) of the election dates enumerated in section 34-106, Idaho Code. No notice of election need be posted, but notice shall be published, the election shall be conducted and the returns thereof canvassed as required in ~~elections on the question of consolidation of school districts~~ chapter 14, title 34, Idaho Code. The ballot shall contain the words "~~Junior~~Community College District--Yes" and "~~Junior~~Community College District--No," ~~each followed by a box in which the voter may express his choice by marking a cross "X."~~ along with a voting position in which the voter may express his choice. If two-thirds (2/3) of all votes cast be in the affirmative, the board of county commissioners shall enter an order declaring such ~~junior~~ community college district established, designating its name and boundaries. A certified copy of such order shall forthwith be filed with the state board of education~~.~~;

e. If the proposed district embraces an area in two (2) or more counties, the county in which it is proposed to locate the ~~junior~~ community college shall be considered the home county, in which the proceedings for the organization of the district shall be conducted, taken and had. Before calling an election on the creation of the proposed district, the board of county commissioners of the home county shall advise the board or boards of county commissioners of such other county or counties of the proposed election, to the end that a date may be agreed upon and the election be held in all counties affected on the same day. The board of county commissioners in any such other county shall give notice of the election, conduct the same and canvass the returns thereof as though it were the only county in which such election were being held. The returns of the election so canvassed shall be certified promptly to the board of county commissioners of the home county. The result of the election shall in turn be certified by the board of county commissioners of the home county to such board in each county in which the proposed district may lie, and if the result of the election be in the affirmative, a certified copy of the order creating the district shall be filed with the clerk of the board of county commissioners of such other county or counties, and entered into the minutes of the board therein.

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 apply to all petitions for formation of a community college district that were initially circulated after the effective date of this act. Section 33-2104, Idaho Code, as it existed one day prior to the effective date of this act shall apply to all petitions for formation of a community college district that were initially circulated prior to the effective date of this act. The election process in Section 1 of this act shall apply to all elections for formation of a community college district held on and after the effective date of this act.

Approved March 28, 2007.

CHAPTER 242
(S.B. No. 1047)

AN ACT

RELATING TO THE TRAUMA REGISTRY; REPEALING SECTION 5, CHAPTER 329, LAWS OF 2002, TO REMOVE A SUNSET CLAUSE PROVISION.

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

SECTION 1. That Section 5, Chapter 329, Laws of 2002 be, and the same is hereby repealed.

Approved March 28, 2007.

CHAPTER 243
(S.B. No. 1068)

AN ACT

RELATING TO VITAL STATISTICS; AMENDING SECTION 39-241, IDAHO CODE, TO REVISE DEFINITIONS, TO PROVIDE ADDITIONAL DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 39-241, Idaho Code, be, and the same is hereby amended to read as follows:

39-241. DEFINITIONS. For the purposes of this chapter and this chapter only, the following terms shall be construed to have the meanings hereinafter set forth:

~~(a)--"Vital--statistics"--includes--the--registration,--preparation, transcription,-collection,-compilation-and-preservation-of-data-pertaining-to-births,-adoptions,-legitimations,--deaths,--stillbirths,--induced terminations-of-pregnancy,-marital-status-and-data-incidental-thereto.~~

~~(b)--"Live--birth"--means--the-complete-expulsion-or-extraction-from its-mother-of-a-product-of-human-conception,-irrespective-of--the--duration--of-pregnancy,-which,-after-such-expulsion-or-extraction,-breathes, or-shows-any-other-evidence-of--life--such--as--beating--of--the--heart, pulsation--of-the-umbilical-cord,-or-definite-movement-of-voluntary-muscles,-whether-or-not-the-umbilical-cord-has-been-cut-or-the-placenta--is attached.~~

~~(c)--"Fetal--death"--means--death-prior-to-the-complete-expulsion-or extraction-from-its-mother-of-a-product-of-human--conception,--irrespective--of--the--duration-of-pregnancy;-the-death-is-indicated-by-the-fact that-after-such-expulsion-or-extraction,-the-fetus-does-not--breathe--or show--any-other-evidence-of-life-such-as-beating-of-the-heart,-pulsation of-the-umbilical-cord,-or-definite-movement-of-voluntary-muscles.~~

~~(i)--"Induced-termination-of-pregnancy-(induced-abortion)"-means-the purposeful-interruption-of-pregnancy-with-an-intention-other-than-to produce-a-live-born-infant-or-to-remove-a-dead-fetus-and-which--does not-result-in-a-live-birth.~~

~~(2)--"Spontaneous--fetal-death"-means-the-expulsion-or-extraction-of a-product-of-human-conception-resulting-in-other-than-a--live--birth and-which-is-not-an-induced-termination-of-pregnancy.~~

~~(d)--"Stillbirth"--means--a--spontaneous--fetal-death-of-twenty-(20) completed-weeks-gestation-or-more,-based-on-a-clinical-estimate-of--gestation,--or--a--weight--of--three--hundred-fifty-(350)-grams-(twelve-and thirty-five-hundredths-(12.35)-ounces)-or-more.~~

~~(e)--"Dead-body"-means-lifeless-human-body--or--such--parts--of--the human--body--or--the-bones-thereof-from-the-state-of-which-it-reasonably may-be-concluded-that-death-recently-occurred.~~

~~(f)--"Person-in-charge-of-interment"-means-any-person-who-places--or causes--to--be-placed-a-stillborn-fetus-or-dead-body-or-the-ashes-of-the same,-after-cremation,-in-a-grave,-vault,-urn,-or-other--receptacle,--or otherwise-disposes-thereof.~~

~~(g)--"Physician"-means-a-person-legally-authorized-to-practice-medicine-and-surgery-in-this-state.~~

~~(h)--"Board"-means-the-Idaho-state-board-of-health-and-welfare.~~

~~(i)--"Record"--means--the--original--certificate-of-an-event-and-any replacement-thereof-filed-for-record-by-virtue-of-authority-contained-in this-chapter,-as-well-as-instruments-of--any--nature--provided--by--this chapter-as-a-means-of-effecting-replacement-of-certificates.~~

~~(j)--"Director"--means--the-director-of-the-department-of-health-and welfare.~~

~~(k)--"Certified-copy"-means-the-reproduction-of--an--original--vital record-by-typewritten,-photographic,-or-electronic-means.-Such-reproductions,-when-certified-by-the-state-registrar,-shall-be-used-as-the-original.~~

~~(l)--"Adoptive--parent"--means-an-adult-who-has-become-a-parent-of-a child-through-the-legal-process-of-adoption.~~

~~(m)--"Consent"-means-a-verified-written--statement--which--has--been notarized.~~

~~(n)--"Identifying-information"-includes-the-following-information:~~

~~(1)--The-name-of-the-qualified-adoptee-before-placement-in-adoption;~~

~~(2)--The--name--and--address--of--each--qualified--birthparent-as-it appears-in-birth-records;~~

~~(3)--The-current-name,-address,-and-telephone-number-of--the--qualified-adult-adoptee;-and~~

~~(4)--The--current-name,-address,-and-telephone-number-of-each-qualified-birthparent.~~

~~(o)--"Qualified-adult-adoptee"-means-an-adopted-person-eighteen-(18) years-of-age-or-older-who-was-born-in-Idaho.~~

(1) "Adoptive parent" means an adult who has become a parent of a child through the legal process of adoption.

(2) "Advanced practice professional nurse" means a professional nurse licensed in this state who has gained additional specialized knowledge, skills and experience through a nationally accredited program of study and is authorized to perform advanced nursing practice as defined in section 54-1402, Idaho Code, and includes certified nurse midwives and nurse practitioners as defined in the same section.

(3) "Board" means the Idaho state board of health and welfare.

(4) "Certified copy" means the reproduction of an original vital record by typewritten, photographic or electronic means. Such reproductions, when certified by the state registrar, shall be used as the original.

(5) "Consent" means a verified written statement which has been notarized.

(6) "Dead body" means a lifeless human body or such parts of the human body or the bones thereof from the state of which it reasonably may be concluded that death occurred.

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

(8) "Fetal death" means death prior to the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy; the death is indicated by the fact that after such expulsion or extraction, the fetus does not breathe or show any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.

(a) "Induced termination of pregnancy (induced abortion)" means the purposeful interruption of pregnancy with an intention other than to produce a live-born infant or to remove a dead fetus and which does not result in a live birth.

(b) "Spontaneous fetal death" means the expulsion or extraction of a product of human conception resulting in other than a live birth and which is not an induced termination of pregnancy.

(9) "Identifying information" includes the following information:

(a) The name of the qualified adoptee before placement in adoption;

(b) The name and address of each qualified birthparent as it appears in birth records;

(c) The current name, address and telephone number of the qualified adult adoptee; and

(d) The current name, address and telephone number of each qualified birthparent.

(10) "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.

(11) "Person in charge of interment" means any person who places or causes to be placed a stillborn fetus or dead body or the ashes of the same, after cremation, in a grave, vault, urn, or other receptacle, or otherwise disposes thereof.

(12) "Physician" means a person legally authorized to practice medicine and surgery, osteopathic medicine and surgery or osteopathic medicine in this state as defined in section 54-1803, Idaho Code.

(13) "Physician assistant" means any person who is a graduate of an acceptable training program and who is otherwise qualified to render patient services as defined in section 54-1803, Idaho Code.

(14) "Qualified adult adoptee" means an adopted person eighteen (18) years of age or older who was born in Idaho.

(15) "Qualified adult birth sibling" means a genetic, biological, or natural brother or sister or half-brother or half-sister, eighteen (18) years of age or older.

(p16) "Qualified birthparent" means a genetic, biological, or natural parent whose rights were voluntarily or involuntarily terminated by

a court or otherwise. "Birthparent" includes a man who is the parent of a child prior to the termination of parental rights.

~~(q) "Qualified adult birth sibling" means a genetic, biological, or natural brother or sister or half brother or sister, eighteen (18) years of age or older.~~

(17) "Record" means the original certificate of an event and any replacement thereof filed for record by virtue of authority contained in this chapter, as well as instruments of any nature provided by this chapter as a means of effecting replacement of certificates.

(~~r~~18) "Registrar" means the state registrar of vital statistics or a designated representative.

(~~s~~19) "Relative" includes only an individual's spouse, birthparent, adoptive parent, sibling, or child who is eighteen (18) years of age or older.

(20) "Stillbirth" means a spontaneous fetal death of twenty (20) completed weeks gestation or more, based on a clinical estimate of gestation, or a weight of three hundred fifty (350) grams (twelve and thirty-five hundredths (12.35) ounces) or more.

(21) "Vital statistics" includes the registration, preparation, transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, stillbirths, induced terminations of pregnancy, marital status and data incidental thereto.

(~~t~~22) "Voluntary adoption registry" or "registry" means a place where eligible persons, as described in section 39-259A, Idaho Code, may indicate their willingness to have their identity and whereabouts disclosed to each other under conditions specified in section 39-259A, Idaho Code.

Approved March 28, 2007.

CHAPTER 244
(S.B. No. 1069)

AN ACT

RELATING TO VITAL STATISTICS; AMENDING SECTION 39-260, IDAHO CODE, TO PERMIT PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE PROFESSIONAL NURSES TO CERTIFY CAUSE OF DEATH, TO PROVIDE FOR REFERENCE TO THE CORONER WHEN DEATH IS DUE TO NATURAL CAUSES AND AN AUTHORIZED PERSON IS NOT AVAILABLE OR IS PHYSICALLY INCAPABLE OF SIGNING, TO PERMIT PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE PROFESSIONAL NURSES TO SIGN CERTIFICATES OF STILLBIRTH, TO PROVIDE FOR CIRCUMSTANCES FOR REFERENCE OF STILLBIRTHS TO THE CORONER AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTION 39-268, IDAHO CODE, TO PERMIT PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE PROFESSIONAL NURSES TO AUTHORIZE FINAL DISPOSITION OF DEATHS AND STILLBIRTHS, TO REVISE CODE REFERENCES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 39-260, Idaho Code, be, and the same is hereby amended to read as follows:

39-260. REGISTRATION OF DEATHS AND STILLBIRTHS. (~~a~~1) A certificate of each death which occurs in this state shall be filed with the local registrar of the district in which the death occurs, or as otherwise directed by the state registrar, within five (5) days after the occurrence. However, the board shall, by rule and upon such conditions as it may prescribe to assure compliance with the purposes of the vital statistics act, provide for the filing of death certificates without medical certifications of cause of death in cases in which compliance with the applicable prescribed period would result in undue hardship; but provided, however, that medical certifications of cause of death shall be provided by the certifying physician, physician assistant, advanced practice professional nurse or coroner to the vital statistics unit within fifteen (15) days from the filing of the death certificate. No certificate shall be deemed complete until every item of information required shall have been provided or its omission satisfactorily accounted for. When death occurs in a moving conveyance in the United States and the body is first removed from the conveyance in this state, the death shall be registered in this state and the place where the body is first removed shall be considered the place of death. When a death occurs on a moving conveyance while in international ~~air-space~~ airspace or in a foreign country or its ~~air-space~~ airspace and the body is first removed from the conveyance in this state, the death shall be registered in this state but the certificate shall show the actual place of death insofar as can be determined. If the place of death is unknown but the dead body is found in this state, the certificate of death shall be completed and filed in accordance with this section. The place where the body is found shall be shown as the place of death. If the date of death is unknown, it shall be determined by approximation.

The person in charge of interment or of removal of the body from the district shall be responsible for obtaining and filing the certificate. Said person shall obtain the required information from the following persons, over their respective signatures:

(~~1~~a) Personal data shall be supplied by the person best qualified to supply them; and

(~~2~~b) Except as otherwise provided, medical data shall be supplied by the physician, physician assistant or advanced practice professional nurse who attended the deceased during the last illness, who shall certify to the cause of death according to his best knowledge, information and belief within seventy-two (72) hours from time of death. In the absence of the attending physician, physician assistant or advanced practice professional nurse or with said ~~physician's~~ person's approval the certificate may be completed and signed by said ~~physician's~~ person's associate, ~~physician~~ who must be a physician, physician assistant or advanced practice professional nurse, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, views the deceased at or after death, and death is due to natural causes.

(~~b~~2) The person in charge of interment or of removal of the body from the district shall refer the following cases to the coroner who shall make an immediate investigation, supply the necessary medical data, and certify to the cause of death:

(~~1~~a) When no physician, physician assistant or advanced practice

professional nurse was in attendance during the last illness of the deceased; ~~or~~

(~~2~~b) When the circumstances suggest that the death occurred as a result of other than natural causes; or

(c) When death is due to natural causes and the physician, physician assistant or advanced practice professional nurse who attended the deceased during the last illness or said person's designated associate who must be a physician, physician assistant or advanced practice professional nurse, is not available or is physically incapable of signing.

(~~c~~3) When a death is presumed to have occurred within this state but the body cannot be located, a death certificate may be prepared by the state registrar upon receipt of an order of a court of record of this state, which shall include the finding of facts required to complete the death certificate. Such a death certificate shall be marked "presumptive" and shall show on its face the date of registration and shall identify the court and the date of decree.

(~~d~~4) Each stillbirth, defined as a spontaneous fetal death of twenty (20) completed weeks gestation or more, based on a clinical estimate of gestation, or a weight of three hundred fifty (350) grams (twelve and thirty-five hundredths (12.35) ounces) or more, which occurs in this state shall be registered on a certificate of stillbirth within five (5) days after delivery with the local registrar of the district in which the stillbirth occurred. All induced terminations of pregnancy shall be reported in the manner prescribed in section 39-261, Idaho Code, and shall not be reported as stillbirths. No certificate shall be deemed complete until every item of information required shall have been provided or its omission satisfactorily accounted for.

(~~1~~a) When a stillbirth occurs in an institution, the person in charge of the institution or a designated representative shall prepare the certificate, obtain the signature of the physician, physician assistant or advanced practice professional nurse in attendance, ~~(~~except as otherwise provided in subsection ~~39-260(e), Idaho Code)~~ (5) of this section, who shall provide the medical data, and forward the certificate to the mortician or person acting as such. In the absence of the attending physician, physician assistant or advanced practice professional nurse or with said ~~physician's~~ person's approval the certificate may be completed and signed by said ~~physician's~~ person's associate, ~~physician~~ who must be a physician, physician assistant or advanced practice professional nurse, the chief medical officer of the institution in which the stillbirth occurred, or the physician who performed an autopsy on the stillborn fetus, provided such individual has access to the medical history of the case and views the fetus at or after stillbirth. The mortician or person acting as such shall provide the disposition information and file the certificate with the local registrar.

(~~2~~b) When a stillbirth occurs outside an institution, the mortician or person acting as such shall complete the certificate, obtain the medical data from and signature of the attendant at the stillbirth, ~~(~~except as otherwise provided in subsection ~~39-260(e), Idaho Code)~~ (5) of this section, and file the certificate. If the attendant at or immediately after the stillbirth is not a physician, physician assistant or advanced practice professional nurse, the coroner shall investigate and sign the certificate of stillbirth.

(~~3~~c) When a stillbirth occurs in a moving conveyance in the United States and the stillborn fetus is first removed from the conveyance in this state, the stillbirth shall be registered in this state and the place where the stillborn fetus is first removed shall be considered the place of stillbirth. When a stillbirth occurs in a moving conveyance while in international ~~air-space~~ airspace or in a foreign country or its ~~air-space~~ airspace and the stillborn fetus is first removed from the conveyance in this state, the stillbirth shall be registered in this state but the certificate shall show the actual place of stillbirth insofar as can be determined.

(~~4~~d) When a stillborn fetus is found in this state and the place of stillbirth is unknown, it shall be reported in this state. The place where the stillborn fetus was found shall be considered the place of stillbirth.

(~~5~~e) The name of the father shall be entered on the certificate of stillbirth as provided by section 39-255, Idaho Code.

(5) The person responsible for the preparation or completion of the stillbirth certificate as stated in subsections (4)(a) and (b) of this section shall refer the following cases to the coroner who shall make an immediate investigation, supply the necessary medical data and certify to the cause of stillbirth:

(~~e~~a) When the circumstances suggest that the stillbirth occurred as a result of other than natural causes, ~~(~~excepting legally induced abortions, as defined by section 39-241, Idaho Code~~),~~ ~~the local registrar shall refer the case to the coroner in the county where the stillbirth occurred. Said coroner shall make an immediate investigation, supply the necessary medical data, and certify to the cause of stillbirth~~; or

(b) When death is due to natural causes and the physician, physician assistant or advanced practice professional nurse in attendance at or immediately after the stillbirth or said person's designated associate is not available or is physically incapable of signing.

SECTION 2. That Section 39-268, Idaho Code, be, and the same is hereby amended to read as follows:

39-268. AUTHORIZATION FOR FINAL DISPOSITION. (~~a~~1) The mortician or person acting as such who first assumes possession of a dead body or stillborn fetus shall make a written report to the registrar of the district in which death or stillbirth occurred or in which the body or stillborn fetus was found within twenty-four (24) hours after taking possession of the body or stillborn fetus, on a form prescribed and furnished by the state registrar and in accordance with ~~regulations~~ rules promulgated by the board. Except as specified in subsection (~~b~~2) of this section, the written report shall serve as permit to transport, bury or entomb the body or stillborn fetus within this state, provided that the mortician or person acting as such shall certify that the physician, physician assistant or advanced practice professional nurse in charge of the patient's care for the illness or condition which resulted in death or stillbirth has been contacted and has affirmatively stated that said physician, physician assistant or advanced practice professional nurse or the ~~physician's~~ designated associate according to section 39-260(~~a~~1)(~~2~~b) or (~~d~~4)(~~1~~a), Idaho Code, will sign the certificate of death or stillbirth.

(~~b~~2) The written report as specified in subsection (~~a~~1) of this section shall not serve as a permit to:

(~~1~~a) Remove a body or stillborn fetus from this state;

(~~2~~b) Cremate the body or stillborn fetus; or

(~~3~~c) Make disposal or disposition of any body or stillborn fetus in any manner when inquiry is required under chapter 43, title 19, Idaho Code, or section 39-260(~~b~~2) or (~~e~~5), Idaho Code.

(~~c~~3) In accordance with the provisions of subsection (~~b~~2) of this section, the mortician or person acting as such who first assumes possession of a dead body or stillborn fetus shall obtain an authorization for final disposition prior to final disposal or removal from the state of the body or stillborn fetus. The physician, physician assistant, advanced practice professional nurse or coroner responsible for signing the death or stillbirth certificate shall authorize final disposition of the body or stillborn fetus, on a form prescribed and furnished by the state registrar. If the body is to be cremated, the coroner must also give additional authorization. In the case of stillbirths, the hospital may dispose of the stillborn fetus if the parent(s) so requests; authorization from the coroner is not necessary unless the coroner is responsible for signing the certificate of stillbirth.

(~~d~~4) When a dead body or stillborn fetus is transported into the state, a permit issued in accordance with the law of the state in which the death or stillbirth occurred or in which the body or stillborn fetus was found shall authorize the transportation and final disposition within the state of Idaho.

(~~e~~5) A permit for disposal shall not be required in the case of a dead fetus of less than twenty (20) weeks gestation and less than three hundred fifty (350) grams or twelve and thirty-five hundredths (12.35) ounces where disposal of the fetal remains is made within the institution where the delivery of the dead fetus occurred.

Approved March 28, 2007.

CHAPTER 245
(S.B. No. 1077)

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1733, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT THE LICENSE NUMBER OF A NURSE IN A LICENSED HEALTH CARE FACILITY BE PROVIDED FOR A FACSIMILE TRANSMITTED PRESCRIPTION DRUG ORDER AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. 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 arising from a prescriber-patient relationship which includes a documented patient evaluation adequate to establish diagnoses and identify underlying conditions and/or

contraindications to the treatment. Treatment, including issuing a prescription or drug order, based solely on an online questionnaire or consultation outside of an ongoing clinical relationship does not constitute a legitimate medical purpose. A prescription or drug order may be issued either:

(a) By a practitioner acting in the usual course of his profession; or

(b) 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~~c) The prescription drug order may be signed and sent electronically pursuant to chapter 50, title 28, Idaho Code.

(~~b~~d) 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.

Approved March 28, 2007.

CHAPTER 246
(S.B. No. 1088, As Amended)

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5202A, IDAHO CODE, TO DEFINE "PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL"; AND AMENDING CHAPTER 52, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-5215, IDAHO CODE, TO PROVIDE FOR PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOLS AND TO PROVIDE FOR APPLICATION OF PUBLIC CHARTER SCHOOL LAW TO PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOLS WITH EXCEPTIONS FOR CERTAIN CONDITIONS AND APPLICATIONS AS SPECIFIED.

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

SECTION 1. That Section 33-5202A, Idaho Code, be, and the same is hereby amended to read as follows:

33-5202A. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) "Authorized chartering entity" means either the local board of trustees of a school district in this state, or the public charter school commission pursuant to the provisions of this chapter.

(2) "Charter" means the grant of authority approved by the authorized chartering entity to the board of directors of the public charter school.

(3) "Founder" means a person, including employees or staff of a public charter school, who makes a material contribution toward the establishment of a public charter school in accordance with criteria determined by the board of directors of the public charter school, and who is designated as such at the time the board of directors acknowledges and accepts such contribution. The criteria for determining when a person is a founder shall not discriminate against any person on any basis prohibited by the federal or state constitutions or any federal, state or local law. The designation of a person as a founder, and the admission preferences available to the children of a founder, shall not constitute pecuniary benefits.

(4) "Petition" means the document submitted by a person or persons to the authorized chartering entity to request the creation of a public charter school.

(5) "Professional-technical regional public charter school" means a public charter secondary school authorized under this chapter to provide programs in professional-technical education which meet the standards and qualifications established by the division of professional-technical education. A professional-technical regional public charter school may be approved by an authorized chartering entity and by the terms of its charter, shall operate in association with at least two (2) school districts. Notwithstanding the provisions of section 33-5206(1), Idaho Code, participating school districts need not be contiguous.

(6) "Public charter school" means a school that is authorized under this chapter to deliver public education in Idaho.

(67) "Public virtual school" means a public charter school that may serve students in more than one (1) school district and through which

the primary method for the delivery of instruction to all of its pupils is through virtual distance learning or online technologies.

(~~7~~8) "Traditional public school" means any school existing or to be built that is operated and controlled by a school district in this state.

SECTION 2. That Chapter 52, 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 33-5215, Idaho Code, and to read as follows:

33-5215. PROFESSIONAL-TECHNICAL REGIONAL PUBLIC CHARTER SCHOOL. (1) A professional-technical regional public charter school is hereby declared to be a public charter school and as such, the provisions of chapter 52, title 33, Idaho Code, shall apply to each professional-technical regional public charter school in the same manner and to the same extent as the provisions of charter school law apply to other public charter schools, with the exception of certain conditions and applications as specifically provided in this section.

(2) In addition to the approval provisions of this chapter, approval of a professional-technical regional public charter school by an authorized chartering entity shall not be final until the petition has also been reviewed by the division of professional-technical education.

(3) Funding for a professional-technical regional public charter school shall be the same as provided in section 33-5208, Idaho Code, except that:

(a) The salary-based apportionment for a professional-technical regional public charter school shall be the statewide average index for public charter schools. Such salary-based apportionment may be used for payment of contracted services or for direct hire of staff;

(b) The board of directors may contract for the services of certificated and noncertificated personnel, to procure the use of facilities and equipment, and to purchase materials and equipment, which in the judgment of the board of directors is necessary or desirable for the conduct of the business of the professional-technical regional public charter school; and

(c) Transportation support shall be paid to the professional-technical regional public charter school in accordance with the provisions of chapter 15, title 33, Idaho Code.

(4) A professional-technical regional public charter school shall provide assurances in state attendance reports that it has verified attendance reports, which generate ADA with its participating school districts, to make certain that the districts and the charter school do not duplicate enrollment or ADA claims.

Approved March 28, 2007.

CHAPTER 247
(S.B. No. 1093)

AN ACT

RELATING TO THE BOARD OF HEALTH AND WELFARE; AMENDING SECTION 56-1005, IDAHO CODE, TO PROVIDE APPOINTMENT OF VOTING MEMBERS TO ASSURE APPROPRIATE GEOGRAPHIC REPRESENTATION OF THE STATE OF IDAHO, TO PRO-

VIDE FOR NONVOTING MEMBERS, TO PROVIDE FOR SELECTION OF A CHAIRMAN AND VICE CHAIRMAN BY VOTING MEMBERS, TO DESIGNATE A QUORUM AND TO PERMIT VOTING MEMBERS TO ADOPT, AMEND OR REPEAL RULES, CODES AND STANDARDS BY AN AFFIRMATIVE VOTE OF FOUR OF ITS VOTING MEMBERS; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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 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. 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 voting members shall be appointed to assure appropriate geographic representation of the state of Idaho. The other four (4) members of the board, who shall be nonvoting members, 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 voting members of the board annually shall elect a chairman and a vice chairman, ~~and~~ who shall be voting members of the board. The board shall hold meetings 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)~~ A majority of the voting 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 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 ~~five (5)~~ four (4) of its voting members, may adopt, amend or repeal the rules, codes, and standards of the department, that are necessary and feasible in order to carry out 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.

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 28, 2007.

CHAPTER 248
(S.B. No. 1103)

AN ACT

RELATING TO PUBLIC ASSISTANCE LAW; AMENDING SECTION 56-214, IDAHO CODE, TO REFERENCE A TRANSFER OF ASSETS SPECIFICALLY PERMITTED BY DEPARTMENT RULE AND TO DELETE LANGUAGE REFERENCING A TRANSFER BETWEEN SPOUSES OR TO ANOTHER FOR THE BENEFIT OF A SPOUSE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

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

SECTION 1. That Section 56-214, Idaho Code, be, and the same is hereby amended to read as follows:

56-214. AWARD OF PUBLIC ASSISTANCE -- INELIGIBILITY UPON TRANSFER OF PROPERTY. Upon the completion of the investigation, the state department shall determine whether the applicant is eligible for public assistance under the provisions of this act, the type and amount of public

assistance he shall receive, and the date upon which such public assistance shall begin. Public assistance shall be paid in the manner prescribed by the state department.

(1) Assistance to families with children shall not be granted under this act to any person who within six (6) months prior to applying for or at any time during which such assistance is received, has either made an assignment or transfer of property for the purpose of rendering himself eligible for assistance under this act, or who has divested himself of any interest in property without adequate consideration which interest or proceeds therefrom could reasonably be expected to contribute to the support and maintenance of such person and his family, except that any person who is ineligible for public assistance due solely to such assignment or transfer shall become eligible provided:

(a) There is a showing that such person has caused such property to be assigned or transferred back to him; or

(b) There is a showing that the person to whom such property is assigned or transferred has, subsequent to such assignment or transfer, met subsistence and medical care costs exclusive of any obligation for support, of such person or family, according to the department's assistance standard, equal to, or in excess of, the market value of the property so assigned or transferred; or

(c) There is a showing that the subsistence and medical care costs of such person, according to the department's assistance standard, subsequent to such assignment or transfer, equal or exceed the market value of the property so assigned or transferred.

(2) Eligibility for old age assistance under section 56-207, Idaho Code, or aid to the blind under section 56-208, Idaho Code, or aid to the disabled under section 56-209a, Idaho Code, shall be determined by continuing to consider as available any resource that was transferred prior to July 1, 1988, until such resource is fully accounted for under the provisions of section 1613(c) of the social security act as such section read on June 30, 1988.

(3) Eligibility for medical assistance under section 56-209b, Idaho Code, shall continue to apply the rules of the director of the department of health and welfare concerning transfer of property as such rules read on October 29, 1988, to transfers that occur prior to July 1, 1989, to persons other than to the spouse of the person receiving or applying for medical assistance, and to interspousal transfers that occur prior to October 1, 1989.

(4) The provisions of section 1917(c) of the social security act as amended by public law 100-360 and further amended by public law 100-485 and as hereafter amended shall apply as of July 1, 1989, to transfers of assets other than to the spouse, and as of October 1, 1989, to transfers between spouses, except that such provisions shall not apply either to transfers that occurred before July 1, 1988, or to transfers that have been fully accounted for under subsection (3) of this section. Notwithstanding the foregoing, any transfer of assets not otherwise specifically permitted by federal law or rule of the department, whether or not for fair market value including, but not limited to, a transfer in the form of an annuity, ~~between spouses or to another for the benefit of a spouse,~~ is presumed to be for the purpose of sheltering assets to qualify for medical assistance. Such assets transferred shall be counted as available in determining eligibility, and will subject the applicant to penalties prescribed by the director, unless the applicant for assis-

tance can demonstrate by clear and convincing evidence that the transfer was intended for another purpose.

(5) Any funds, securities, accounts, contracts and all other property held in or transferred to a special needs trust as provided in chapter 14, title 68, Idaho Code, section 15-5-409, Idaho Code, and section 15-5-409a, Idaho Code, shall not be considered by the state department in determining whether the applicant is eligible for public assistance under the provisions of this act, so long as the action is permitted under the provisions of section 1917(c) and (d) of the social security act, as amended.

(6) If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the section that can be given effect without the invalid provisions or applications, and to this end the provisions of this section are severable.

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, 2007.

Approved March 28, 2007.

CHAPTER 249
(S.B. No. 1119)

AN ACT

RELATING TO CLASS D DRIVER'S LICENSE AND INSTRUCTION PERMITS; AMENDING SECTION 49-110, IDAHO CODE, TO REVISE THE REQUIREMENTS OF A CLASS D SUPERVISED INSTRUCTION PERMIT AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 49-307, IDAHO CODE, TO INCREASE THE MINIMUM TIME REQUIRED OF A PERMITTEE TO OPERATE A VEHICLE WITH A SUPERVISED INSTRUCTION PERMIT, TO PROVIDE FOR CANCELLATION OF A CLASS D SUPERVISED INSTRUCTION PERMIT UPON VIOLATION OF STATE UNDERAGE CONSUMPTION LAW, TO LIMIT THE NUMBER OF PASSENGERS ALLOWED IN A VEHICLE OPERATED BY A DRIVER WITH A CLASS D DRIVER'S LICENSE WHO IS UNDER THE AGE OF SEVENTEEN YEARS, TO PROVIDE AN EXCEPTION AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 49-110, Idaho Code, be, and the same is hereby amended to read as follows:

49-110. DEFINITIONS -- I.

(1) "Identifying number" means:

(a) Motor number. That identifying number stamped on the engine of a vehicle.

(b) Vehicle identification number. The numbers and letters, if any, placed on a vehicle by the manufacturer for the purpose of identifying the vehicle.

(2) "Implements of husbandry" means every vehicle including self-

propelled units, designed or adapted and used exclusively in agricultural, horticultural, dairy and livestock growing and feeding operations when being incidentally operated. Such implements include, but are not limited to, combines, discs, dry and liquid fertilizer spreaders, cargo tanks, harrows, hay balers, harvesting and stacking equipment, pesticide applicators, plows, swathers, mint tubs and mint wagons, and farm wagons. A farm tractor when attached to or drawing any implement of husbandry shall be construed to be an implement of husbandry. "Implements of husbandry" do not include semitrailers, nor do they include motor vehicles or trailers, unless their design limits their use to agricultural, horticultural, dairy or livestock growing and feeding operations.

(3) "Incidentally operated" means the transport of the implement of husbandry from one (1) farm operation to another.

(4) "Individual record" means a record containing personal information about a designated person who is the subject of the record as identified in a request for information.

(5) "Infraction" means a civil public offense, not constituting a crime, which is not punishable by incarceration and for which there is no right to a trial by jury or right to court-appointed counsel, and which is punishable by only a penalty not exceeding one hundred dollars ($100) and no imprisonment.

(6) "Instruction permits":

(a) "Class A, B or C instruction permit" means a temporary privilege to operate a motor vehicle for which a commercial driver's license is required; is available only to a person who is eighteen (18) years of age or older; is issued pursuant to the provisions of section 49-305, Idaho Code; and the permittee is subject to the conditions specified therein.

(b) "Class D driver's training instruction permit" means a temporary privilege to operate a class D motor vehicle while attending classes as an enrollee of a public or private driver's training course only; is available to a person aged fourteen and one-half (14 1/2) years; is issued to the instructor of the driver's training course; expires one (1) year from the date of issue; is issued pursuant to the provisions of section 49-307, Idaho Code; and the permittee is subject to the conditions specified therein.

(c) "Class D instruction permit" means a temporary privilege to operate a class D motor vehicle which is available to a person under the age of seventeen (17) years who has successfully completed an approved driver's training course and has satisfied the requirements of a class D supervised instruction permit, or to any person seventeen (17) years of age or older; is valid for a period of one hundred eighty (180) days; privileges are limited to driving with a person who is at least eighteen (18) years of age who holds a valid class D driver's license and is actually occupying a seat beside the permittee; is issued pursuant to the provisions of section 49-305, Idaho Code; and the permittee is subject to the conditions specified therein.

(d) "Class D supervised instruction permit" means a temporary privilege to operate a class D motor vehicle which is available to a person who is at least fourteen and one-half (14 1/2) years of age who has successfully completed an approved driver's training course, and is valid for a minimum of ~~four~~ <u>six</u> (~~4~~<u>6</u>) months. No person may apply for a class D driver's license until he has attained the age

of at least fifteen (15) years and has successfully satisfied the requirements of this permit, as specified and issued pursuant to the provisions of section 49-307, Idaho Code.

(7) "Instructor" means any person, whether acting for himself as operator of a commercial driver training school or for such a school for compensation, who teaches, conducts classes of, gives demonstrations to, or supervises practice of, persons learning to operate or drive motor vehicles.

(8) "Insurer" means any insurer, public or private, which shall include, but not be limited to, insurance companies domiciled in the state of Idaho, agents, adjuster or any other person acting on behalf of any insurance not domiciled in the state of Idaho and any self-insured entity operating under Idaho insurance laws or rules.

(9) "International registration plan" means a registration reciprocity agreement among the states of the United States and provinces of Canada providing for payment of registration and licensing fees on a proportional basis determined by the fleet miles operated in the various jurisdictions.

(9<u>10</u>) "Intersection" means:

(a) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(b) Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of the divided highway by an intersecting highway shall be regarded as a separate intersection. In the event an intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of the highways shall be regarded as a separate intersection.

(c) The junction of an alley with a street or highway shall not constitute an intersection.

SECTION 2. That Section 49-307, Idaho Code, be, and the same is hereby amended to read as follows:

49-307. FEE FOR CLASS D DRIVER'S TRAINING INSTRUCTION PERMIT -- CLASS D SUPERVISED INSTRUCTION PERMIT <u>-- RESTRICTIONS ON CLASS D DRIVER'S LICENSE.</u> (1) Every enrollee of a class D driver<u>'s</u> training course in a public school shall pay a nonrefundable fee of thirty dollars ($30.00). Twenty-five dollars ($25.00) of each fee so imposed shall be deposited in the driver training account and five dollars ($5.00) will be deposited in the county current expense fund.

(2) Every enrollee of a class D driver's training course offered by a commercial business shall pay a nonrefundable fee of ten dollars ($10.00). Five dollars ($5.00) of the fee so imposed shall be deposited in the driver training account and five dollars ($5.00) shall be deposited in the county current expense fund.

(3) Each enrollee of a class D driver<u>'s</u> training course shall provide the type of information required for a driver's license or instruction permit, but the class D driver's training instruction permit shall be issued to the instructor of the course, and the class D driver<u>'s</u>

training instruction permit shall expire one (1) year from the issue date. No enrollee of any class D driver's training course shall be allowed to attend classes or participate in driving instruction unless he has obtained a class D driver's training instruction permit.

(4) Upon successful completion of the class D driver's training course, the driver's training instructor shall date and sign the class D driver's training instruction permit over to the parent or legal guardian of the permittee, and the parent or legal guardian shall also date and sign the class D driver's training permit and in so doing agrees to assume responsibility for ensuring that the permittee complies with the requirements of operating a vehicle with a class D supervised instruction permit. The signed and dated class D driver's training instruction permit shall then serve as a class D supervised instruction permit.

(5) No permittee may apply for a class D driver's license sooner than fifteen (15) years of age and no sooner than ~~four~~ six (~~4~~6) months after completing a class D driver's training course, during which time the permittee shall satisfy all requirements for operation of a class D vehicle with a class D supervised instruction permit as follows:

(a) The permittee shall not operate a vehicle unless he is accompanied by a driver who holds a valid driver's license, is twenty-one (21) years of age or older, and who is actually occupying a seat beside the permittee driver. The supervising driver and the permittee shall be the only occupants of the front passenger section of the vehicle.

(b) The permittee shall accumulate at least fifty (50) hours of supervised driving time, ten (10) hours of which shall be during hours of darkness.

(c) The permit shall be in the permittee's immediate possession at all times while operating a vehicle.

(d) In addition to the permittee driver and the supervising driver, all other occupants of the vehicle shall wear a seat belt or be restrained by child passenger restraints as required by law.

(e) The permittee is subject to the provisions of sections 18-1502 and 18-8004, Idaho Code, relating to violation of age restrictions on consumption of beer, wine, and alcohol and driving under the influence of alcohol, drugs or any other intoxicating substances, respectively.

(f) The permittee shall not have been convicted of any moving traffic violation, or have had driving privileges suspended by the department or the court for any offense, or found to be in violation of any of the restrictions on the class D supervised instruction permit, for a period of at least ~~four~~ six (~~4~~6) months from the date the driver's training instructor signed the permit over to the parent or legal guardian, or from the date a canceled class D supervised instruction permit was reissued, or until the permittee reaches seventeen (17) years of age.

(g) If the permittee is convicted of a violation of any traffic law, or section 18-1502, Idaho Code, or section 18-8004, Idaho Code, or section 23-949, Idaho Code, or is found to be in violation of any of the restrictions on the class D supervised instruction permit, the department shall cancel the class D supervised instruction permit, and the cancellation shall not be used to establish rates of motor vehicle insurance charged by a casualty insurer. The permittee may reapply for and be issued a new class D supervised instruction

permit upon payment of the appropriate fees, and shall again be required to operate with the class D supervised instruction permit for at least ~~four~~ six (~~4~~6) months from the date of reissue without a conviction or suspension, accumulate the required hours of driving time and adhere to the requirements as specified in paragraphs (a) through (f) of this subsection (5).

(6) Upon completion of the requirements in subsection (5) of this section, the permittee shall take the knowledge test and skills test administered by a person certified by the Idaho transportation department to administer knowledge and skills tests.

(7) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license with driving privileges restricted to daylight hours for persons under sixteen (16) years of age, and with full privileges at sixteen (16) years of age or older. Provided however, the restriction on daylight hours only driving privileges for persons under sixteen (16) years of age shall not apply if:

(a) The person under sixteen (16) years of age has a valid class D driver's license; and

(b) Is accompanied by a driver who holds a valid driver's license and is twenty-one (21) years of age or older and is actually occupying a seat beside the licensee who is under sixteen (16) years of age; and

(c) The two (2) licensed drivers are the only occupants of the front passenger section of the vehicle.

The restriction of daylight hours only shall mean that period of time one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(8) Upon passage of the knowledge and skills tests, the permittee may apply for a class D driver's license. Any such licensee who is under the age of seventeen (17) years shall be required, during the first six (6) months from the date of issue of the class D driver's license, to limit the number of passengers in the vehicle who are under the age of seventeen (17) years to not more than one (1) such passenger. Provided however, the limit of one (1) passenger under the age of seventeen (17) years shall not apply to passengers who are related to the driver by blood, adoption or marriage.

Approved March 28, 2007.

CHAPTER 250
(S.B. No. 1144)

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING ARTICLE III, CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-2727, IDAHO CODE, TO PROVIDE FOR THE DISPENSATION BY NURSES OF CERTAIN CONTROLLED SUBSTANCES IN A NARCOTICS TREATMENT FACILITY AND TO EXEMPT CERTAIN NURSES FROM REGISTRATION REQUIREMENTS.

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

SECTION 1. That Article III, Chapter 27, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-2727, Idaho Code, and to read as follows:

37-2727. CONTROLLED SUBSTANCES IN NARCOTIC TREATMENT PROGRAMS. (1) At a facility with a controlled substance registration certificate issued by the United States department of justice, drug enforcement administration, for the operation of a narcotic treatment program, a nurse licensed under chapter 14, title 54, Idaho Code, may, pursuant to a valid order of a physician licensed under chapter 18, title 54, Idaho Code:

(a) Prepare and administer to a patient at that facility a controlled substance whether or not a practitioner is present; and

(b) Deliver at that facility to a patient for subsequent use by the patient off-site, take-home doses of a controlled substance, provided that:

(i) The patient is entitled to receive take-home doses of the controlled substance;

(ii) The take-home doses delivered by the nurse to the patient were obtained at the facility by the nurse from a locked storage area suitable to prevent unauthorized access and to ensure a proper environment for preservation of the drugs within such area; and

(iii) The take-home doses were prepared pursuant to a valid order of the physician by a pharmacist licensed under chapter 17, title 54, Idaho Code, and were delivered by the pharmacist to the locked storage area at the facility in a suitable container appropriately labeled for subsequent delivery by the nurse to the patient and for subsequent use by the patient entitled to receive the take-home doses of the controlled substance.

(2) A nurse acting under the authority of this section is exempt from the registration requirements imposed by this chapter.

Approved March 28, 2007.

CHAPTER 251
(S.B. No. 1152, As Amended)

AN ACT

RELATING TO MOTOR VEHICLE DEALERS AND SALESMEN LICENSING; AMENDING CHAPTER 16, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1638, IDAHO CODE, TO PROVIDE FOR PAYMENT OF CLAIMS OR OTHER COMPENSATION TO MOTOR VEHICLE DEALERS UNDER A MANUFACTURER INCENTIVE PROGRAM FOR MOTOR VEHICLE DEALERS AND TO PROVIDE CONDITIONS UNDER WHICH A MANUFACTURER OR DISTRIBUTOR CAN AND CANNOT CHARGE BACK TO A MOTOR VEHICLE DEALER THE AMOUNT OF A CLAIM OR CASH VALUE OF A PRIZE AWARDED TO A DEALER UNDER A MANUFACTURER INCENTIVE PROGRAM.

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

SECTION 1. That Chapter 16, 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 49-1638, Idaho Code, and to read as follows:

49-1638. MANUFACTURER INCENTIVE PROGRAMS FOR MOTOR VEHICLE DEALERS. (1) A manufacturer or distributor shall pay a motor vehicle dealer's claim for payment or other compensation due under a manufacturer incentive program within thirty (30) business days after receiving the claim, unless the claim is disapproved by written notice, with reasons stated, within thirty (30) business days of receipt of the dealer's claim. A claim that is not disapproved or disallowed in writing within thirty (30) business days after the manufacturer or distributor receives the claim is deemed automatically approved.

(2) A manufacturer shall not deny a claim based solely on a motor vehicle dealer's incidental failure to comply with a specific claim processing requirement, such as a clerical error or other administrative technicality that does not put into question the legitimacy of the claim.

(3) A dealer shall have sixty (60) days from the date of notification by a manufacturer or distributor of a denial or a charge-back to the dealer to resubmit a claim for payment or compensation if the claim was denied for a dealer's incidental failure as set forth in subsection (2) of this section, whether the charge-back was a direct or an indirect transaction.

(4) A motor vehicle dealer has ninety (90) days after the expiration of a manufacturer or distributor incentive program, or such longer time as provided by the franchise agreement, whichever is greater, to submit a claim for payment or compensation under the program.

(5) Notwithstanding the terms of a franchise agreement or other contract with a dealer and except as provided in subsection (6) of this section, after the expiration of one (1) year after the date of payment of the vehicle claim, a manufacturer or distributor shall not:

(a) Charge back to a motor vehicle dealer, whether directly or indirectly, the amount of a claim that has been approved and paid by the manufacturer or distributor under an incentive program;

(b) Charge back to a motor vehicle dealer, whether directly or indirectly, the cash value of a prize or other thing of value awarded to the dealer under an incentive program; or

(c) Audit the records of a motor vehicle dealer to determine compliance with the terms of an incentive program.

(6) A manufacturer or distributor may make charge-backs to a motor vehicle dealer if, after completion of an audit of the dealer's records, the manufacturer or distributor can show, by a preponderance of the evidence, that:

(a) With respect to a claim under a service incentive program, the repair work was improperly performed in a substandard manner or was unnecessary; or

(b) The claim is unsubstantiated in accordance with the manufacturer's or distributor's reasonable requirements.

(7) Notwithstanding subsections (5) and (6) of this section, a manufacturer or distributor may make charge-backs to a motor vehicle dealer for fraud at any time permitted by section 5-218, Idaho Code.

Approved March 28, 2007.

CHAPTER 252
(S.B. No. 1155)

AN ACT

RELATING TO MODULAR BUILDINGS; AMENDING SECTION 39-4103, IDAHO CODE, TO REVISE CODE REFERENCES; AMENDING SECTION 39-4105, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 39-4107, IDAHO CODE, TO REVISE INSPECTION FEE REFERENCES FOR MODULAR BUILDINGS AND TO REVISE A CODE REFERENCE; REPEALING SECTION 39-4121, IDAHO CODE, RELATING TO MODULAR BUILDINGS; REPEALING SECTION 39-4122, IDAHO CODE, RELATING TO COMMERCIAL COACHES; REPEALING SECTION 39-4128, IDAHO CODE, RELATING TO RECIPROCITY; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 43, TITLE 39, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR A MODULAR BUILDING ADVISORY BOARD, TO SET FORTH FEES, TO PROVIDE FOR AN INSIGNIA OF APPROVAL, TO REQUIRE PREAPPROVAL FOR MODIFICATIONS, TO PROVIDE FOR RECIPROCITY OF STANDARDS WITH OTHER STATES, TO PROVIDE THAT VIOLATIONS ARE MISDEMEANORS AND TO SET FORTH PENALTIES; AMENDING SECTION 49-104, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 54-1001D, IDAHO CODE, TO REVISE INSPECTION FEE REFERENCES FOR MODULAR BUILDINGS; AMENDING SECTION 54-1016, IDAHO CODE, TO REVISE CODE REFERENCES; AMENDING SECTION 54-2602, IDAHO CODE, TO REVISE CODE REFERENCES; AMENDING SECTION 54-2622A, IDAHO CODE, TO REVISE INSPECTION FEE REFERENCES FOR MODULAR BUILDINGS; AMENDING SECTION 54-5002, IDAHO CODE, TO REVISE TERMINOLOGY AND CODE REFERENCES; AMENDING SECTION 54-5006, IDAHO CODE, TO REVISE INSPECTION FEE REFERENCES FOR MODULAR BUILDINGS; AMENDING SECTION 54-5205, IDAHO CODE, TO REVISE A CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-3606A, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 67-2601, IDAHO CODE, TO REVISE ADMINISTRATOR DUTIES; AND AMENDING SECTION 67-8203, IDAHO CODE, TO REVISE A DEFINITION.

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

SECTION 1. That Section 39-4103, Idaho Code, be, and the same is hereby amended to read as follows:

39-4103. SCOPE — EXEMPTIONS. (1) This chapter authorizes the state division of building safety and local governments to adopt and enforce building codes pursuant to the provisions of this chapter.

(2) All buildings and other facilities owned by any state government agency or entity, including those owned, constructed or financed by the Idaho state building authority, shall conform to the codes adopted in this chapter, chapter 2, title 41, Idaho Code, chapter 10, title 54, Idaho Code, chapter 26, title 54, Idaho Code, and chapter 50, title 54, Idaho Code, and shall be subject to the jurisdiction of the state division of building safety and the state fire marshal for purposes of all plan reviews, permitting and inspections. In performing such plan reviews, permitting and inspections, the division of building safety and the state fire marshal shall route building plans to affected local government agencies, and shall take into consideration local government comments and ordinances and shall promptly notify the local jurisdictions of actions taken and the reasons therefor, and transmit to the local jurisdictions copies of final building plans.

(3) All buildings and other facilities owned by anyone other than state government agencies or entities which are constructed or renovated specifically for use or occupancy by any state agency or entity shall conform to all state adopted codes and standards. Nothing in this subsection shall limit the authority of local governments to issue permits, review plans and provide a full range of building code enforcement activities for such buildings.

(4) The following are exempt from the provisions of this chapter:

(a) Equipment used primarily for industrial chemical process purposes and for mineral extraction and mineral processing purposes. This exemption shall not include the erection and fabrication of new boilers, pressure vessels and other equipment as required to condition the building for personnel comfort and safety. Equipment in this regard shall mean and shall be limited to facilities or installations for heating, ventilating, air conditioning, refrigerating equipment, elevators, dumbwaiters, escalators, and boilers and pressure vessels associated with building heating systems.

(b) Modular buildings as defined in ~~subsection--(12)--of~~ section 39-~~4105~~4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in ~~section--39-4121~~ chapter 43, title 39, Idaho Code.

SECTION 2. That Section 39-4105, Idaho Code, be, and the same is hereby amended to read as follows:

39-4105. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning. Where terms are not defined in this chapter and are defined in the currently adopted International Building Code published by the International Code Council, such terms shall have the meanings ascribed to them in that code:

(1) "Administrator" means the administrator of the division of building safety for the state of Idaho.

(2) "Board" means the Idaho building code board, herein created.

(3) "Building inspector" means a person who inspects buildings or structures for compliance with the provisions of this chapter.

~~(4) "Closed-construction" means any manufactured building or building component which may enclose factory installed--structural,--mechanical,--electrical--or plumbing systems and is not open for visual inspection at the building site.~~

~~(5)--"Commercial coach" means a modular building equipped--with--the necessary--service connections and made so as to be readily movable as a unit on its own running gear and originally designated to be used--without a permanent foundation.~~

~~(6)~~ "Construction" means the erection, fabrication, reconstruction, demolition, alteration, conversion, or repair of a building, or the installation of equipment therein normally a part of the structure.

(~~7~~5) "Division" means the state of Idaho division of building safety.

(~~8~~6) "International Fire Code" means the International Fire Code as published by the International Code Council.

(~~9~~7) "Local government" means any city or county of this state.

(~~10~~8) "Manufactured home" means a structure, constructed after June 15, 1976, in accordance with the HUD manufactured home construction and safety standards, and is transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this ~~paragraph~~ subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. section 5401 et seq.

(~~11~~9) "Mobile home" means a factory-assembled structure or structures generally constructed prior to June 15, 1976, and equipped with the necessary service connections and made so as to be readily movable as a unit or units on their own running gear and designed to be used as a dwelling unit or units with or without a permanent foundation.

~~(12) "Modular building" means any building or building component, other than a manufactured or mobile home, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.~~

(1~~3~~0) "Telecommunications facilities" means all wires, cables, equipment, apparatus or other installations necessary to furnish service, by which there is accomplished or may be accomplished, the sending or receiving of information, data, message writing signs, signals, pictures, and sounds of all kinds, by aid of such wires, cables, equipment, apparatus or other installations, but shall not include the habitable structure in which such telecommunications facilities are housed.

SECTION 3. That Section 39-4107, Idaho Code, be, and the same is hereby amended to read as follows:

39-4107. POWERS AND DUTIES. (1) The board shall continually study the operation of adopted codes, standards and rules relating to the construction of buildings or facilities under the jurisdiction of the division to ascertain their effect upon the public safety and shall support an ongoing effort to promote the uniform adoption, application and interpretation of safety, accessibility and building codes statewide. The board shall have the authority to adopt and enforce the codes specified in section 39-4109, Idaho Code, or later editions of such codes, and to promulgate rules in accordance with chapter 52, title 67, Idaho Code, to implement the provisions of this chapter.

(2) The board shall function as a board of appeals for the division as prescribed in the adopted building code. The board shall have no authority to waive any requirements of the codes enumerated in this chapter or in rules promulgated pursuant to this chapter. Provided further:

(a) The decisions of the board shall be final, and the board shall

render all decisions and findings in writing to the appellant and the administrator within ten (10) working days of the conclusion of a hearing; and

(b) For each appeal brought before the board, the chairman shall appoint not less than three (3) members of the board to hear the appeal and render a decision and finding in the name of the board.

(3) The board shall utilize experts, consultants, and technical advisors for assistance and recommendations relative to codes, standards, and appeals.

(4) The administrator may make building code inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable building codes of the requesting jurisdiction. Fees charged for such inspection services shall be as provided in rules promulgated by the board pursuant to chapter 52, title 67, Idaho Code.

(5) Notwithstanding the exemptions provided in subsection (4)(b) of section 39-4103, Idaho Code, the administrator may make inspections of modular buildings constructed in Idaho upon written request from the manufacturer.

(a) Such inspections shall be made in accordance with the codes adopted in this chapter.

(b) Inspection fees shall be as ~~promulgated--in--board--rule--and shall--be--paid-prior-to-the-inspection~~ provided in section 39-4303, Idaho Code.

(c) The administrator of the division of building safety may issue an insignia of approval if the buildings are in compliance with the requirements set forth in ~~section--39-4121~~ chapter 43, title 39, Idaho Code.

SECTION 4. That Sections 39-4121, 39-4122 and 39-4128, Idaho Code, be, and the same are hereby repealed.

SECTION 5. 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 43, Title 39, Idaho Code, and to read as follows:

CHAPTER 43
MODULAR BUILDINGS

39-4301. DEFINITIONS. As used in this chapter:

(1) "Administrator" means the administrator of the division of building safety for the state of Idaho.

(2) "Board" means the modular building advisory board, as created in section 39-4302, Idaho Code.

(3) "Building site" means any tract, parcel or subdivision of land upon which a modular building is installed or is to be installed.

(4) "Closed construction" means any manufactured building or building component which may enclose factory installed structural, mechanical, electrical or plumbing systems and is not open for visual inspection at the building site.

(5) "Commercial coach" means a modular building with permanent running gear and a hitch assembly that is designed and constructed for nonresidential occupancy classifications only.

(6) "Division" means the Idaho division of building safety.

(7) "Modular building" means any building or building component, other than a manufactured or mobile home, which is of closed construction and is either entirely or substantially prefabricated or assembled at a place other than the building site.

39-4302. MODULAR BUILDING ADVISORY BOARD. (1) A modular building advisory board is established in the division of building safety to advise the administrator in the administration and enforcement of the provisions of this chapter. The board shall consist of five (5) members, appointed by the governor, two (2) of whom shall represent manufacturers of modular buildings, two (2) of whom shall be dealers of modular buildings and one (1) of whom shall be a consumer who uses or has used a modular building. The board shall serve the following terms commencing July 1, 2007: two (2) members shall be appointed for a term of one (1) year, two (2) members shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of three (3) years. The consumer member shall be a member appointed to a term beginning on July 1, 2007, or as soon thereafter as there is a vacancy on the board. Thereafter board members shall be appointed for a term of three (3) years. Not more than three (3) members shall at any time belong to the same political party. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term. The members of the board shall be compensated as provided in section 59-509(f), Idaho Code, for each day spent in attendance at meetings of the board. A majority of members shall constitute a quorum, and a quorum at any meeting called by the administrator shall have full and complete power to act upon and resolve in the name of the board any matter, thing or question referred to it by the administrator, or which by reason of any provision of this chapter, it has the power to determine.

(2) The board shall, on the first day of each July or as soon thereafter as practicable, elect a chairman, vice-chairman and secretary from among its members, and these officers shall hold office until their successors are elected. As soon as the board has elected its officers, the secretary shall certify the results of the election to the administrator. The chairman shall preside at all meetings of the board and the secretary shall make a record of the proceedings which shall be preserved in the offices of the division of building safety. If the chairman is absent from any meeting of the board, his duties shall be discharged by the vice-chairman. All members of the board present at a meeting shall be entitled to vote on any question, matter, or thing which properly comes before the board.

(3) The board shall have the authority to promulgate rules in accordance with chapter 52, title 67, Idaho Code, to implement the provisions of this chapter.

39-4303. FEES. (1) The following fees, as provided by board rule, shall be paid by the manufacturer of a modular building:

(a) Per building, one (1) building permit, plan review and inspection fee for structural, plumbing, electrical and HVAC, based upon the 1997 Uniform Building Code Table 1-A, plus ninety dollars ($90.00) and two and one-half percent (2.5%) of the plumbing, electrical and HVAC installation costs.

(b) The division may charge a one hundred dollar ($100) insignia fee in instances where building permit fees are not charged for modular buildings.

(2) All fees collected by the division under the provisions of this chapter shall be paid into the modular building account, which is hereby created in the dedicated fund. The expenses incurred in administering and enforcing the provisions of this chapter shall be paid from the account. The fees set forth in subsection (1) of this section shall be the exclusive fee requirements applicable to modular buildings governed by the provisions of this chapter, and shall supersede any program of any political subdivision of the state which sets fee requirements for the same inspections or services.

39-4304. INSIGNIA OF APPROVAL -- COST -- PLACEMENT. (1) No modular building shall be installed on a building site in this state on or after July 1, 2007, unless it is approved and bears the insignia of approval of the division.

(2) Any modular building bearing an insignia of approval of the division shall be deemed to comply with codes, laws, or rules enacted by the state of Idaho which govern the manufacture and construction of such building.

(3) The cost of the insignia, if issued, shall be included as a part of the permit fee as set forth in section 39-4303, Idaho Code.

(4) No modular building which has been approved by the division shall be in any way modified prior to its initial occupancy unless approval of that modification is first made by the division.

(5) Insignias shall be placed on the front, left-hand side of the building.

39-4305. RECIPROCITY OF STANDARDS WITH OTHER STATES. (1) If the administrator determines that standards for modular buildings that have been adopted by the statutes or rules of another state are at least equal to the standards adopted by the administrator, the administrator may so provide by rule.

(2) If the administrator determines that standards for modular buildings have not been adopted by another state, and modular buildings from that state are transported into this state to be offered for sale, the administrator may certify reciprocal states to inspect such modular buildings. If there is no reciprocity agreement with a state of manufacture, then Idaho will inspect the building, plumbing, electrical and HVAC, provided that the out-of-state manufacturer shall bear the costs of travel and inspection services related to such inspection. If the administrator shall then determine that the modular buildings meet the standards of this state, the product shall be acceptable and the administrator may issue insignia for said modular buildings.

39-4306. VIOLATIONS MISDEMEANORS -- CIVIL PENALTIES. Any person, partnership, company, firm, association or corporation who shall willfully violate any of the provisions of this chapter, or the rules of the modular building advisory board or of the administrator herein provided for, or who shall refuse to perform any duty lawfully enjoined upon him by the administrator within the prescribed time; or who shall fail, neglect, or refuse to obey any lawful order given or made by the administrator, shall be guilty of a misdemeanor. In addition to any criminal

proceedings, the administrator is authorized to bring either an administrative action or a civil proceeding in the courts against the violator and impose and recover a civil penalty against the violator as established by administrative rule, but not to exceed one thousand dollars ($1,000). Each day of such violation shall constitute a separate offense. A violation will be considered a second or additional offense only if it occurs within one (1) year from the previous violation.

SECTION 6. That Section 49-104, Idaho Code, be, and the same is hereby amended to read as follows:

49-104. DEFINITIONS -- C.

(1) "Cancellation of driver's license" means the annulment or termination by formal action of the department of a person's driver's license because of some error or defect in the driver's license or because the licensee is no longer entitled to the driver's license. The cancellation of a driver's license is without prejudice and after compliance with requirements, the individual may apply for a new driver's license at any time after cancellation.

(2) "Caravaning" means the transportation of any motor vehicle into, out of, or within the state operating on its own wheels or in tow for the purpose of sale or offer of sale by any agent, dealer, manufacturer's representative, purchaser, or prospective purchaser, regardless of residence unless the motor vehicle is licensed by the state of Idaho, or is owned by an automobile dealer, duly licensed as a dealer by this state. It shall also be considered as the transportation of property for hire by a motor vehicle upon the highways of this state.

(3) "Certificate of liability insurance" means a certificate of liability insurance issued by an insurance company authorized to do business in this state or a certificate of liability insurance issued by the department of insurance which demonstrates current insurance against loss resulting from liability imposed by law for bodily injury or death or damage to property suffered by any person caused by accident and arising out of the operation, maintenance or use of a motor vehicle described in the certificate in an amount not less than that required by section 49-1212, Idaho Code, and also demonstrates the current existence of any other coverage required by title 41, Idaho Code, or a certificate of self-insurance issued pursuant to law for each motor vehicle to be registered. A certificate of liability insurance shall contain the information required by the department of insurance, including the name and address of the owner of the motor vehicle and a description of the motor vehicle including identification number if there is one, or a statement that all vehicles owned by a person or entity are covered by insurance, the inception date of coverage, and the name of the insurer. "Certificate of liability insurance" may also include the original contract of liability insurance or a true copy, demonstrating the current existence of the liability insurance described above.

(4) "Certification of safety compliance" means that a motor carrier certifies as part of its registration process that it has knowledge of the federal regulations and rules promulgated by the Idaho transportation department and the Idaho state police applicable to motor carriers.

(5) "Commercial coach." (See section 39-~~4105~~4301, Idaho Code)

(6) "Commercial driver's license" means any class A, class B or class C driver's license as defined in section 49-105, Idaho Code.

(7) "Commercial driver license information system (CDLIS)" is the information system established to serve as a clearinghouse for locating information related to the licensing and identification of motor vehicle drivers.

(8) "Commercial driver training school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically, or both, to operate or drive motor vehicles, and charging a consideration or tuition for such services.

(9) "Commercial vehicle" or "commercial motor vehicle." (See "Vehicle," section 49-123, Idaho Code)

(10) "Compliance review" means an on-site examination of motor carrier operations, which may be at the carrier's place of business, including driver's hours of service, vehicle maintenance and inspection, driver qualifications, commercial driver's license requirements, financial responsibility, accidents, hazardous materials, and such other related safety and transportation records to determine safety fitness.

(11) "Controlled substance" means any substance so classified under section 102(6) of the controlled substances act (21 U.S.C. 802(6)), and includes all substances listed on schedules I through V, of 21, CFR part 1308, as they may be revised from time to time.

(12) "Conviction" means the person has pled guilty or has been found guilty, notwithstanding the form of the judgment or withheld judgment. A conviction for purposes of this title shall also include an infraction judgment.

(13) "Crosswalk" means:

(a) That part of a highway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable highway; and in the absence of a sidewalk on one side of the highway, that part of a highway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline.

(b) Any portion of a highway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

SECTION 7. That Section 54-1001D, Idaho Code, be, and the same is hereby amended to read as follows:

54-1001D. INSPECTIONS OF MODULAR BUILDINGS -- WHEN AUTHORIZED -- APPROVAL AND CERTIFICATION. (1) Notwithstanding the exemption provided in subsection (1)(c) of section 54-1016, Idaho Code, the administrator of the division of building safety may make electrical inspections of any modular building upon written request from the manufacturer.

(a) Inspections shall be made in accordance with the codes adopted in this chapter.

(b) Inspection fees shall be as ~~promulgated~~ provided in ~~board--rule and--shall--be--paid--prior-to-the-inspection~~ section 39-4303, Idaho Code.

(c) The administrator may issue inspection tags for inspections if the buildings are in compliance with the codes adopted in this chapter.

(2) The administrator of the division of building safety is hereby authorized to make inspections of electrical installations as set forth herein and to issue inspection tags covering such installations.

SECTION 8. That Section 54-1016, Idaho Code, be, and the same is hereby amended to read as follows:

54-1016. EXEMPTIONS. (1) Nothing in this chapter shall be deemed to apply to:

(a) Any regulated utility, telephone company, rural telephone cooperative or municipal communications utility, or their employees, in the installation or maintenance of communication circuits, wires and apparatus by or for such entities or their communications service customers;

(b) Any electrical public utility, or its employees, in the installation and maintenance of electrical wiring, circuits, apparatus and equipment by or for such public utility, or comprising a part of its plants, lines or system;

(c) Modular buildings as defined in section 39-~~4105~~4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in section 39-~~4121~~4304, Idaho Code.

(2) The licensing provisions of this chapter shall not apply to:

(a) Any property owner performing electrical work in the owner's primary or secondary residence or associated outbuildings;

(b) Any person regularly employed as a maintenance electrician performing electrical maintenance work on the premises of the person's employer;

(c) Any telephone company, rural telephone cooperative, or municipal communications utility, their employees, their subsidiaries, and employees of the subsidiaries performing work on customer-owned facilities under the exclusive control of the telephone company, rural telephone cooperative, or municipal communications utility;

(d) Any telephone company, rural telephone cooperative, or municipal communications utility, their employees, their subsidiaries, and employees of the subsidiaries performing repair work on customer-owned facilities at the request of the customer;

(e) Any electrical public utility, rural electrical cooperative, municipal power utility, their employees, their subsidiaries, and employees of the subsidiaries performing work on customer-owned facilities under the exclusive control of the electrical public utility, rural electrical cooperative, or municipal power utility; and

(f) Any electrical public utility, rural electrical cooperative, municipal power utility, their employees, their subsidiaries, and employees of the subsidiaries performing emergency repair work on customer-owned facilities at the request of the customer.

SECTION 9. That Section 54-2602, Idaho Code, be, and the same is hereby amended to read as follows:

54-2602. EXCEPTIONS. Certificate of competency requirements of this chapter shall not be deemed to apply to:

(a) Any person who does plumbing work in a single or duplex family dwelling, including accessory buildings, quarters and grounds in connection with such dwelling; provided that such person owns or is a contract purchaser of the premises, and provided further that such person shall comply with the minimum standards and rules applicable to plumbing practices provided by this chapter.

(b) Farm buildings located outside the incorporated limits of any city unless such buildings are connected to a public water or sewer system; and a farm is hereby defined to be an agricultural unit on which the owner or occupant resides and from which the owner or occupant derives his principal income and livelihood.

(c) Logging, mining or construction camps when plumbing installations are made to conform with the recommendations of the department of health and welfare.

(d) Piping systems in industrial processing plants located outside the incorporated limits of any city unless such systems are connected to a public water or sewer system.

(e) Work on plumbing systems on premises owned or operated by an employer who regularly employs maintenance or construction plumbers, provided that alterations, extensions and new construction shall comply with the minimum standards and rules applicable to plumbing practices provided by this chapter.

(f) Nothing contained in this section or any other provision of this code shall be construed or applied to require a sewer contractor, sewage disposal contractor, or any excavating or utility contractor who generally engages in the business of installing, altering or repairing sewers, private and public sewage disposal systems, and water distribution and/or drainage lines outside the foundation walls of any building or structure, to obtain a valid contractor's certificate of competency or to employ only journeymen plumbers possessing a valid journeyman plumber's certificate of competency or registration, or to in any way require that his employees be registered, licensed or declared competent by the board.

(g) Water treatment installations and repairs when installed in residential or business properties, provided the same when installed, repaired or completed, shall be inspected by a designated, qualified and properly identified agent of the division of building safety as to quality of workmanship and compliance with the applicable provisions of this chapter.

(h) Plumbing work within modular buildings as defined in section 39-~~4105~~4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in section 39-~~4121~~4304, Idaho Code.

Any person, firm, copartnership, association or corporation making water treatment installations and/or repairs in accordance with the provisions of this act shall maintain a surety bond in the amount of two thousand dollars ($2,000).

SECTION 10. That Section 54-2622A, Idaho Code, be, and the same is hereby amended to read as follows:

54-2622A. INSPECTIONS OF MODULAR BUILDINGS -- WHEN AUTHORIZED -- APPROVAL AND CERTIFICATION. Notwithstanding the exception provided in subsection (h) of section 54-2602, Idaho Code, the administrator of the division of building safety may make plumbing inspections of any modular building upon written request from the manufacturer.

(1) Inspections shall be made in accordance with the codes adopted in this chapter.

(2) Inspection fees shall be as ~~promulgated~~ provided in ~~board--rule and shall be paid prior to the inspection~~ section 39-4303, Idaho Code.

(3) The administrator may issue inspection tags for inspections if the buildings are in compliance with the codes adopted in this chapter.

SECTION 11. That Section 54-5002, Idaho Code, be, and the same is hereby amended to read as follows:

54-5002. EXCEPTIONS. Certificate of competency requirements of this chapter shall not apply to:

(1) Any person who installs or maintains a heating, ventilation and air conditioning system in a single or duplex family dwelling, including accessory buildings, quarters and grounds in connection with such dwelling; provided that such person owns or is a contract purchaser of the premises; and provided further that such person shall comply with the standards and rules applicable to heating, ventilation and air conditioning installation or repairs as provided in this chapter.

(2) ~~Farm~~ Agriculture buildings located outside the incorporated limits of any city; and a farm is hereby defined to be an agricultural unit on which the owner or occupant resides and from which the owner or occupant derives his principal income and livelihood.

(3) Logging, mining or construction camps when heating, ventilation or air conditioning installations are made to conform to the recommendations of the department of health and welfare.

(4) Work on heating, ventilation or air conditioning systems on premises owned or operated by an employer who regularly employs maintenance or construction heating, ventilation and air conditioning journeymen, provided that alterations, extensions and new construction shall comply with the minimum standards and rules applicable to heating, ventilation and air conditioning practices in accordance with the provisions of this chapter.

(5) Modular buildings, as defined in section 39-~~4105(12)~~4301, Idaho Code, that are constructed in the state of Idaho for installation on building sites outside the state; provided however, that no modular building shall be installed on a building site in the state of Idaho until it has been approved and bears the insignia of approval of the division as being in compliance with the requirements set forth in section 39-~~4121~~4304, Idaho Code.

SECTION 12. That Section 54-5006, Idaho Code, be, and the same is hereby amended to read as follows:

54-5006. ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY. The administrator shall exercise such powers and duties as are reasonably

necessary to enforce standards provided in this chapter, and he may, among other things:

(1) Serve as secretary to the Idaho heating, ventilation and air conditioning board.

(2) Appoint state mechanical inspectors who shall be authorized to enter and inspect by and through a properly identified person, at reasonable hours, heating, ventilation and air conditioning systems.

(3) Make HVAC inspections for another state or local jurisdiction upon request by an appropriate building official. Such inspections shall be made in accordance with the applicable HVAC codes of the requesting jurisdiction. Fees charged for such inspection services shall be as provided in the rules promulgated by the board.

(4) Notwithstanding the exception provided in section 54-5002(5), Idaho Code, the administrator may make inspections of modular buildings constructed in Idaho upon written request from the manufacturer. Such inspections shall be made in accordance with the codes adopted in this chapter. Inspection fees for such inspections shall be as ~~promulgated in board rule and shall be paid prior to the inspection~~ provided in section 39-4303, Idaho Code. The administrator may issue an insignia of approval if the buildings are in compliance with the requirements set forth in ~~section 39-4121~~ chapter 43, title 39, Idaho Code.

(5) Summon witnesses to appear and testify before him on any matter within the provisions of this chapter. No person shall be required to testify outside the county wherein he resides or where his principal place of business is located. Such summons to testify shall be issued and served in like manner as a subpoena to witness issued from the district court, or in other manner consistent with procedure of the division of building safety. In case any witness shall fail or refuse to appear and testify upon being summoned as herein provided, the clerk of the district court of the county shall, upon demand by said administrator or his designated agent, issue a subpoena reciting the demand therefor and summoning the witness to appear and testify at a time and place fixed. Violation of such subpoena or disobedience thereto shall be deemed and punished as a violation of any other subpoena issued from the district court.

(6) Administer oaths and take affirmations of witnesses appearing before him or a duly appointed hearing officer; and have the power to appoint competent persons to issue subpoenas, administer oaths and take testimony.

(7) Impose civil penalties as provided in this chapter and rules of the board.

SECTION 13. That Section 54-5205, Idaho Code, be, and the same is hereby amended to read as follows:

54-5205. EXEMPTIONS FROM REGISTRATION. (1) Nothing in this chapter shall be construed to restrict any person licensed, registered, or otherwise regulated by the state of Idaho from engaging in the profession or practice for which they are licensed, registered or otherwise regulated by the state of Idaho including, but not limited to, persons licensed pursuant to chapters 3, 10, 12, 19, 26, 45 and 50, title 54, Idaho Code, nor shall this chapter require such persons otherwise licensed, registered or regulated to obtain such registration as required by this chapter, so long as such person is not acting with the

intent to evade this chapter. No such person exempt hereunder may hold himself out as a registered contractor.

(2) In addition to the exemption set forth in ~~section~~ subsection (1) of this section, registration as provided for in this chapter shall not be required for the following, so long as such person is not acting with the intent to evade this chapter and so long as such person does not hold himself out as a registered contractor:

(a) A person who only performs labor or services for wages or a salary as an employee of a contractor, or as an employee of a person otherwise exempt by the provisions set forth in this chapter, or strictly as a volunteer or as part of a bona fide educational curriculum or nonprofit charitable activity for which no wages or salary shall be paid; provided however, that such exemption shall not apply to any subcontractor or other independent contractor who is not otherwise exempt;

(b) An authorized representative of the United States government, the state of Idaho, or any incorporated municipality, county, alternative form of local government, highway district, reclamation district, or other municipal or political corporation or subdivision of this state;

(c) A public utility operating under the regulation of the Idaho public utility commission as set forth in title 61, Idaho Code, in the construction, maintenance, or development work incidental to its own business;

(d) A person who performs repair or operation incidental to the discovery or production of oil, gas or minerals or incidental to the drilling, testing, abandoning, or other operation of an oil or gas well or a surface or underground mine or mineral deposit;

(e) A person who only furnishes materials, supplies or equipment without that person installing or fabricating them into or consuming them in the performance of the work of the construction contractor;

(f) A person performing work on one (1) undertaking or project considered casual, minor, or inconsequential, whether by one (1) or more contracts, the aggregate contract price of which, for labor and materials and all other items, is less than two thousand dollars ($2,000). The exemptions prescribed in this paragraph (f) shall not apply when the work or construction is part of a larger construction project, whether undertaken by the same or a different construction contractor, or in which a division of the operation is made into contracts of amounts of less than two thousand dollars ($2,000) for the purpose of evasion of this chapter or otherwise;

(g) A farmer or rancher while engaged in a farming, dairying, agriculture, viticulture, horticulture, or stock or poultry operation;

(h) A person who engages in the construction of an agriculture building which is exempt from the Idaho building code act as set forth in section 39-4116, Idaho Code;

(i) An irrigation district, canal company, reservoir district, ground water district, water district, water measurement district, recharge district, flood control district, drainage district, or other water delivery or water management entity, or an operating agent of irrigation districts whose board consists of directors of its member districts;

(j) An operation related to clearing or other work upon land in rural districts for fire prevention purposes;

(k) An owner who contracts for work to be performed by a registered contractor on his own property, provided however, this exemption shall not apply to an owner who, with the intent to evade this chapter, constructs a building, residence or other improvement on the owner's property with the intention and for the purpose of selling the improved property at any time during the construction or within twelve (12) months of completion of such construction;

(l) An owner performing construction on the owner's personal residential real property, whether or not occupied by the owner, provided however, this exemption shall not apply to an owner who is otherwise regulated by this chapter who constructs a building, residence or other improvement on the owner's property with the intention and for the purpose of promptly selling the improved property, unless the owner has continuously occupied the property as the owner's primary residence for not less than twelve (12) months prior to the sale of such property;

(m) Owners of commercial properties, or lessees of commercial properties with the consent of the owner, who, whether themselves or with their own employees, perform maintenance, repair, alteration or construction work in or upon the properties;

(n) A real estate licensee acting within the scope of his license pursuant to chapter 20, title 54, Idaho Code, who, incident to a regulated real estate transaction, assists his clients in scheduling or performing nominal maintenance and repairs upon such properties being transferred; provided however, nothing in this section shall otherwise authorize a real estate licensee or a property manager to act in the capacity of a contractor unless registered with the board;

(o) A contractor engaged in the logging industry who builds forest access roads for the purpose of harvesting and transporting logs from forest to mill;

(p) A person working on the person's own residence, if the residence is owned by a person other than the resident;

(q) A person who engages in the construction of buildings to be used primarily for industrial chemical process purposes as set forth in section 39-4103, Idaho Code; or

(r) A person who engages in the construction of a modular building as defined in section 39-~~4105(12)~~4301, Idaho Code, that is constructed in the state of Idaho for installation on a building site outside the state.

SECTION 14. That Section 63-3606A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3606A. MODULAR BUILDING. The term "modular building," as defined in section 39-~~4105~~4301, Idaho Code, is a substantially complete building designed to be affixed to real property. The term "modular building," includes all components incorporated in such modular building at the time of manufacture and remaining unchanged at the time of the original retail sale. Furniture, fixtures, furnishings, appliances, and attachments not incorporated as component parts of the modular building at the time of manufacture shall be subject to the sales and use tax separately and distinctly from the sales price of a modular building. Refrigerators, ranges, draperies, and wood burning stoves placed in the

modular home by the manufacturer shall be deemed to be components incorporated into such modular building.

SECTION 15. That Section 67-2601, Idaho Code, be, and the same is hereby amended to read as follows:

67-2601. DEPARTMENT CREATED -- ORGANIZATION -- DIRECTOR -- BUREAU OF OCCUPATIONAL LICENSES CREATED. (1) There is hereby created the department of self-governing agencies. The department shall, for the purposes of section 20, article IV of the constitution of the state of Idaho, be an executive department of the state government.

(2) The department shall consist of the following:

(a) Agricultural commodity commissions: Idaho apple commission, as provided by chapter 36, title 22, Idaho Code; Idaho bean commission, as provided by chapter 29, title 22, Idaho Code; Idaho beef council, as provided by chapter 29, title 25, Idaho Code; Idaho cherry commission, as provided by chapter 37, title 22, Idaho Code; Idaho dairy products commission, as provided by chapter 31, title 25, Idaho Code; Idaho pea and lentil commission, as provided by chapter 35, title 22, Idaho Code; Idaho potato commission, as provided by chapter 12, title 22, Idaho Code; Idaho prune commission, as provided by chapter 30, title 22, Idaho Code; the Idaho wheat commission, as provided by chapter 33, title 22, Idaho Code; and the Idaho aquaculture commission, as provided by chapter 44, title 22, Idaho Code.

(b) Professional and occupational licensing boards: Idaho state board of certified public accountancy, as provided by chapter 2, title 54, Idaho Code; board of acupuncture, as provided by chapter 47, title 54, Idaho Code; board of architectural examiners, as provided by chapter 3, title 54, Idaho Code; office of the state athletic director, as provided by chapter 4, title 54, Idaho Code; board of barber examiners, as provided by chapter 5, title 54, Idaho Code; board of commissioners of the Idaho state bar, as provided by chapter 4, title 3, Idaho Code; board of chiropractic physicians, as provided by chapter 7, title 54, Idaho Code; Idaho board of cosmetology, as provided by chapter 8, title 54, Idaho Code; Idaho counselor licensing board, as provided by chapter 34, title 54, Idaho Code; state board of dentistry, as provided by chapter 9, title 54, Idaho Code; state board of denturitry, as provided by chapter 33, title 54, Idaho Code; state board of engineering examiners, as provided by chapter 12, title 54, Idaho Code; state board for registration of professional geologists, as provided by chapter 28, title 54, Idaho Code; speech and hearing services licensure board, as provided by chapter 29, title 54, Idaho Code; Idaho physical therapy licensure board, as provided by chapter 22, title 54, Idaho Code; Idaho state board of landscape architects, as provided by chapter 30, title 54, Idaho Code; liquefied petroleum gas safety board, as provided by chapter 53, title 54, Idaho Code; state board of medicine, as provided by chapter 18, title 54, Idaho Code; state board of morticians, as provided by chapter 11, title 54, Idaho Code; board of naturopathic medical examiners, as provided by chapter 51, title 54, Idaho Code; board of nurses, as provided by chapter 14, title 54, Idaho Code; board of examiners of nursing home administrators, as provided by chapter 16, title 54, Idaho Code; state board

of optometry, as provided by chapter 15, title 54, Idaho Code; Idaho outfitters and guides board, as provided by chapter 21, title 36, Idaho Code; board of pharmacy, as provided by chapter 17, title 54, Idaho Code; state board of podiatry, as provided by chapter 6, title 54, Idaho Code; Idaho state board of psychologist examiners, as provided by chapter 23, title 54, Idaho Code; Idaho real estate commission, as provided by chapter 20, title 54, Idaho Code; real estate appraiser board, as provided by chapter 41, title 54, Idaho Code; board of social work examiners, as provided by chapter 32, title 54, Idaho Code; the board of veterinary medicine, as provided by chapter 21, title 54, Idaho Code; the board of examiners of residential care facility administrators, as provided by chapter 42, title 54, Idaho Code; and the board of drinking water and wastewater professionals, as provided by chapter 24, title 54, Idaho Code.

(c) The board of examiners, pursuant to section 67-2001, Idaho Code.

(d) The division of building safety, to be headed by a division administrator and comprised of five (5) bureaus: plumbing, electrical, buildings, public works contractor licensing, and logging and industrial safety. The division administrator, deputy administrators and bureau chiefs shall be nonclassified employees exempt from the provisions of chapter 53, title 67, Idaho Code.

(i) The administrator of the division shall administer the provisions of chapter 40, title 39, Idaho Code, relating to manufactured homes; chapter 41, title 39, Idaho Code, relating to the Idaho building code act; chapter 43, title 39, Idaho Code, relating to modular buildings; chapter 21, title 44, Idaho Code, relating to manufactured home dealer and installer licensing; chapter 22, title 44, Idaho Code, relating to manufactured home installation; chapter 25, title 44, Idaho Code, relating to mobile home rehabilitation; chapter 10, title 54, Idaho Code, relating to electrical contractors and journeymen; chapter 19, title 54, Idaho Code, relating to licensing of public works contractors; chapter 26, title 54, Idaho Code, relating to plumbing and plumbers; chapter 19, title 54, Idaho Code, relating to public works contractor licensing; chapter 50, title 54, Idaho Code, relating to heating, ventilation and air conditioning systems; and shall perform such additional duties as are imposed upon him by law.

(ii) The division administrator shall cooperate with the industrial commission and aid and assist the commission in its administration of sections 72-720, 72-721 and 72-723, Idaho Code, and at the request of the commission shall make inspection of appliances, tools, equipment, machinery, practices or conditions, and make a written report to the commission. The administrator shall make recommendations to the commission to aid the commission in its administration of sections 72-720, 72-721 and 72-723, Idaho Code, provided however, that nothing herein shall be construed as transferring to the administrator any of the authority or powers now vested in the industrial commission.

(e) The division of veterans services to be headed by a division administrator who shall be a nonclassified employee exempt from the provisions of chapter 53, title 67, Idaho Code. The administrator of

the division shall administer the provisions of chapter 2, title 65, Idaho Code, and chapter 9, title 66, Idaho Code, with the advice of the veterans affairs commission established under chapter 2, title 65, Idaho Code, and shall perform such additional duties as are imposed upon him by law.

(3) The bureau of occupational licenses is hereby created within the department of self-governing agencies.

SECTION 16. That Section 67-8203, Idaho Code, be, and the same is hereby amended to read as follows:

67-8203. DEFINITIONS. As used in this chapter:

(1) "Affordable housing" means housing affordable to families whose incomes do not exceed eighty percent (80%) of the median income for the service area or areas within the jurisdiction of the governmental entity.

(2) "Appropriate" means to legally obligate by contract or otherwise commit to use by appropriation or other official act of a governmental entity.

(3) "Capital improvements" means improvements with a useful life of ten (10) years or more, by new construction or other action, which increase the service capacity of a public facility.

(4) "Capital improvement element" means a component of a comprehensive plan adopted pursuant to chapter 65, title 67, Idaho Code, which component meets the requirements of a capital improvements plan pursuant to this chapter.

(5) "Capital improvements plan" means a plan adopted pursuant to this chapter that identifies capital improvements for which development impact fees may be used as a funding source.

(6) "Developer" means any person or legal entity undertaking development, including a party that undertakes the subdivision of property pursuant to sections 50-1301 through 50-1334, Idaho Code.

(7) "Development" means any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, which creates additional demand and need for public facilities or the subdivision of property that would permit any change in the use, character or appearance of land.

(8) "Development approval" means any written authorization from a governmental entity which authorizes the commencement of a development.

(9) "Development impact fee" means a payment of money imposed as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve development. This term is also referred to as an impact fee in this chapter. The term does not include the following:

(a) A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development;

(b) Connection or hookup charges;

(c) Availability charges for drainage, sewer, water, or transportation charges for services provided directly to the development; or

(d) Amounts collected from a developer in a transaction in which the governmental entity has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or instal-

lation of the capital improvements, unless a written agreement is made pursuant to section 67-8209(3), Idaho Code, for credit or reimbursement.

(10) "Development requirement" means a requirement attached to a developmental approval or other governmental action approving or authorizing a particular development project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land, or money as a condition of approval.

(11) "Extraordinary costs" means those costs incurred as a result of an extraordinary impact.

(12) "Extraordinary impact" means an impact which is reasonably determined by the governmental entity to: (i) result in the need for system improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project or the sum agreed to be paid pursuant to a development agreement as allowed by section 67-8214(2), Idaho Code, or (ii) result in the need for system improvements which are not identified in the capital improvements plan.

(13) "Fee payer" means that person who pays or is required to pay a development impact fee.

(14) "Governmental entity" means any unit of local government that is empowered in this enabling legislation to adopt a development impact fee ordinance.

(15) "Impact fee." See development impact fee.

(16) "Land use assumptions" means a description of the service area and projections of land uses, densities, intensities, and population in the service area over at least a twenty (20) year period.

(17) "Level of service" means a measure of the relationship between service capacity and service demand for public facilities.

(18) "Manufactured home" means a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401, et seq.

(19) "Modular building" ~~means--any-building-or-building-component,-other-than-a-manufactured-home,-which-is-constructed-according-to--standards--contained--in-the-Uniform-Building-Code,-as-adopted-or-any-amendments-thereto,-which-is-of-closed-construction-and-is-either-entirely-or substantially-prefabricated-or-assembled--at--a--place--other--than--the building-site~~ is as defined in section 39-4301, Idaho Code.

(20) "Present value" means the total current monetary value of past, present, or future payments, contributions or dedications of goods, services, materials, construction or money.

(21) "Project" means a particular development on an identified parcel of land.

(22) "Project improvements" means site improvements and facilities

that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project.

(23) "Proportionate share" means that portion of the cost of system improvements determined pursuant to section 67-8207, Idaho Code, which reasonably relates to the service demands and needs of the project.

(24) "Public facilities" means:

(a) Water supply production, treatment, storage and distribution facilities;

(b) Wastewater collection, treatment and disposal facilities;

(c) Roads, streets and bridges, including rights-of-way, traffic signals, landscaping and any local components of state or federal highways;

(d) Storm water collection, retention, detention, treatment and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;

(e) Parks, open space and recreation areas, and related capital improvements; and

(f) Public safety facilities, including law enforcement, fire, emergency medical and rescue and street lighting facilities.

(25) "Recreational vehicle" means a vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

(26) "Service area" means any defined geographic area identified by a governmental entity or by intergovernmental agreement in which specific public facilities provide service to development within the area defined, on the basis of sound planning or engineering principles or both.

(27) "Service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements.

(28) "System improvements," in contrast to project improvements, means capital improvements to public facilities which are designed to provide service to a service area including, without limitation, the type of improvements described in section 50-1703, Idaho Code.

(29) "System improvement costs" means costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering and other costs attributable thereto, and also including, without limitation, the type of costs described in section 50-1702(h), Idaho Code, to provide additional public facilities needed to serve new growth and development. For clarification, system improvement costs do not include:

(a) Construction, acquisition or expansion of public facilities other than capital improvements identified in the capital improvements plan;

(b) Repair, operation or maintenance of existing or new capital improvements;

(c) Upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards;

(d) Upgrading, updating, expanding or replacing existing capital improvements to provide better service to existing development;

(e) Administrative and operating costs of the governmental entity unless such costs are attributable to development of the capital improvement plan, as provided in section 67-8208, Idaho Code; or

(f) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance capital improvements identified in the capital improvements plan.

Approved March 28, 2007.

CHAPTER 253
(S.B. No. 1170)

AN ACT

RELATING TO THE LONG-TERM CARE PARTNERSHIP PROGRAM; AMENDING SECTION 56-1302, IDAHO CODE, TO REVISE A DEFINITION; AMENDING SECTION 56-1303, IDAHO CODE, TO PROHIBIT THE CONSIDERATION OF CERTAIN RESOURCES OF INDIVIDUALS WHO HAVE RECEIVED OR ARE ENTITLED TO RECEIVE BENEFITS UNDER A LONG-TERM CARE PARTNERSHIP PROGRAM POLICY; AMENDING SECTION 56-1306, IDAHO CODE, TO REVISE NOTICE REQUIREMENTS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION AND EFFECTIVE DATES.

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

SECTION 1. That Section 56-1302, Idaho Code, be, and the same is hereby amended to read as follows:

56-1302. DEFINITIONS. The following words and phrases when used in this chapter have the meanings given to them unless the context clearly indicates otherwise:

(1) "Asset disregard" means the total assets an individual owns and may retain under medicaid and still qualify for benefits at the time the individual applies for benefits~~:~~

~~(a)--I~~if the individual is a beneficiary of a long-term care partnership program approved policy.~~;--and~~

~~(b)--Has exhausted the benefits of the policy.~~

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

(3) "Long-term care partnership program approved policy" means a long-term care insurance policy which is approved by the department of insurance and is provided through state approved long-term care insurers through the Idaho long-term care partnership program.

(4) "Medicaid" means the federal medical assistance program established under title XIX of the social security act.

SECTION 2. That Section 56-1303, Idaho Code, be, and the same is hereby amended to read as follows:

56-1303. LONG-TERM CARE PARTNERSHIP PROGRAM. (1) Upon the repeal of restrictions to asset protection contained in the omnibus budget reconciliation act of 1993 (public law 103-66, 107 Stat. 312), there shall be established the Idaho long-term care partnership program, to be adminis-

tered by the department with the assistance of the department of insurance to do the following:

(a) Provide incentives for individuals to insure against the costs of providing for their long-term care needs;

(b) Provide a mechanism for individuals to qualify for coverage of the cost of their long-term care needs under medicaid without first being required to substantially exhaust their resources;

(c) Provide counseling services to individuals planning for their long-term care needs; and

(d) Alleviate the financial burden on the state's medical assistance program by encouraging the pursuit of private initiatives.

(2) ~~Upon--exhausting~~ In the case of an individual who has received or is entitled to receive benefits under a long-term care partnership program policy, certain resources of ~~an~~ that individual, as described in subsection (3) of this section, shall not be considered by the department as a determination of any of the following:

(a) Eligibility for medicaid;

(b) Amount of any medicaid payment; or

(c) Any subsequent recovery by the state of a payment for medical services.

(3) The department shall promulgate necessary rules and amendments to the state plan to allow for asset disregard. To provide asset disregard, for purchasers of a long-term care partnership program policy, the department shall count insurance benefits paid under the policy toward asset disregard to the extent the payments are for covered services under the long-term care partnership program policy.

SECTION 3. That Section 56-1306, Idaho Code, be, and the same is hereby amended to read as follows:

56-1306. NOTICE REQUIREMENT. (1) ~~A-long-term-care-insurance--policy issued--after--the-effective-date-of-this-chapter-shall-contain-a-notice provision-to-the-consumer-detailing-in-plain-language--the--current--law pertaining-to-asset-disregard-and-asset-tests~~ An insurer issuing or marketing policies that qualify as partnership policies shall explain the benefits associated with a partnership policy by providing an asset disregard notice indicating that at the time of issue the coverage is an approved long-term care partnership policy. This asset disregard notice shall be provided to the policyholder or certificate holder no later than the time of policy or certificate delivery. This asset disregard notice shall also provide disclosure that the partnership status may be lost if the insured moves to a different state or modifies the coverage after issue, or if changes in federal or state laws occur.

(2) The notice to the consumer under subsection (1) of this section shall be developed by the director of the department of insurance.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Sections 1 and 2 of this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 2007. Section 3 of this act shall be in full force and effect on and after July 1, 2007.

Approved March 28, 2007.

CHAPTER 254
(S.B. No. 1172)

AN ACT

RELATING TO ENGLISH AS IDAHO'S OFFICIAL LANGUAGE; AMENDING SECTION 73-121, IDAHO CODE, TO DECLARE ENGLISH TO BE THE OFFICIAL STATE LANGUAGE, TO PROVIDE THAT ENGLISH IS THE SOLE LANGUAGE OF GOVERNMENT SUBJECT TO EXCEPTIONS, TO PROVIDE THAT SPECIFIED ACTIONS SHALL BE IN ENGLISH SUBJECT TO EXCEPTIONS, TO STATE EXCEPTIONS, TO PROVIDE FOR THE RETURN OF SPECIFIED FUNDS TO THE STATE GENERAL FUND, TO PROVIDE DUTIES OF STATE AGENCIES, TO PROVIDE DUTIES OF THE STATE CONTROLLER, TO PROVIDE THE STATE BOARD OF EDUCATION RULEMAKING AUTHORITY GOVERNING THE USE OF FOREIGN LANGUAGES IN THE PUBLIC SCHOOLS, TO PROVIDE FOR RECOGNITION OF SPECIFIED CONSTITUTIONAL RIGHTS; AND TO PROVIDE FOR SEVERABILITY.

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

SECTION 1. That Section 73-121, Idaho Code, be, and the same is hereby amended to read as follows:

73-121. ~~CERTAIN--DOCUMENTS-TO-BE-IN~~ ENGLISH THE OFFICIAL STATE LANGUAGE. (1) English is hereby declared to be the official language of the state of Idaho.

(2) Except as provided in this section, the English language is the sole language of the government.

(3) Except as provided in subsection (4) of this section, a~~A~~ny document, certificate or instrument required to be filed, recorded or endorsed by any officer of this state, or of any county, city or district in this state, shall be in the English language or shall be accompanied by a certified translation in English and all transactions, proceedings, meetings or publications issued, conducted or regulated by, or on behalf of, or representing the state of Idaho, or any county, city or other political subdivision in this state shall be in the English language.

(4) Language other than English may be used when required:

(a) By the United States Constitution, the Idaho Constitution, federal law or federal regulation;

(b) By law enforcement or public health and safety needs;

(c) By public schools according to the rules promulgated by the state board of education pursuant to subsection (6) of this section;

(d) By the public postsecondary educational institutions to pursue educational purposes;

(e) To promote and encourage tourism and economic development, including the hosting of international events;

(f) To change the use of non-English terms of art, phrases, proper names or expressions included as part of communication otherwise in English; and

(g) By libraries to:

(i) Collect and promote foreign language materials; and

(ii) Provide foreign language services and activities.

(5) Unless exempted by subsection (4) of this section, all state funds appropriated or designated for the printing or translation of

materials or the provision of services or information in a language other than English shall be returned to the state general fund.

(a) Each state agency that has state funds appropriated or designated for the printing or translation of materials or the provision of services or information in a language other than English shall:

(i) Notify the state controller that those moneys exist and the amount of those moneys; and

(ii) Return those moneys to the state controller for deposit into the state general fund.

(b) The state controller shall account for those moneys and inform the legislature of the existence and amount of those moneys at the beginning of the legislature's annual general session.

(6) The state board of education shall make rules governing the use of foreign languages in the public schools that promote the following principles:

(a) Non-English speaking children and adults should become able to read, write and understand English as quickly as possible;

(b) Foreign language instruction should be encouraged;

(c) Formal and informal programs in English as a second language should be initiated, continued and expanded; and

(d) Public schools should establish communication with non-English speaking parents within their systems, using a means designed to maximize understanding when necessary, while encouraging those parents who do not speak English to become more proficient in English.

(7) Nothing in this section shall restrict the rights of governmental employees, private businesses, not-for-profit organizations or private individuals to exercise their right under the first amendment of the United States constitution or section 9, article I, of the Idaho constitution.

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.

Approved March 28, 2007.

CHAPTER 255
(S.B. No. 1134)

AN ACT

RELATING TO RAILROAD CROSSINGS; AMENDING SECTION 62-412, IDAHO CODE, TO PROVIDE THAT THE OPERATOR OF A TRAIN OR LOCOMOTIVE IS NOT REQUIRED TO SOUND THE LOCOMOTIVE'S BELL, HORN OR WHISTLE WHEN APPROACHING ANY LOCATION AT WHICH THE RAILROAD CROSSES A PRIVATE HIGHWAY, PRIVATE ROAD OR PRIVATE STREET AT GRADE.

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

SECTION 1. That Section 62-412, Idaho Code, be, and the same is hereby amended to read as follows:

62-412. BELL OR WHISTLE. ~~TO BE SOUNDED. A bell of at least twenty (20) pounds weight must be placed on each locomotive engine, and be rung at a distance of at least eighty (80) rods from the place where the railroad crosses any public street, road or highway, and be kept ringing until it has crossed such public street, road or highway; or an adequate steam, air, electric or other similar whistle must be attached, and be sounded, except in cities, at the like distance, and be kept sounding at intervals until it has crossed the same, under a penalty of one hundred dollars ($100) for every neglect, to be paid by the corporation operating the railroad, which may be recovered in an action prosecuted by the prosecuting attorney of the proper county, for the use of the state. The corporation is also liable for all damages sustained by any person, and caused by its locomotives, trains or cars, when the provisions of this section are not complied with.~~ The operator of a train or locomotive is not required to sound the locomotive's bell, horn or whistle when approaching any location at which the railroad crosses a private highway, private road or private street at grade.

Law Without Signature.

CHAPTER 256
(S.B. No. 1131)

AN ACT

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-415D, IDAHO CODE, TO ESTABLISH A SUPPORT OUR TROOPS SPECIAL LICENSE PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

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

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

49-402. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck, each neighborhood electric vehicle and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds shall be:

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

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers numbered 1, and proceeding consecutively through December for holders of validation registration stickers numbered 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the first day of the beginning month. Registration periods shall expire midnight on the last day of the registration period in the year designated

by the validation registration sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered plate system of Idaho for the purpose of reregistration and notice of expiration.

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

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

(3) For all motorcycles and all-terrain vehicles operated upon the public highways the annual fee shall be nine dollars ($9.00). For operation of an all-terrain vehicle or motorcycle off the public highways, the fee specified in section 67-7122, Idaho Code, shall be paid. Registration exemptions provided in section 49-426(2), (3) and (4), Idaho Code, apply to all-terrain vehicles and motorcycles used for the purposes described in subsections (2), (3) and (4) of section 49-426, Idaho Code.

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

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

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

(7) In addition to the annual registration fee in this section, there shall be an initial program fee of twenty-five dollars ($25.00) and an annual program fee of fifteen dollars ($15.00) for all special license plate programs for those license plates issued pursuant to sections 49-404A, 49-407, 49-408, 49-409, 49-414, 49-416, 49-418 and 49-418D, Idaho Code. For special plates issued pursuant to sections 49-406 and 49-406A, Idaho Code, there shall be an initial program fee of twenty-five dollars ($25.00) but there shall be no annual renewal fee. For special plates issued pursuant to sections 49-415C, 49-415D, 49-416A, 49-416B, 49-416C, 49-416D, 49-416E, 49-417, 49-417A, 49-417B, 49-417C, 49-418A, 49-418B, 49-418C, 49-418E, 49-419, 49-419A, 49-419B, 49-419C, 49-419D, 49-420, 49-420A, 49-420B, 49-420C, 49-420D, 49-420E and 49-420G, Idaho Code, there shall be an initial program fee of thirty-five dollars ($35.00) and an annual program fee of twenty-five

dollars ($25.00). The fees contained in this subsection shall be applicable to all new special plate programs. The initial program fee and the annual program fee shall be deposited in the state highway account and shall be used to fund the cost of administration of special license plate programs, unless otherwise specified by law.

SECTION 2. That Chapter 4, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-415D, Idaho Code, and to read as follows:

49-415D. SUPPORT OUR TROOPS PLATES. (1) On and after January 1, 2008, any person who is the owner of a vehicle registered under the provisions of section 49-402, Idaho Code, or registered under any other section of law for which the purchase of special plates is allowed, may apply for and, upon department approval, receive support our troops license plates in lieu of regular license plates. The provisions of this section shall not apply to any vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds. Availability of support our troops license plates for other vehicles shall be subject to the rules, policies and procedures of the department.

(2) In addition to the regular registration fee required in chapter 4, title 49, Idaho Code, the applicant shall be charged a fee of thirty-five dollars ($35.00) for the initial issuance of plates, and twenty-five dollars ($25.00) upon each succeeding annual registration. Ten dollars ($10.00) of the initial fee and ten dollars ($10.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program. Twenty-five dollars ($25.00) of each initial fee and fifteen dollars ($15.00) of each renewal fee shall be transferred by the state treasurer for deposit to the Idaho support our troops, inc.'s principal office located in Boise, Idaho, and shall be used by the Idaho support our troops, inc. as administrator of the funds, to provide support and assistance to the children, dependents and spouses of military service members and armed forces members of the army, navy, air force, marine corps, national guard, coast guard and air national guard and reserves.

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

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

(5) Sample support our troops license plates may be purchased for a fee of thirty dollars ($30.00), ten dollars ($10.00) of which shall be deposited in the state highway account and twenty dollars ($20.00) of which shall be transferred to the Idaho support our troops, inc.'s principal office located in Boise, Idaho, and shall be used to provide support and assistance to the children, dependents and spouses of military

service members and armed forces members of the army, navy, air force, marine corps, national guard, coast guard and air national guard and reserves.

SECTION 3. This act shall be in full force and effect on and after January 1, 2008.

Approved March 29, 2007.

CHAPTER 257
(S.B. No. 1138)

AN ACT
RELATING TO SPECIAL PILOT PROJECT ROUTES AND PERMITS FOR OVERWEIGHT VEHICLE LOADS; AMENDING SECTION 49-1004, IDAHO CODE, TO REVISE AND ADD TO THE LIST OF DESIGNATED STATE SPECIAL PILOT PROJECT ROUTES.

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

SECTION 1. That Section 49-1004, Idaho Code, be, and the same is hereby amended to read as follows:

49-1004. PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- SPECIAL PILOT PROJECT ROUTES AND ANNUAL PERMITS. (1) Upon application in writing to the board or other proper authorities in charge of, or having jurisdiction over a highway, the board or authorities may in their discretion issue a special permit to the owner or operator of any vehicle allowing vehicles or loads having a greater weight or size than permitted by law to be moved or carried over and on the highways and bridges.

(a) Special permits shall be in writing and may limit the time of use and operation over the particular highways and bridges which may be traversed and may contain any special conditions and require any undertaking or other security as the board or other proper authority shall deem to be necessary to protect the highways and bridges from injury, or provide indemnity for any injury to highways and bridges or to persons or property resulting from such operation.

(b) The owner or operator of an overweight or oversize vehicle shall obtain a permit, or shall establish intent to obtain a permit by contacting a permit office and receiving a permit number before moving the vehicle on the highways.

(c) All special permits or evidence of intent to obtain a permit, shall be carried in the vehicles to which they refer and shall upon demand be delivered for inspection to any peace officer, authorized agent of the board or any officer or employee charged with the care or protection of the highways.

(2) Nonreducible vehicles or combinations of vehicles hauling nonreducible loads at weights in excess of those set forth in section 49-1001, Idaho Code, shall pay fees as set forth in this subsection (2). Such fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight.

Number of axles	Column 1 Gross weight of vehicle and load in pounds	Column 2 Gross weight of vehicle and load in pounds
2	40,001	-
3	54,001	-
4	68,001	-
5	80,001	131,001
6	97,001	148,001
7	114,001	165,001

(a) To determine the maximum allowable permit fee for vehicles with more than seven (7) axles, the table can be extended by adding seventeen thousand (17,000) pounds to the last listed weight in both columns 1 and 2 for each added axle.

(b) Permit fees for column 1 shall start at four cents (4¢) per mile and increase four cents (4¢) per mile for each additional two thousand (2,000) pound increment up to the weight indicated in column 2. Permit fees for column 2 shall start at one dollar and two cents ($1.02) per mile and increase seven cents (7¢) per mile for each additional two thousand (2,000) pound increment.

(c) Vehicles operating at weights less than the starting weights per axle configuration listed in column 1 shall be charged four cents (4¢) per mile.

(d) For vehicles operating with axles wider than eight (8) feet six (6) inches or axles with more than four (4) tires per axle, the fee may be reduced by the board or other proper authority having jurisdiction over a highway.

(3) It shall be unlawful for any person to violate, or to cause or permit to be violated, the limitations or conditions of special permits and any violation shall be deemed for all purposes to be a violation of the provisions of this chapter.

(4) An annual special pilot project route permit authorizing travel on pilot project routes shall be issued by the board or may, in its discretion, be issued by a local public highway agency for operation of vehicles with a legal maximum gross weight of at least one hundred five thousand five hundred one (105,501) pounds but not exceeding one hundred twenty-nine thousand (129,000) pounds. Such pilot project routes on nonstate and noninterstate highways shall be determined by the local highway agency for those roads under its jurisdiction. No local public highway agency shall approve a pilot project route which provides a thoroughfare for interstate carriers to pass through the state. State pilot project routes designated by the legislature and identified on a map entitled "Designated Pilot Project Routes" are:

(a) ~~Ashton~~ Montana border to Kimberly to Twin Falls to Nevada using US-20, US-30, SH-33, US-93, SH-25, SH-50 and SH-74.

(b) US-91 from its junction with SH-34 to the Utah border.

(c) US-30 from its junction with I-15 to the Wyoming border.

(d) US-95 south from Fruitland to junction with SH-55.

(e) SH-19 between Wilder and Caldwell.

(f) SH-78 between Marsing and Hammett.

(g) SH-67 from Mountain Home to junction with SH-78 at Grandview.

(h) SH-55 from intersection with Farmway Road to junction with US-95.

(i) SH-25 from the intersection of SH-24 to Paul.

(j) SH-25 from intersection with US-93 to Hazelton.

(k) SH-24 from intersection with US-93 to intersection with SH-25.
(l) US-20 from its intersection with New Sweden Road to its junction with SH-22/33.
(m) SH-34 from milepost 78 to the junction with US-91.
(n) ~~US-26 from the intersection with 45th West to the junction with US-91; and~~ US-26 from its junction with US-91 north to its intersection with Gallatin/West 23rd Street in Idaho Falls.
(o) US-91 from the intersection with Canyon Road to the junction with US-26.
(p) SH-22 from Dubois to the junction with SH-33.
(q) SH-45 from junction with SH-78 to intersection with I-84 business loop; I-84 business loop to intersection with ~~SH-55; SH-55 to I-84 interchange no. 35~~ Nampa Boulevard.
(r) SH-87 from Montana border to junction with US-20.
(s) SH-33 from Victor to junction with US-20.
(t) SH-28 from junction with SH-22 to junction with SH-33.
(u) SH-38 from milepost 0.689 to milepost 1.318 at Malad.
(v) SH-27 from junction with SH-25 at Paul to Oakley.
(w) SH-81 from Malta to junction with US-30 at Burley.
(x) US-30 from junction with SH-81 at Burley to junction with SH-50 at Kimberly.
(y) US-93 spur from junction with US-30 to junction with US-93 at Twin Falls.
(z) US-93 from junction with US-93 spur to junction with US-30 at Twin Falls.
(aa) US-30 from junction with SH-74 at Twin Falls to junction with I-84 business loop at Bliss.
(bb) US-26 from junction with SH-75 at Shoshone to eastbound exit of I-84 interchange no. 141 at Bliss; I-84 business loop from eastbound exit of I-84 to junction with US-30 at Bliss.
(cc) SH-46 spur from junction with SH-46 at Wendell to I-84 interchange no. 155.
(dd) SH-46 from junction with US-20 to I-84 interchange no. 157 at Wendell.
(ee) US-20 from junction with US-93 at Carey to junction with I-84 business loop at interchange 95; I-84 business loop from interchange 95 to junction with SH-51; SH-51 to junction with SH-67.
(ff) SH-51 from junction with SH-67 to junction with SH-78.
(gg) SH-44 from junction with SH-55 at Eagle to junction with I-84 interchange no. 25.
(hh) US-20/26 from junction with US-95 at Parma to junction with I-84 interchange no. 26.

Additions or deletions to the approved state pilot project routes specified in this subsection (4) shall be made only with the approval of the state legislature.

(5) An annual administrative permit fee for operating on pilot project routes at the weights specified in subsection (4) of this section shall be set by the board for travel on state pilot project routes and by the local public highway agency for travel on routes under its jurisdiction, but not to exceed a maximum of fifty dollars ($50.00) per vehicle. The annual administrative permit fee shall cover administrative costs. Local public highway agencies are authorized to issue special pilot project permits and such permits shall be in writing. Administrative permit fees for permits issued by a local public highway agency

shall be retained by the local public highway agency to cover administrative costs, and administrative permit fees for permits issued by the department shall be retained by the department to cover administrative costs. In addition to the annual administrative permit fee and the appropriate registration fee for weights up to one hundred five thousand five hundred (105,500) pounds, the appropriate vehicle registration fees for weights over one hundred five thousand five hundred (105,500) pounds shall be calculated and collected in accordance with the fee schedules set forth in section 49-432 or 49-434, Idaho Code.

Approved March 29, 2007.

CHAPTER 258
(S.B. No. 1180)

AN ACT

RELATING TO SPECIAL PILOT PROJECT ROUTES AND PERMITS FOR OVERWEIGHT VEHICLE LOADS; AMENDING SECTION 49-1004, IDAHO CODE, AS AMENDED BY SECTION 1, SENATE BILL NO. 1138, AS ENACTED BY THE FIRST REGULAR SESSION OF THE FIFTY-NINTH IDAHO LEGISLATURE, TO PROVIDE AN ADDITIONAL ROUTE FOR PERMITTED USE ON DESIGNATED STATE SPECIAL PILOT PROJECT ROUTES.

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

SECTION 1. That Section 49-1004, Idaho Code, as amended by Section 1, Senate Bill No. 1138, as enacted by the First Regular Session of the Fifty-ninth Idaho Legislature, be, and the same is hereby amended to read as follows:

49-1004. PERMITS FOR OVERWEIGHT OR OVERSIZE LOADS -- SPECIAL PILOT PROJECT ROUTES AND ANNUAL PERMITS. (1) Upon application in writing to the board or other proper authorities in charge of, or having jurisdiction over a highway, the board or authorities may in their discretion issue a special permit to the owner or operator of any vehicle allowing vehicles or loads having a greater weight or size than permitted by law to be moved or carried over and on the highways and bridges.

(a) Special permits shall be in writing and may limit the time of use and operation over the particular highways and bridges which may be traversed and may contain any special conditions and require any undertaking or other security as the board or other proper authority shall deem to be necessary to protect the highways and bridges from injury, or provide indemnity for any injury to highways and bridges or to persons or property resulting from such operation.

(b) The owner or operator of an overweight or oversize vehicle shall obtain a permit, or shall establish intent to obtain a permit by contacting a permit office and receiving a permit number before moving the vehicle on the highways.

(c) All special permits or evidence of intent to obtain a permit, shall be carried in the vehicles to which they refer and shall upon demand be delivered for inspection to any peace officer, authorized agent of the board or any officer or employee charged with the care or protection of the highways.

(2) Nonreducible vehicles or combinations of vehicles hauling nonreducible loads at weights in excess of those set forth in section 49-1001, Idaho Code, shall pay fees as set forth in this subsection (2). Such fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight.

Number of axles	Column 1 Gross weight of vehicle and load in pounds	Column 2 Gross weight of vehicle and load in pounds
2	40,001	-
3	54,001	-
4	68,001	-
5	80,001	131,001
6	97,001	148,001
7	114,001	165,001

(a) To determine the maximum allowable permit fee for vehicles with more than seven (7) axles, the table can be extended by adding seventeen thousand (17,000) pounds to the last listed weight in both columns 1 and 2 for each added axle.

(b) Permit fees for column 1 shall start at four cents (4¢) per mile and increase four cents (4¢) per mile for each additional two thousand (2,000) pound increment up to the weight indicated in column 2. Permit fees for column 2 shall start at one dollar and two cents ($1.02) per mile and increase seven cents (7¢) per mile for each additional two thousand (2,000) pound increment.

(c) Vehicles operating at weights less than the starting weights per axle configuration listed in column 1 shall be charged four cents (4¢) per mile.

(d) For vehicles operating with axles wider than eight (8) feet six (6) inches or axles with more than four (4) tires per axle, the fee may be reduced by the board or other proper authority having jurisdiction over a highway.

(3) It shall be unlawful for any person to violate, or to cause or permit to be violated, the limitations or conditions of special permits and any violation shall be deemed for all purposes to be a violation of the provisions of this chapter.

(4) An annual special pilot project route permit authorizing travel on pilot project routes shall be issued by the board or may, in its discretion, be issued by a local public highway agency for operation of vehicles with a legal maximum gross weight of at least one hundred five thousand five hundred one (105,501) pounds but not exceeding one hundred twenty-nine thousand (129,000) pounds. Such pilot project routes on nonstate and noninterstate highways shall be determined by the local highway agency for those roads under its jurisdiction. No local public highway agency shall approve a pilot project route which provides a thoroughfare for interstate carriers to pass through the state. State pilot project routes designated by the legislature and identified on a map entitled "Designated Pilot Project Routes" are:

(a) Montana border to Kimberly to Twin Falls to Nevada using US-20, US-30, SH-33, US-93, SH-25, SH-50 and SH-74.

(b) US-91 from its junction with SH-34 to the Utah border.

(c) US-30 from its junction with I-15 to the Wyoming border.

(d) US-95 south from Fruitland to junction with SH-55.

(e) SH-19 between Wilder and Caldwell.

(f) SH-78 between Marsing and Hammett.

(g) SH-67 from Mountain Home to junction with SH-78 at Grandview.
(h) SH-55 from intersection with Farmway Road to junction with US-95.
(i) SH-25 from the intersection of SH-24 to Paul.
(j) SH-25 from intersection with US-93 to Hazelton.
(k) SH-24 from intersection with US-93 to intersection with SH-25.
(l) US-20 from its intersection with New Sweden Road to its junction with SH-22/33.
(m) SH-34 from milepost 78 to the junction with US-91.
(n) US-26 from its junction with US-91 north to its intersection with Gallatin/West 23rd Street in Idaho Falls.
(o) US-91 from the intersection with Canyon Road to the junction with US-26.
(p) SH-22 from Dubois to the junction with SH-33.
(q) SH-45 from junction with SH-78 to intersection with I-84 business loop; I-84 business loop to intersection with Nampa Boulevard.
(r) SH-87 from Montana border to junction with US-20.
(s) SH-33 from Victor to junction with US-20.
(t) SH-28 from junction with SH-22 to junction with SH-33.
(u) SH-38 from milepost 0.689 to milepost 1.318 at Malad.
(v) SH-27 from junction with SH-25 at Paul to Oakley.
(w) SH-81 from Malta to junction with US-30 at Burley.
(x) US-30 from junction with SH-81 at Burley to junction with SH-50 at Kimberly.
(y) US-93 spur from junction with US-30 to junction with US-93 at Twin Falls.
(z) US-93 from junction with US-93 spur to junction with US-30 at Twin Falls.
(aa) US-30 from junction with SH-74 at Twin Falls to junction with I-84 business loop at Bliss.
(bb) US-26 from junction with SH-75 at Shoshone to eastbound exit of I-84 interchange no. 141 at Bliss; I-84 business loop from eastbound exit of I-84 to junction with US-30 at Bliss.
(cc) SH-46 spur from junction with SH-46 at Wendell to I-84 interchange no. 155.
(dd) SH-46 from junction with US-20 to I-84 interchange no. 157 at Wendell.
(ee) US-20 from junction with US-93 at Carey to junction with I-84 business loop at interchange 95; I-84 business loop from interchange 95 to junction with SH-51; SH-51 to junction with SH-67.
(ff) SH-51 from junction with SH-67 to junction with SH-78.
(gg) SH-44 from junction with SH-55 at Eagle to junction with I-84 interchange no. 25.
(hh) US-20/26 from junction with US-95 at Parma to junction with I-84 interchange no. 26.
(ii) US-20 from junction with US-33 at Sugar City south to junction with US-20 business loop/Holmes Avenue; US-20 business loop/Holmes Avenue south to junction with US-26/Yellowstone; US-26 from intersection with US-20 business loop/Holmes Avenue south to Gallatin.

Additions or deletions to the approved state pilot project routes specified in this subsection (4) shall be made only with the approval of the state legislature.

(5) An annual administrative permit fee for operating on pilot project routes at the weights specified in subsection (4) of this sec-

tion shall be set by the board for travel on state pilot project routes and by the local public highway agency for travel on routes under its jurisdiction, but not to exceed a maximum of fifty dollars ($50.00) per vehicle. The annual administrative permit fee shall cover administrative costs. Local public highway agencies are authorized to issue special pilot project permits and such permits shall be in writing. Administrative permit fees for permits issued by a local public highway agency shall be retained by the local public highway agency to cover administrative costs, and administrative permit fees for permits issued by the department shall be retained by the department to cover administrative costs. In addition to the annual administrative permit fee and the appropriate registration fee for weights up to one hundred five thousand five hundred (105,500) pounds, the appropriate vehicle registration fees for weights over one hundred five thousand five hundred (105,500) pounds shall be calculated and collected in accordance with the fee schedules set forth in section 49-432 or 49-434, Idaho Code.

Approved March 29, 2007.

CHAPTER 259
(H.B. No. 217)

AN ACT

RELATING TO SCHOLARSHIPS; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 56, TITLE 33, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO STATE LEGISLATIVE INTENT, TO PROVIDE FOR THE PURPOSES OF THE CHAPTER, TO DEFINE TERMS, TO PROVIDE FOR ACADEMIC AND FINANCIAL ELIGIBILITY, TO PROVIDE FOR AN APPLICATION PROCESS, TO PROVIDE FOR APPLICATION CRITERIA, TO PROVIDE FOR AN AWARDS PROCESS, TO PROVIDE FOR THE AMOUNT AND DURATION OF AWARDS, TO PROVIDE FOR PROCEDURE IN THE EVENT OF INELIGIBILITY AND TO CREATE AND PROVIDE FOR AN OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT.

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

SECTION 1. That Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 56, Title 33, Idaho Code, and to read as follows:

CHAPTER 56
IDAHO OPPORTUNITY SCHOLARSHIP PROGRAM

33-5601. SHORT TITLE. This act shall be known and cited as the "Idaho Opportunity Scholarship Act."

33-5602. LEGISLATIVE INTENT. It is the intent of the legislature to create a scholarship fund to provide financial resources to Idaho students who are economically disadvantaged to close the gap between the estimated cost of attending an eligible Idaho institution of higher education and the expected student and family contribution toward such educational costs, and to encourage the educational development of such students in eligible Idaho postsecondary educational institutions.

33-5603. PURPOSES. The purposes of this chapter are to:

(1) Increase the opportunity for economically disadvantaged Idaho students to attend postsecondary educational institutions within Idaho;

(2) Reduce the financial burden on eligible students and their families who want to attend eligible postsecondary educational institutions within Idaho;

(3) Recognize the individual benefit of education to students and provide resources to finance their postsecondary education;

(4) Recognize that all Idaho citizens benefit from an educated citizenry, and provide funding to assist with educational costs of participants; and

(5) Increase individual economic vitality and improve the overall quality of life for many of Idaho's citizens.

33-5604. DEFINITIONS. As used in this chapter:

(1) "Educational costs" means the dollar amount determined annually by the state board of education as necessary for student tuition, fees, room and board, books and such other expenses reasonably related to attendance at an eligible Idaho postsecondary educational institution.

(2) "Eligible Idaho postsecondary educational institution" means:

(a) A public postsecondary organization governed or supervised by the state board, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of chapter 21, title 33, Idaho Code, or the state board for professional-technical education; or

(b) Any educational organization located in Idaho which is:

(i) Operated privately;

(ii) Classified as not-for-profit under the Idaho Code;

(iii) Under the control of an independent board and not directly controlled or administered by a public or political subdivision; and

(iv) Accredited by an organization recognized by the state board, as provided in section 33-2402, Idaho Code.

(3) "Eligible student" means a student who:

(a) Is an Idaho resident;

(b) Has or will graduate from an accredited high school or equivalent in Idaho as determined by the state board;

(c) Has enrolled or applied as a full-time student to an eligible Idaho postsecondary educational institution; and

(d) Is pursuing an undergraduate degree, certificate or diploma.

(4) "Financial eligibility" means the extent of a person's inability to meet the educational costs associated with attending an eligible Idaho postsecondary educational institution through a model of shared responsibility, taking into account the required and expected contributions of such person's parents, family and personal resources.

(5) "Opportunity scholarship program" means the scholarship program described in this chapter and in the rules established by the state board.

(6) "State board" means the state board of education.

33-5605. ACADEMIC AND FINANCIAL ELIGIBILITY. The state board shall promulgate rules by August 1, 2007, to determine academic and financial eligibility consistent with this section for the purpose of awarding the Idaho opportunity scholarship.

33-5606. APPLICATION PROCESS. (1) The state board shall promulgate rules by August 1, 2007, to establish a process and application form for eligible students to apply for an opportunity scholarship.

(2) When applying for an opportunity scholarship an eligible student must:

(a) Apply or have applied for federal and state student financial assistance available to an eligible student who will attend, or is enrolled in an eligible Idaho postsecondary educational institution;

(b) Submit to the state board all of the information and documentation required to demonstrate his or her financial eligibility under this chapter, and any other information and documentation the state board may require to determine the applicant's eligibility for an opportunity scholarship under this chapter; and

(c) Meet any other minimum criteria established by the state board in rule.

33-5607. SELECTION PROCESS -- AMOUNT OF AWARDS -- CONDITIONS. (1) The state board shall promulgate rules by August 1, 2007, consistent with this section, to determine:

(a) How eligible students will be selected to receive the Idaho opportunity scholarship; and

(b) When the scholarship award will occur.

(2) Funds that are available for the opportunity scholarship program shall be used to provide scholarships based on a sharing of responsibility between the scholarship recipient and his or her family, the federal government and the participating eligible Idaho postsecondary educational institution that the recipient attends for covering the educational costs for attendance.

(3) The opportunity scholarship award shall not exceed the actual educational costs at the eligible Idaho postsecondary educational institution that the student attends. The amount of scholarship for attendance on a full-time basis shall not exceed the recognized educational costs, after deducting the following:

(a) The assigned student/family responsibility, in an amount to be determined by the state board; and

(b) The amount of any other public or private scholarships or grants which the applicant receives.

(4) Any scholarship awarded under this chapter shall not exceed the equivalent of eight (8) semesters or the equivalent of four (4) academic years. An eligible Idaho postsecondary educational institution participating in this program shall be required to submit statements of continuing student eligibility to the state board, which shall include verification that the student is still enrolled, attending full time, maintaining satisfactory academic progress and has not exceeded the award eligibility terms.

(5) Grant payments shall correspond to academic terms, semesters, quarters or equivalent time periods at an eligible Idaho postsecondary educational institution. In no instance may the entire amount of a grant be paid to or on behalf of such student in advance.

(6) If an eligible student, scholarship applicant or scholarship recipient becomes ineligible to participate in the opportunity scholarship program under this chapter or the rules established by the state board, then the eligible student may reapply at any time for further consideration under this chapter.

(7) If an eligible student becomes ineligible for a scholarship under this chapter, or if a student discontinues attendance before the end of any semester, quarter, term or equivalent, covered by the grant after receiving payment under this chapter, the eligible Idaho post-secondary educational institution shall remit, up to the amount of any payments made under this grant, any prorated tuition, fees or room and board balances to the state board. The student shall be required to remit, up to the amount of any other reasonable grant balances, such grant balances to the state board. In the event of extreme hardship as determined by the state board, a student may request waiver of remittance.

33-5608. OPPORTUNITY SCHOLARSHIP PROGRAM ACCOUNT. (1) There is hereby created an account in the state treasury to be designated the "opportunity scholarship program account."

(2) The account shall consist of moneys appropriated to the account by the legislature, moneys contributed to the account from other sources, and the earnings on such moneys. The executive director of the state board may receive on behalf of the state board any moneys or real or personal property donated, bequeathed, devised or conditionally granted to the state board for purposes of providing funding for such account. Moneys received directly or derived from the sale of such property shall be deposited by the state treasurer in the account.

(3) Earnings from moneys in the account or specified gifts shall be distributed annually to the state board to implement the opportunity scholarship program as provided for under this chapter.

(4) All moneys placed in the account and earnings thereon are hereby perpetually appropriated to the state board for the purpose described in subsection (3) of this section. All expenditures from the account shall be paid out in warrants drawn by the state controller upon presentation of the proper vouchers. Up to five percent (5%) of the annual earnings distribution to the state board, but not to exceed seventy-five thousand dollars ($75,000), may be used by the state board annually for administrative costs related to the implementation of the provisions of this chapter.

(5) Allowable administrative costs include, but are not limited to, operating expenses for the implementation and maintenance of a database, operating expenses to administer the program, personnel costs necessary to administer the program and costs related to promoting awareness of the program.

(6) Pending use, surplus moneys in the account shall be invested by the state treasurer in the same manner as provided under section 67-1210, Idaho Code. Interest earned on the investments shall be returned to the account.

Approved March 29, 2007.

CHAPTER 260
(S.B. No. 1121)

AN ACT

RELATING TO OFFICIAL NOTICES; AMENDING SECTION 60-105, IDAHO CODE, TO REVISE RATES FOR OFFICIAL NOTICES AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 60-105, Idaho Code, be, and the same is hereby amended to read as follows:

60-105. RATES FOR OFFICIAL NOTICES. (1) On and after October 1, 2007, t~~T~~he rate to be charged for all official notices required by law to be published in any newspaper in this state, by any state, county, municipal official or other person, shall be as follows: seven and one-half cents (7.5¢) for each pica in a column line for the first insertion and six and one-half cents (6.5¢) for each pica in a column line for each subsequent insertion. For table and figure matter, the rate shall be eight and one-half cents (8.5¢) for each pica in a column line for the first insertion, and six and one-half cents (6.5¢) for each pica in a column line for each subsequent insertion. In the event that a column line ends in a one-half (1/2) pica measurement, the rate for such ~~onehalf~~ one-half (1/2) pica shall be one-half (1/2) the rate established for a full pica for the type of matter set forth herein. For purposes of this section, the type used shall not be smaller than seven (7) point nor greater than eight (8) point.

(2) On and after October 1, 2008, the rate to be charged for all official notices required by law to be published in any newspaper in this state, by any state, county, municipal official or other person, shall be as follows: eight cents (8¢) for each pica in a column line for the first insertion and seven cents (7¢) for each pica in a column line for each subsequent insertion. For table and figure matter, the rate shall be nine cents (9¢) for each pica in a column line for the first insertion, and seven cents (7¢) for each pica in a column line for each subsequent insertion. In the event that a column line ends in a one-half (1/2) pica measurement, the rate for such one-half (1/2) pica shall be one-half (1/2) the rate established for a full pica for the type of matter set forth herein. For purposes of this section, the type used shall not be smaller than seven (7) point nor greater than eight (8) point.

Law Without Signature.

CHAPTER 261
(S.B. No. 1128, As Amended)

AN ACT

RELATING TO FISH AND GAME; AMENDING SECTION 36-1101, IDAHO CODE, TO PROVIDE THAT IT SHALL BE A MISDEMEANOR TO USE DEVICES ACCESSED AND CONTROLLED VIA THE INTERNET TO SHOOT AT OR KILL ANY BIRD OR ANIMAL AND TO PROVIDE FOR PENALTIES.

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

SECTION 1. That Section 36-1101, Idaho Code, be, and the same is hereby amended to read as follows:

36-1101. TAKING OF WILDLIFE UNLAWFUL EXCEPT BY STATUTE OR COMMISSION RULE OR PROCLAMATION -- METHODS PROHIBITED -- EXCEPTIONS. (a) It is unlawful, except as may be otherwise provided by Idaho law, including

this title or commission rules or proclamations promulgated pursuant thereto, for any person to take any of the game animals, birds or fur-bearing animals of this state.

(b) Except as may be otherwise provided under this title or commission rules or proclamations promulgated pursuant thereto, it is unlawful for any person to:

1. Hunt from Motorized Vehicles. Hunt any of the game animals or game birds of this state from or by the use of any motorized vehicle except as provided by commission rule; provided however, that the commission shall promulgate rules which shall allow a physically handicapped person to apply for a special permit which would allow the person to hunt from a motorized vehicle which is not in motion. A physically handicapped person means a person:

(A) Who has lost, or has lost the use of, one (1) or both lower extremities or both hands, or who has significant limitation in the use of the lower extremities, or who has a diagnosed disease or disorder which substantially impairs or interferes with mobility, or who is so severely disabled as to be unable to move without the aid of an assistance device.

(B) Who suffers from lung disease to the extent that his forced (respiratory) expiratory volume for one (1) second when measured by spirometry is less than one (1) liter or his arterial oxygen tension (pO_2) is less than 60 mm/Hg on room air at rest.

(C) Who is impaired by cardiovascular disease to the extent that his functional limitations are classified in severity as class III or class IV according to standards accepted by the American Heart Association.

The commission shall specify the form of application for and design of the special permit which shall allow a physically handicapped person to hunt from a motorized vehicle which is not in motion. No fee shall be charged for the issuance of the special permit and the issuance of a special permit shall not exempt a person from otherwise properly purchasing or obtaining other necessary licenses, permits and tags in accordance with this title and rules promulgated pursuant thereto. The special permit shall not be transferable and may only be used by the person to whom it is issued. A person who has been issued a special permit which allows a physically handicapped person to hunt from a motorized vehicle not in motion shall have that permit prominently displayed on any vehicle the person is utilizing to hunt from and the person shall produce, on demand, the permit and other identification when so requested by a conservation officer of the department of fish and game. A person possessing a special permit shall not discharge any firearm from or across a public highway. In addition to other penalties any unauthorized use of the special permit shall be grounds for revocation of the permit.

2. Molest with Motorized Vehicles. Use any motorized vehicle to molest, stir up, rally or drive in any manner any of the game animals or game birds of this state.

3. Communicate from Aircraft. Make use of aircraft in any manner to spot or locate game animals, game birds or fur-bearing animals of this state from the air and communicate the location or approximate location thereof by any signals whatsoever, whether radio, visual or otherwise, to any person then on the ground.

4. Hunt from Helicopter. Make use of any helicopter in any manner in the taking of game or loading, transporting, or unloading hunters, game or hunting gear in any manner except when such use is at recognized airports or airplane landing fields, or at heliports which have been previously established on private land or which have been established by a department or agency of the federal, state or local government or when said use is in the course of emergency or search and rescue operations. Provided however, that nothing in this chapter shall limit or prohibit the lawful control of wolves through the use of helicopters when such measures are deemed necessary by federal or state agencies in accordance with existing laws or management plans.

5. Artificial Light. Hunt any animal or bird except raccoon by the aid of a spotlight, flashlight or artificial light of any kind. The act of casting or throwing, after sunset, the beam or rays of any spotlight, headlight or other artificial light capable of utilizing six (6) volts or more of electrical power upon any field, forest or other place by any person while having in his possession or under his control any uncased firearm or contrivance capable of killing any animal or bird, shall be prima facie evidence of hunting with an artificial light. Provided nothing in this subsection shall apply where the headlights of a motor vehicle, operated and proceeding in a normal manner on any highway or roadway, cast a light upon animals or birds on or adjacent to such highway or roadway and there is no intent or attempt to locate such animals or birds. Provided further, nothing in this subsection shall prevent the hunting of unprotected or predatory wildlife with the aid of artificial light when such hunting is for the purpose of protecting property or livestock, is done by landowners or persons authorized in writing by them to do so and is done on property they own, lease or control; and provided further that the hunting and taking of unprotected or predatory wildlife with the aid of artificial light on public lands is authorized after obtaining a permit to do so from the director. The director may, for good cause, refuse to issue such permit. Other provisions of this subsection notwithstanding, the commission may establish rules allowing the hunting of raccoon with the aid of an artificial light.

6. Regulation of Dogs.

(A) No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this state except as otherwise provided by rules of the commission.

(B) Any person who is the owner of, or in possession of, or who harbors any dog found running at large and which is actively tracking, pursuing, harassing or attacking, or which injures or kills deer or any other big game animal within this state shall be guilty as provided in section 36-1401(a)1.(F), Idaho Code. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of the owner, possessor, or harborer.

(C) Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability by the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.

7. Attempt to take Simulated Wildlife.

(A) Attempt to take, by firearm or any other contrivance capable of killing an animal or bird, simulated wildlife in violation of any of the provisions of this title or commission rules applicable to the taking of the wildlife being simulated, when the simulated wildlife is being used by a conservation officer or other person authorized to enforce Idaho fish and game laws or rules promulgated pursuant thereto. No person shall be found guilty of violating this subpart provided that no other law or rule has been violated.

(B) Any person pleading guilty to, convicted of or found guilty for attempting to take simulated wildlife within this state shall be guilty of a misdemeanor and shall be punished as provided in either subsection (b) or (d) of section 36-1402, Idaho Code.

8. Devices Accessed via Internet.

(A) No person shall shoot at or kill any bird or animal in Idaho, wild or domestic, including domestic cervidae governed under the provisions of chapter 37, title 25, Idaho Code, with any gun or other device accessed and controlled via an internet connection. Accessing, regulating access to, or regulating the control of a device capable of being operated in violation of this paragraph shall be prima facie evidence of an offense under this paragraph.

(B) Any person pleading guilty to, convicted of or found guilty of a violation of this paragraph shall be guilty of a misdemeanor and shall be punished as provided in section 36-1402, Idaho Code.

Approved March 29, 2007.

CHAPTER 262
(S.B. No. 1136, As Amended)

AN ACT

RELATING TO WATER; AMENDING CHAPTER 15, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1508, IDAHO CODE, TO PROVIDE FOR MINIMUM STREAM FLOW WATER RIGHTS IN DESIGNATED REACHES OF THE BIG WOOD RIVER AND THE LITTLE WOOD RIVER; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1765B, IDAHO CODE, TO PROVIDE FOR CERTAIN DONATED WATER RIGHTS, TO PROVIDE FOR A LOCAL COMMITTEE AND TO PROVIDE FOR THE COLLECTION OF WATER DISTRICT EXPENSES; TO PROVIDE FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE, TO PROVIDE FOR DISCRETIONARY ACTION BY THE WATER RESOURCE BOARD AND PROVIDING A SUNSET CLAUSE.

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

SECTION 1. That Chapter 15, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1508, Idaho Code, and to read as follows:

42-1508. WOOD RIVER BASIN -- ENHANCEMENT OF INSTREAM FLOWS AND DOWNSTREAM WATER SUPPLIES. (1) The water resource board is hereby authorized and directed to appropriate and hold in trust for the people of the state of Idaho minimum stream flow water rights in designated reaches of the Big Wood River and the Little Wood River for the purpose of preserving, restoring and enhancing fish and wildlife habitat, aquatic life, recreation, aesthetic beauty, navigation, transportation and water quality, and to enhance the water supply for other existing downstream water rights, in accordance with the provisions of this section. The designated reaches are in the Big Wood River immediately below the Bellevue diversion (45 district canal) downstream to the United States geological survey gage station number 13140800, located below Stanton Crossing and above Magic Reservoir; and in the Little Wood River from the confluence of Silver Creek downstream to the U.S. bureau of land management diversion located near the city of Richfield.

(2) The water resource board is authorized and directed to appropriate minimum stream flow water rights in amounts up to sixty (60) cfs in the designated reach of the Big Wood River, and up to seventy-four (74) cfs in the designated reach of the Little Wood River under this section and in accordance with the provisions of section 42-1503, Idaho Code. In acting upon the applications for permit, the director of the department of water resources need not determine that the appropriations are capable of being maintained based upon records of existing stream flows, because it is anticipated that the water rights will be satisfied and maintained over time through the donation of water rights to the board and the operation of the water supply bank within the Wood River basin consistent with the provisions of section 42-1765B, Idaho Code. In addition, the director need not determine that the appropriations meet a minimum amount as defined in section 42-1502(f), Idaho Code, or limit appropriations that might exceed such an amount, because of the need to fulfill the purpose of enhancing water supplies for other existing downstream water rights.

SECTION 2. That Chapter 17, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1765B, Idaho Code, and to read as follows:

42-1765B. WOOD RIVER BASIN -- WATER RIGHTS DONATED TO ENHANCE INSTREAM FLOWS AND DOWNSTREAM WATER SUPPLIES -- LOCAL COMMITTEE. (1) The water resource board is authorized to accept the donation by gift, grant or bequest of water rights, in whole or in part, from the Big Wood River upstream of the United States geological survey gage station number 13140800 located below Stanton Crossing and above Magic Reservoir, and from Silver Creek tributary to the Little Wood River, and to place eligible portions of the water rights into the water supply bank. Section 42-1765, Idaho Code, and the board's water supply bank rules shall apply to the operation of the water supply bank in the Wood River basin, except as inconsistent with this section. Ground water rights shall not be eligible for donation under this section.

(2) The board shall appoint a local committee to facilitate donations of eligible water rights and to adopt local procedures. The local committee shall be comprised of the members of the water district 37/37M advisory committee. In addition, the district watermaster and other

individuals that may be appointed by the board, upon recommendation of the advisory committee, shall serve as ex officio members of the local committee.

(3) Upon acceptance of the ownership of the donated rights by the board, the appointed local committee shall have authority to accept the water rights, in whole or in part, into the water supply bank.

(4) Donated water rights may be accepted into the water supply bank to satisfy the board's minimum stream flow water rights authorized under section 42-1508, Idaho Code, and to satisfy existing minimum stream flow water rights previously appropriated by the board on Silver Creek and the Big Wood River; provided, that the director of the department of water resources, upon recommendation of the local committee, determines that there will be an equivalent reduction in the extent of consumptive use made under the donated water right, and that injury will not result to other water rights. The burden of proof shall be on the owner of the donated water right to demonstrate by clear and convincing evidence that injury will not result to other water rights. For purposes of water rights distribution under chapter 6, title 42, Idaho Code, water rights donated pursuant to this section shall retain their respective priority dates; provided however, that the local committee will recommend and the director shall condition or limit the use of donated water rights as necessary to avoid injury to other water rights and to provide for continued incidental recharge, or managed recharge, as necessary to maintain historic recharge patterns, and the provisions of section 42-1766, Idaho Code, shall apply to any appeals by water right holders regarding the use of the donated water rights. All donated water rights with points of diversion on the Big Wood River downstream of the 45 district canal shall flow through the bypass canal and be returned to the Big Wood River through the western branch of the 57F canal from the 57F divide. In addition, all water rights from the southern branch of the 57F divide shall be delivered through the bypass extension canal. A measuring device approved by the watermaster shall be installed at the beginning of the western branch of the 57F canal.

(5) For purposes of this section, the board and local committee may not accept for enhanced flows in the Big Wood River any water rights currently diverted into the Bellevue triangle via the 45 district canal (Bellevue diversion). In addition, all donated water rights with points of diversion located on the Big Wood River upstream of the 45 district canal shall be diverted into the 45 district canal in order to enhance local water supplies and to increase stream flows in Silver Creek and the Little Wood River.

(6) Water rights placed into the water supply bank from the Silver Creek and Little Wood River portions of the Wood River basin pursuant to this section may only be used to increase stream flows in Silver Creek and the Little Wood River.

(7) The watermaster for water district 37/37M shall collect water district expenses pursuant to chapter 6, title 42, Idaho Code, from the water users receiving water as a result of enhanced downstream water supplies provided pursuant to this section, as determined by the watermaster for water district 37/37M in cooperation with the local committee. Any additional water district expenses resulting from the administration of water rights donated under this section shall be treated as expenses related to the administration of nonconsumptive water rights under section 42-605A, Idaho Code, and shall be collected by the water-

master from the owners of the donated water rights or other persons agreeing to pay such costs.

SECTION 3. 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 4. This act shall be in full force and effect on and after July 1, 2008; provided however, that the local committee authorized in Section 2 of this act may be appointed by the Water Resource Board and begin meeting for administrative purposes in 2007. The provisions of this act, and any minimum stream flow water rights established pursuant to the provisions of this act, shall be null and void and of no further force and effect as of December 31, 2012, unless extended by the Legislature.

Approved March 29, 2007.

CHAPTER 263
(S.B. No. 1173)

AN ACT

RELATING TO PUBLIC FUNDS; AMENDING SECTION 57-717, IDAHO CODE, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 57-720, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE, TO PROVIDE FOR THE INVESTMENT OF OTHER MONEYS IN CERTAIN CIRCUMSTANCES, TO PROVIDE THAT COSTS OF INVESTMENT MAY BE DEDUCTED FROM INVESTMENT PROCEEDS, TO REFERENCE FUNDS INVESTED BY THE INVESTMENT BOARD, TO PROVIDE FOR CERTAIN AUDIT EXPENSES TO BE PAID FROM EARNINGS RESERVE FUNDS, TO REFERENCE ENDOWMENT FUNDS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 57-721, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE, TO REFERENCE FUNDS INVESTED BY THE INVESTMENT BOARD, TO PROVIDE FOR THE APPOINTMENT OF A CUSTODIAN FOR FUND ASSETS AND TO MAKE TECHNICAL CHANGES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 57-717, Idaho Code, be, and the same is hereby amended to read as follows:

57-717. DEFINITIONS. The following words and phrases, when used in this ~~act~~ chapter, shall, for the purposes of this ~~act~~ chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(1) "Board" and "investment board" means the endowment fund investment board herein established.

(2) "Endowment fund" means the financial proceeds of lands granted to or acquired by the state by or from the general government and managed by the state board of land commissioners pursuant to section 8, article IX, of the constitution of the state of Idaho.

(3) "Income" means dividends and interest, which shall be distributable income within the meaning of this ~~act~~ chapter.

SECTION 2. That Section 57-720, Idaho Code, be, and the same is hereby amended to read as follows:

57-720. ~~PERMANENT ENDOWMENT FUNDS------EARNINGS--RESERVE--FUNDS----INCOME--FUNDS~~ INVESTMENT AUTHORITY -- INVESTMENT POLICIES -- ANNUAL AUDIT. (1) The investment board or its investment manager(s) may, and are hereby authorized to, invest the permanent endowment funds and the earnings reserve funds of the state of Idaho and other moneys as required by law. The investment board may, with the approval of the state board of land commissioners, invest other funds that are exempt from section 67-1210, Idaho Code, provided however, that the costs of investment of such funds may be deducted by the investment board from investment proceeds.

(2) The ~~permanent--endowment--funds and the earnings reserve~~ funds invested by the investment board may be combined or pooled for investment.

(3) Earnings reserve funds shall be accounted for separately from permanent endowment funds.

(4) Prior to the annual calculation of gains and losses pursuant to section 57-724, Idaho Code, the investment board shall allocate the end of fiscal year market value between the permanent endowment funds and the earnings reserve funds. This allocation shall be made based upon the proportion that the market value of the permanent endowment funds and the market value of the earnings reserve funds bear to the combined market value of both sets of funds, at the end of the fiscal year.

(5) The investment board shall formulate investment policies governing the investment of permanent endowment funds and earnings reserve funds and the investment of other funds accepted for investment by the investment board pursuant to subsection (1) of this section. The policies shall pertain to the types, kinds or nature of investment of any of the funds, and any limitations, conditions or restrictions upon the methods, practices or procedures for investment, reinvestments, purchases, sales or exchange transactions, provided such policies shall not conflict with nor be in derogation of any Idaho constitutional provision or of the provisions of this ~~act~~ chapter.

(6) Annually, the investment board shall cause an audit to be conducted of the investment of permanent endowment funds and earnings reserve funds, such audit to be conducted by a recognized certified public accountant. The certified public accountant conducting the audit shall not be an employee of the state. The expense of such audit shall be paid from ~~the appropriation to the investment board~~ earnings reserve funds.

(7) The state treasurer shall invest the income funds of the respective endowments funds and distribute the moneys in the income funds according to legislative appropriation.

SECTION 3. That Section 57-721, Idaho Code, be, and the same is hereby amended to read as follows:

57-721. MANAGEMENT ~~OF--PERMANENT--ENDOWMENT--FUNDS~~ BY MANAGER OF INVESTMENTS -- APPOINTMENT OF CUSTODIAN. ~~OF-PERMANENT--ENDOWMENT--FUNDS.~~ (1) The investment board shall contract with or employ a manager of investments to manage the permanent endowment funds, ~~and~~ the earnings reserve funds, and such other funds as the investment board is authorized to invest. The manager of investments who is employed or contracted with shall, subject to the direction of the investment board, exert control over the funds as though the manager of investments were the owner thereof.

(2) The investment board may select and contract with a minimum of one (1) bank or trust company to act as custodian of ~~endowment~~ fund assets and provide safekeeping thereof.

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.

Approved March 29, 2007.

CHAPTER 264
(S.B. No. 1204)

AN ACT

APPROPRIATING MONEYS FOR THE COMMISSION ON AGING FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE QUALITY OF SERVICES PROVIDED TO SENIORS.

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 Aging the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
COMMISSION ON AGING:					
FROM:					
General Fund	$ 564,600	$ 64,500	$11,900	$ 4,708,400	$ 5,349,400
Federal Grant Fund	475,200	286,600		7,059,400	7,821,200
Miscellaneous Revenue Fund	50,000	85,000			135,000
TOTAL	$1,089,800	$436,100	$11,900	$11,767,800	$13,305,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Commission on Aging is authorized no more than fifteen and thirty-five hundredths (15.35) full-time equivalent positions at any point during the

period July 1, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. The Commission on Aging 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. It is the intent of the Legislature that the Commission on Aging, in conjunction with the area agencies on aging, continues to strive to maintain the quality of services provided to seniors, whether in their own homes or in senior centers. Senior centers provide nutritional services and socialization opportunities to our senior citizens that are invaluable and the Legislature commends the contributions of the workers and volunteers who support our senior centers.

Approved March 29, 2007.

CHAPTER 265
(S.B. No. 1206)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR FISCAL YEAR 2008; 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 DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE IDAHO COMMUNITY REINVESTMENT PILOT INITIATIVE FUND.

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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION AND SUPPORT SERVICES:					
FROM:					
General Fund	$ 1,650,900	$ 1,202,200	$199,600		$ 3,052,700
Air Quality Permitting Fund	193,200	230,600			423,800
Public Water System Supervision Fund	318,000	49,400	1,600		369,000
Water Pollution Control Fund	64,800	17,900			82,700
Department of Environmental Quality Fund (Receipts)	224,800	19,500	1,600		245,900
Department of Environmental Quality Fund (Federal)	1,915,400	1,309,500	11,200		3,236,100
TOTAL	$ 4,367,100	$ 2,829,100	$214,000		$ 7,410,200
II. AIR QUALITY:					
FROM:					
General Fund	$ 2,124,200	$ 388,400	$ 44,400		$ 2,557,000
Air Quality Permitting Fund	1,158,800	286,200	9,600		1,454,600
Department of Environmental Quality Fund (Receipts)	83,300	173,100			256,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Department of Environmental Quality Fund (Federal)	1,437,900	323,200	24,400	$ 41,400	1,826,900
TOTAL	$ 4,804,200	$ 1,170,900	$ 78,400	$ 41,400	$ 6,094,900
III. WATER QUALITY:					
FROM:					
General Fund	$ 5,427,200	$ 1,564,500	$ 27,200	$1,494,800	$ 8,513,700
Public Water System Supervision Fund	927,800	162,700	3,200	336,500	1,430,200
Water Pollution Control Fund	203,400	20,200		101,900	325,500
Department of Environmental Quality Fund (Receipts)	245,700	87,900	1,600	51,600	386,800
Department of Environmental Quality Fund (Federal)	3,893,100	1,718,000	24,000	2,683,200	8,318,300
TOTAL	$10,697,200	$ 3,553,300	$ 56,000	$4,668,000	$18,974,500
IV. COEUR D'ALENE BASIN COMMISSION:					
FROM:					
General Fund	$ 100,500	$ 10,200			$ 110,700
Environmental Remediation Fund (Basin)	63,800	15,400			79,200
Department of Environmental Quality Fund (Federal)	46,100	1,853,400			1,899,500
TOTAL	$ 210,400	$ 1,879,000			$ 2,089,400
V. WASTE MANAGEMENT AND REMEDIATION:					
FROM:					
General Fund	$ 2,362,300	$ 443,200	$ 12,800	$ 134,600	$ 2,952,900
Environmental Remediation Fund (Box)	26,900	76,500		25,500	128,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Environmental Remediation Fund (Basin)	107,000	841,600			948,600
Department of Environmental Quality Fund (Receipts)	342,300	439,300	1,600	51,800	835,000
Bunker Hill Trust Fund				300,000	300,000
Department of Environmental Quality Fund (Federal)	2,918,600	15,935,800	14,400	15,500	18,884,300
TOTAL	$ 5,757,100	$17,736,400	$ 28,800	$ 527,400	$24,049,700
VI. IDAHO NATIONAL LABORATORY OVERSIGHT:					
FROM:					
General Fund	$ 205,300	$ 8,700	$ 1,600		$ 215,600
Department of Environmental Quality Fund (Federal)	1,021,500	382,000	15,700	$ 596,900	2,016,100
TOTAL	$ 1,226,800	$ 390,700	$ 17,300	$ 596,900	$ 2,231,700
GRAND TOTAL	$27,062,800	$27,559,400	$394,500	$5,833,700	$60,850,400

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, 2007, through June 30, 2008, 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, 2007, through June 30, 2008.

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. SALARY DISTRIBUTION. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 7. SALARY SAVINGS. 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 8. On July 2, 2007, or as soon thereafter as possible, the State Controller shall transfer $1,500,000 from the General Fund to the Idaho Community Reinvestment Pilot Initiative Fund established in Section 39-7211, Idaho Code.

Approved March 29, 2007.

CHAPTER 266
(S.B. No. 1207)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COM-

PENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR NOXIOUS WEED CONTROL; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR EURASIAN WATERMILFOIL ERADICATION.

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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General Fund	$ 508,900	$ 511,900		$ 25,300	$ 1,046,100
Administration and Accounting Services Fund	683,100	150,400	$ 29,600		863,100
Facilities Maintenance Fund	100,800	65,600			166,400
Agriculture in the Classroom Fund		38,500			38,500
TOTAL	$ 1,292,800	$ 766,400	$ 29,600	$ 25,300	$ 2,114,100
II. ANIMAL INDUSTRIES:					
FROM:					
General Fund	$ 1,544,000	$ 244,300			$ 1,788,300
Agricultural Inspection Fund	40,500	9,700			50,200
Agricultural Fees - Livestock Disease Control Fund	551,300	264,200	$ 114,000		929,500
Agricultural Fees - Dairy Inspection Fund	970,700	291,100	25,000		1,286,800
Agricultural Fees - Egg Inspection Fund	159,200	15,200			174,400
Agricultural Fees - Commercial Fisheries Fund	6,000	4,200			10,200
Seminars and Publications Fund		98,400			98,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Federal Grant Fund	828,100	538,900	106,700	$ 333,200	1,806,900
TOTAL	$ 4,099,800	$1,466,000	$ 245,700	$ 333,200	$ 6,144,700
III. AGRICULTURAL RESOURCES:					
FROM:					
General Fund	$ 485,800	$ 448,700			$ 934,500
Agricultural Smoke Management Fund	111,900	106,100			218,000
Agricultural Fees - Pesticides Fund	1,419,800	509,000	$ 169,600		2,098,400
Federal Grant Fund	455,000	170,900			625,900
TOTAL	$ 2,472,500	$1,234,700	$ 169,600		$ 3,876,800
IV. PLANT INDUSTRIES:					
FROM:					
General Fund	$ 852,600	$ 389,700	$ 250,000	$ 9,061,000	$10,553,300
Agricultural Inspection Fund	1,212,700	332,700	31,200	114,800	1,691,400
Agricultural Fees - Commercial Feed and Fertilizer Fund	762,100	181,700	76,300		1,020,100
Agricultural Fees - Honey Advertising Fund	400	16,300			16,700
Agricultural Fees - Organic Food Products Fund	92,500	31,200			123,700
Quality Assurance Laboratory Services Fund	520,600	70,800			591,400
Federal Grant Fund	743,600	1,665,400	50,000	1,161,700	3,620,700
TOTAL	$ 4,184,500	$2,687,800	$ 407,500	$10,337,500	$17,617,300
V. AGRICULTURAL INSPECTIONS:					
FROM:					
General Fund	$ 619,600	$ 201,300			$ 820,900
Weights and Measures Inspection Fund	224,900	42,400			267,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Agricultural Fees - Fresh Fruit and Vegetable Inspection Fund	7,610,000	712,000	$ 183,000	$ 371,100	8,876,100
TOTAL	$ 8,454,500	$ 955,700	$ 183,000	$ 371,100	$ 9,964,300
VI. MARKETING AND DEVELOPMENT:					
FROM:					
General Fund	$ 438,100	$ 364,500			$ 802,600
Agricultural Inspection Fund	25,000	10,300			35,300
Seminars and Publications Fund		239,100			239,100
USDA Publications Fund		64,900			64,900
Agricultural Loans Fund	13,300	15,300		$ 5,200	33,800
Federal Grant Fund	60,600	25,500		42,500	128,600
TOTAL	$ 537,000	$ 719,600		$ 47,700	$ 1,304,300
VII. ANIMAL DAMAGE CONTROL:					
FROM:					
General Fund				$ 160,000	$ 160,000
Animal Damage Control Fund				215,700	215,700
Agricultural Fees - Sheep Industry Regulation Fund		$ 200		167,200	167,400
Federal Grant Fund				45,000	45,000
TOTAL		$ 200		$ 587,900	$ 588,100
VIII. SHEEP COMMISSION:					
FROM:					
General Fund	$ 58,300	$ 500			$ 58,800
Agricultural Fees - Sheep Industry Regulation Fund	65,600	40,100			105,700
TOTAL	$ 123,900	$ 40,600			$ 164,500
GRAND TOTAL	$21,165,000	$7,871,000	$1,035,400	$11,702,700	$41,774,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Agriculture is authorized no more than two hundred seven

and sixty-hundredths (207.60) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. 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.

SECTION 5. There is hereby reappropriated to the Department of Agriculture, for the period July 1, 2008, through June 30, 2009, any of the unexpended and unencumbered balance of the $5,000,000 appropriated from the General Fund in Section 1 of this act to the Plant Industries Program for Noxious Weed Control.

SECTION 6. There is hereby reappropriated to the Department of Agriculture, for the period July 1, 2008, through June 30, 2009, any of the unexpended and unencumbered balance of the $4,000,000 appropriated from the General Fund in Section 1 of this act to the Plant Industries Program for Eurasian Watermilfoil Eradication.

Approved March 29, 2007.

CHAPTER 267
(S.B. No. 1208)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF VETERANS SERVICES WITHIN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 Division of Veterans Services within the Department of Self-Governing Agencies the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 1,556,300	$ 90,000		$74,600	$ 1,720,900
Miscellaneous Revenue Fund	10,516,100	3,964,100	$ 43,000		14,523,200
Veterans Services Endowment Income Fund		430,400			430,400
Federal Grant Fund	4,265,100	12,255,500	323,000		16,843,600
TOTAL	$16,337,500	$16,740,000	$366,000	$74,600	$33,518,100

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Division of Veterans Services is authorized no more than three hundred seven and thirty hundredths (307.30) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all

compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. The Division of Veterans Services 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 29, 2007.

CHAPTER 268
(S.B. No. 1209)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF JUVENILE CORRECTIONS FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF THE GENERAL FUND; AND SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION.

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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General Fund	$ 2,018,600	$ 822,500	$ 96,000	$ 6,000	$ 2,943,100
Miscellaneous Revenue Fund	67,000	18,300	34,000		119,300
TOTAL	$ 2,085,600	$ 840,800	$130,000	$ 6,000	$ 3,062,400
II. COMMUNITY SERVICES:					
FROM:					
General Fund	$ 690,400	$ 93,300		$ 3,465,500	$ 4,249,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Juvenile Corrections - Cigarette/Tobacco Tax Fund				4,770,300	4,770,300
Juvenile Corrections Fund	85,500	89,200			174,700
Federal Grant Fund	2,000	34,300			36,300
Miscellaneous Revenue Fund		115,000			115,000
TOTAL	$ 777,900	$ 331,800		$ 8,235,800	$ 9,345,500
III. INSTITUTIONS:					
FROM:					
General Fund	$15,710,900	$1,652,200	$ 53,000	$10,292,600	$27,708,700
Federal Grant Fund	170,700	153,700		1,080,400	1,404,800
State Juvenile Corrections Center Endowment Income Fund		629,700	58,800		688,500
Miscellaneous Revenue Fund		413,600		460,000	873,600
TOTAL	$15,881,600	$2,849,200	$111,800	$11,833,000	$30,675,600
IV. JUVENILE JUSTICE COMMISSION:					
FROM:					
General Fund	$ 246,000	$ 48,800		$ 1,189,000	$ 1,483,800
Federal Grant Fund	144,400	240,300		2,460,600	2,845,300
TOTAL	$ 390,400	$ 289,100		$ 3,649,600	$ 4,329,100
GRAND TOTAL	$19,135,500	$4,310,900	$241,800	$23,724,400	$47,412,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Juvenile Corrections is authorized no more than three hundred sixty and seventy-five hundredths (360.75) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, tar-

get funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. 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 5. There is hereby reappropriated to the Idaho Department of Juvenile Corrections, subject to the provisions of Section 6 of this act, the unexpended and unencumbered balance of General Fund moneys that were appropriated to the department for fiscal year 2007, to be used for nonrecurring expenditures, for the period July 1, 2007, through June 30, 2008. This reappropriation shall be used to purchase one-time items for the new 24-bed mental health unit at the Juvenile Correctional Center in Nampa, and to expand Community-Based Mental Health and Substance Abuse Services.

SECTION 6. The reappropriation for the General Fund granted in Section 5 of this act shall be subject to the following provisions:

(1) If the unexpended and unencumbered balance in the General Fund on June 30, 2007, is zero, the reappropriation for the General Fund in Section 5 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, 2007, is greater than zero, but less than the total General Fund reappropriation authority granted to all state agencies, that amount reappropriated in Section 5 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.

Approved March 29, 2007.

CHAPTER 269
(S.B. No. 1210)

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 2008; APPROPRIATING MONEYS FROM THE IDAHO MILLENNIUM INCOME FUND TO THE STATE TREASURER FOR THE PURPOSES AND PROGRAMS SPECIFIED FOR FISCAL YEAR 2008; CLARIFYING THE USE OF FUNDS PROVIDED TO THE STATE BOARD OF EDUCATION FOR A MEDICAL EDUCATION STUDY; AND PROVIDING THAT CERTAIN UNEXPENDED AND UNENCUMBERED MONEYS SHALL BE REVERTED TO THE IDAHO MILLENNIUM INCOME FUND.

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

SECTION 1. There is hereby appropriated and the State Controller is hereby directed to make cash transfers from the Idaho Millennium Income Fund to the following programs, at the request of the State Treasurer, not to exceed $2,230,700 for the period July 1, 2007, through June 30, 2008:

(a) $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.

(b) $500,000 for the Physical Health Services Program in the Department of Health and Welfare for targeted tobacco countermarketing programs, specific to Idaho, and to be matched by private industry funds on at least a one-to-one basis.

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

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

(e) $300,000 for the State Board of Education for a medical education study to determine the need and feasibility of increased medical education opportunities in Idaho.

(f) $416,700 for Family Medical Residency Programs to expand family practice residency programs in rural areas.

SECTION 2. There is hereby appropriated from the Idaho Millennium Income Fund to the State Treasurer $302,900 to be expended for trustee and benefit payments for the following programs for the period July 1, 2007, through June 30, 2008:

(a) $82,100 for the American Lung Association of Idaho for Teens Against Tobacco Use (T.A.T.U.) tobacco control intervention program to reach Idaho primary and secondary school students.

(b) $73,700 for the Boys and Girls Clubs of Idaho for the Positive Action Program, a tobacco use prevention program consisting of 15-minute lessons to be taught several days a week to school age children and teenagers, focusing on positive behaviors.

(c) $147,100 for Idaho Drug Free Youth for the ParenTeen PowerLines program, a statewide parent and teen education program to help middle and high school students resist tobacco, drug and alcohol use.

SECTION 3. The State Board of Education shall engage the services of an external, independent consultant to undertake a comprehensive study of the feasibility and viability of offering a medical degree through: (i) a distributive model in partnership with Idaho's public universities and medical community; and (ii) other delivery models the board deems worthy of consideration. Neither the consultant nor the oversight of this study shall be affiliated with any of Idaho's public universities.

The consultant shall report its findings to the State Board of Education not later than November 1, 2007. The State Board of Education shall report the findings of the study and make recommendations to the Second Regular Session of the Fifty-ninth Idaho Legislature.

SECTION 4. Notwithstanding any other provision of law to the contrary, on June 30, 2008, 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 March 29, 2007.

CHAPTER 270
(S.B. No. 1211)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF BUILDING SAFETY FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED FUND BALANCES; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 Division of Building Safety in the Department of Self-Governing Agencies the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
State Regulatory Fund	$8,369,000	$4,605,000	$276,000	$13,250,000
Miscellaneous Revenue/ Industrial Safety Fund	347,500	242,700	23,000	613,200
Miscellaneous Revenue/ Logging Fund	317,000	95,400		412,400
Miscellaneous Revenue/ Building Bureau NCSBCS Fund	5,800	6,100		11,900
Miscellaneous Revenue Energy Program Fund	27,600	15,900		43,500
Federal Grant Fund	87,000	49,500		136,500
TOTAL	$9,153,900	$5,014,600	$299,000	$14,467,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Division of Building Safety in the Department of Self-Governing Agencies is authorized no more than one hundred fifty-two (152) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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 Division of Building Safety the unexpended and unencumbered balance of operating expenditures appropriated for the period July 1, 2006, through June 30, 2007, for licensing software to be used for nonrecurring expenditures for the purchase of licensing software for the period July 1, 2007, through June 30, 2008.

SECTION 4. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and

institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 5. The Division of Building Safety 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 29, 2007.

CHAPTER 271
(H.B. No. 111)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-1302, IDAHO CODE, TO PROHIBIT DISHONEST OR PREDATORY INSURANCE PRACTICES RELATED TO MARKETING OR SALES TO UNITED STATES ARMED FORCES SERVICE MEMBERS AND TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO PROMULGATE RULES.

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

SECTION 1. That Section 41-1302, Idaho Code, be, and the same is hereby amended to read as follows:

41-1302. UNFAIR METHODS OF COMPETITION AND DECEPTIVE ACT PROHIBITED. (1) No person shall engage in this state in any trade practice which is prohibited in this chapter, or defined in this chapter as, or determined pursuant to this chapter to be, an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

(2) No person shall engage in dishonest or predatory insurance practices in marketing or sales of insurance to service members of the United States armed forces. Notwithstanding any other provision of title 41, Idaho Code, the director may promulgate rules to define dishonest, unfair, deceptive or predatory military sales practices.

Approved March 29, 2007.

CHAPTER 272
(H.B. No. 121)

AN ACT

RELATING TO CLEAN INDOOR AIR; AMENDING SECTION 39-5503, IDAHO CODE, TO REMOVE BOWLING ALLEYS FROM THE LIST OF EXCEPTIONS TO THE PROHIBITION ON SMOKING IN A PUBLIC PLACE.

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

SECTION 1. That Section 39-5503, Idaho Code, be, and the same is hereby amended to read as follows:

39-5503. PROHIBITIONS -- EXCEPTIONS. (1) No person shall smoke in a public place, publicly-owned building or office, or at a public meeting, except in the following which may contain smoking areas or be designated as smoking areas in their entirety:

(a) Bars;

(b) Retail businesses primarily engaged in the sale of tobacco or tobacco products;

(c) ~~Bowling alleys;~~

~~(d)~~ Buildings owned and operated by social, fraternal, or religious organizations when used by the membership of the organization, their guests or families, or any facility that is rented or leased for private functions from which the public is excluded and for which arrangements are under the control of the sponsor of the function;

(~~e~~d) Guest rooms in hotels, motels, bed and breakfast lodging facilities, and other similar lodging facilities, designated by the person or persons having management authority over such public lodging establishment as rooms in which smoking may be permitted;

(~~f~~e) Theatrical production sites, if smoking is an integral part of the story in the theatrical production;

(~~g~~f) Areas of owner-operated businesses, with no employees other than the owner-operators, that are not commonly open to the public;

(~~h~~g) Any office or business, other than child care facilities, located within the proprietor's private home when all such offices and/or businesses occupy less than fifty percent (50%) of the total area within the private home;

(~~i~~h) Idaho state veterans homes, established pursuant to section 66-901, Idaho Code, that permit smoking in designated areas, provided that physical barriers and ventilation systems are used to reduce smoke in adjacent nonsmoking areas; and

(~~j~~i) A designated employee breakroom established by a small business owner employing five (5) or fewer employees, provided that all of the following conditions are met:

(i) The breakroom is not accessible to minors;

(ii) The breakroom is separated from other parts of the building by a floor to ceiling partition;

(iii) The breakroom is not the sole means of entrance or exit to the establishment or its restrooms and is located in an area where no employee is required to enter as part of the employee's work responsibilities. For purposes of this paragraph, the term "work responsibilities" does not include custodial or maintenance work performed in a breakroom when it is unoccupied; and

(iv) "Warning: Smoking Permitted" signs are prominently posted in the smoking breakroom and properly maintained by the employer. The letters on such signs shall be at least one (1) inch in height.

(2) This section shall not be construed to require employers to provide reasonable accommodation to smokers, or to provide breakrooms for smokers or nonsmokers.

(3) Nothing in this section shall prohibit an employer from prohibiting smoking in an enclosed place of employment.

Governor Vetoed.
Veto Overridden in House on March 28, 2007.
Veto Overridden in Senate on March 28, 2007.

CHAPTER 273
(H.B. No. 308)

AN ACT
RELATING TO THE LEGISLATIVE ACCOUNT; AMENDING SECTION 67-451, IDAHO CODE, TO INCREASE THE AMOUNT OF TRANSFERS FROM THE GENERAL FUND INTO THE LEGISLATIVE ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-451, Idaho Code, be, and the same is hereby amended to read as follows:

67-451. LEGISLATIVE ACCOUNT CREATED -- DUTIES OF CONTROLLER -- DISBURSEMENTS FROM ACCOUNT -- REPORT OF DISBURSEMENTS. (1) There is hereby created in the state treasury the legislative account. The legislative account shall consist of such moneys as are placed into it by other appropriations, by receipts paid into the legislative account, and the moneys appropriated and transferred into it according to the provisions of this act.

(2) There is hereby appropriated out of the general fund and transferred into the legislative account, and commencing ~~June 1, 2001~~ January 1, 2008, the state controller is authorized and directed to make such transfers in the amounts shown on each of the following dates in each year:

January 1	~~$1,520,000~~1,825,000
March 1	~~$1,520,000~~1,825,000
June 1	~~$1,175,000~~1,445,000
September 1	~~$1,385,000~~1,660,000

(3) The president pro tempore of the senate and the speaker of the house of representatives are hereby authorized to make expenditures out of the legislative account for any necessary expenses of the legislature and the legislative account is hereby perpetually appropriated for any necessary expenses of the legislature. Necessary expenses of the legislature shall include, but are not necessarily limited to, salaries and wages of officers, members, and employees of the legislature, consultants and other expert or professional personnel, travel expenses of officers, members, and employees of the legislature, other current expenses incurred in any operation or function of the legislature, premiums for life, accidental death and dismemberment, hospital, medical, surgical and major medical insurance for members of the legislature during their terms of office, and for employees of the legislature during the period of their employment, and capital outlay items necessary for any operation or function of the legislature. The signature of the president pro tempore of the senate or the speaker of the house of represen-

tatives on any voucher or claim for payment shall be sufficient authority for the state controller to pay the same. Expenses for any interim activity of the legislature or legislators shall be paid in the same manner. Expenses for any interim legislative committees shall be paid in the same manner, if previously authorized by concurrent resolution.

(4) The state controller is hereby directed to devise and implement a financial reporting and control system for the purposes of this act that exempts legislative expenditures from any other provision of law, and the legislative account shall be specifically exempt from the provisions of chapter 35, title 67, Idaho Code, and shall be specifically exempt from the provisions of chapter 36, title 67, Idaho Code. Such system must produce a report as of the end of each calendar month that clearly shows additions to the account, the unexpended balance in the account, the expenditures to date, and the expenditures for the month reported, suitably detailed in such manner as the presiding officers may instruct the state controller. A copy of such report must be delivered to the president pro tempore of the senate and the speaker of the house of representatives and to the governor by no later than the fifth working day of the following month.

SECTION 2. This act shall be in full force and effect on and after January 1, 2008.

Approved March 30, 2007.

CHAPTER 274
(S.B. No. 1212)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN FUNDS FOR CAPITAL OUTLAY; AUTHORIZING THE USE OF MONEYS FOR THE EASTERN IDAHO STATE PARK PURCHASE; APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT SERVICES DIVISION:					
FROM:					
General Fund	$ 1,766,500	$ 476,700	$ 142,000		$ 2,385,200
Indirect Cost Recovery Fund	221,800	37,400			259,200
Parks and Recreation Fund	616,300	764,000		$ 105,000	1,485,300
Recreational Fuels Fund	402,500	49,000	18,000	2,118,700	2,588,200
Parks and Recreation Registration Fund	153,000	154,900		6,919,600	7,227,500
Miscellaneous Revenue Fund		17,600			17,600
Federal Grant Fund	5,100	7,600		1,242,400	1,255,100
TOTAL	$ 3,165,200	$1,507,200	$ 160,000	$10,385,700	$15,218,100
II. PARK OPERATIONS:					
FROM:					
General Fund	$ 4,582,000	$ 755,400	$ 168,900	$ 225,000	$ 5,731,300
Indirect Cost Recovery Fund	39,200	2,400			41,600
Parks and Recreation Fund	1,824,700	1,734,800			3,559,500
Recreational Fuels Fund	264,300	127,500	1,000,500		1,392,300
Parks and Recreation Registration Fund	468,200	575,900	337,300	115,000	1,496,400
Miscellaneous Revenue Fund	7,300	77,500			84,800
Public Recreation Enterprise Fund	205,700	814,300	52,000		1,072,000
Parks and Recreation Expendable Trust Fund	334,700	286,200	1,500		622,400
Federal Grant Fund	922,200	411,600	131,800	650,000	2,115,600
TOTAL	$ 8,648,300	$4,785,600	$ 1,692,000	$ 990,000	$16,115,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. CAPITAL DEVELOPMENT:					
FROM:					
General Fund			$ 9,533,900		$ 9,533,900
Indirect Cost Recovery Fund			100,000		100,000
Parks and Recreation Fund			245,000		245,000
Recreational Fuels Fund			833,000		833,000
Parks and Recreation Expendable Trust Fund			350,000		350,000
Parks and Recreation Registration Fund			100,000		100,000
TOTAL			$11,161,900		$11,161,900
GRAND TOTAL	$11,813,500	$6,292,800	$13,013,900	$11,375,700	$42,495,900

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 hundredths (160.25) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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 2007 are hereby reappropriated for capital outlay in that program for the period July 1, 2007, through June 30, 2008.

SECTION 4. In addition to the appropriation provided in Section 1 of this act, the Department of Parks and Recreation is authorized to expend up to ~~*$760,000*~~ of moneys appropriated for the Eastern Idaho State Park Search Committee, as authorized by Sections 2 and 4, Chapter 448, Laws of 2006, for the purchase of land for the new Eastern Idaho State Park.

SECTION 5. 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, 2007, through June 30, 2008:

LAVA HOT SPRINGS FOUNDATION:	
FOR:	
Personnel Costs	$ 694,700
Operating Expenditures	526,000
Capital Outlay	47,300
TOTAL	$1,268,000
FROM:	
Public Recreation Enterprise - Lava Hot Springs Fund	$1,268,000

SECTION 6. 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, 2007, through June 30, 2008, for the program specified in Section 5 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 8. 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.

Approved with line item vote March 28, 2007.

* **The item in Section 4 was line item vetoed as indicated.**

CHAPTER 275
(H.B. No. 53, As Amended)

AN ACT

RELATING TO THE NATIONAL GUARD; AMENDING SECTION 46-609, IDAHO CODE, TO PROVIDE FOR THE ADJUTANT GENERAL TO CALL MILITARY PERSONNEL TO SPECIAL DUTY WITH THEIR CONSENT FOR UP TO A SPECIFIED PERIOD OF TIME WITHOUT THE APPROVAL OF THE GOVERNOR AND TO PROVIDE FOR COMPENSATION OF MILITARY PERSONNEL CALLED TO SPECIAL DUTY.

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

SECTION 1. That Section 46-609, Idaho Code, be, and the same is hereby amended to read as follows:

46-609. OFFICERS AND ENLISTED PERSONNEL ON SPECIAL DUTY -- COMPENSATION AND ALLOWANCES. ~~Commissioned-o~~Officers and enlisted personnel of the national guard may be ordered upon special duty at the direction of the adjutant general, if with their consent, for a period not to exceed seventy-two (72) hours without the approval of the governor, or at the direction of the governor as commander-in-chief, with or without their consent.~~,-and-if-with-their-consent,-notwithstanding-the--provisions--of sections-46-605-and-46-607,-Idaho-Code,-such-duty-may-be-without-any-pay or--allowances,-but-if-without-consent,-t~~They shall receive the ~~same~~ pay and allowances ~~as-prescribed~~ provided in section 46-605, Idaho Code, during the time they may continue upon duty under such order.

Approved March 30, 2007.

CHAPTER 276
(H.B. No. 55, As Amended)

AN ACT

RELATING TO THE NATIONAL GUARD; AMENDING SECTION 46-407, IDAHO CODE, TO PROVIDE REEMPLOYMENT RIGHTS FOR AN IDAHO EMPLOYEE WHO IS A MEMBER OF THE NATIONAL GUARD OF ANOTHER STATE AND WHO IS CALLED INTO ACTIVE SERVICE BY THE GOVERNOR OF THAT STATE; AND AMENDING SECTION 46-409, IDAHO CODE, TO REVISE DEFINITIONS, TO DELETE THE WORD "IDAHO," TO PROVIDE FOR AN EMERGENCY PROCLAMATION BY A GOVERNOR AND TO PROVIDE FOR ORDERING TO ACTIVE DUTY BY A GOVERNOR.

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

SECTION 1. That Section 46-407, Idaho Code, be, and the same is hereby amended to read as follows:

46-407. REEMPLOYMENT RIGHTS. (a) Any member of the Idaho national guard who is ordered to duty by the governor, or any Idaho employee who is a member of the national guard of another state and who is called into active service by the governor of that state, and who at the time

of such order to duty is employed by any employer other than the United States government, shall be entitled to reemployment ~~upon--release--from duty,-provided-that:~~

~~(1)--The-position-in-which-he-was-employed-was-not-a-temporary-position;~~

~~(2)--His-release-from-duty-was-under-honorable-conditions;~~

~~(3)--He-remains-physically-qualified-for-employment;~~

~~(4)--The-period-of-duty-did-not-exceed-one-(1)-year;-and~~

~~(5)--Application--for--reemployment--is-made-within-thirty-(30)-days subsequent-to-release-from-duty~~ as set forth in section 46-409, Idaho Code.

(b) If the member is still qualified to perform the duties of the position he held at the time of the order to duty, he shall be restored by the employer or the employer's successor in interest to that position or one of like seniority, status and pay. If the member is not qualified to perform the duties of such position by reason of disability sustained during the period of duty, but is qualified to perform the duties of any other positions in the employ of the employer, then the employer must offer the member that position which he is qualified to perform which is most similar to his former position in seniority, status and pay.

(c) Any person who is reemployed under this section shall not be discharged without cause within one (1) year after such reemployment.

(d) If any employer fails or refuses to comply with this section, the district court in the county in which the member was employed shall have the power, upon petition by the member, to compel the employer to comply with this section and to compensate the member for lost wages and benefits, for costs of the action, and for reasonable attorney's fees. The court shall order a speedy hearing in any such case and advance it on the calendar.

SECTION 2. That Section 46-409, Idaho Code, be, and the same is hereby amended to read as follows:

46-409. THE MILITIA CIVIL RELIEF ACT. (1) As used in this section, the following terms have the following meanings:

(a) "Active member" means any member of the ~~Idaho~~ air or army national guard who is called or ordered by the governor for thirty (30) consecutive days or more to state active duty, or to duty other than for training under title 32 U.S.C., or ordered by competent federal authority into active federal service under title 10 U.S.C. for thirty (30) consecutive days or more.

(b) "Be called or ordered by the governor" means to be called or ordered by the governor for thirty (30) consecutive days or more to state active duty or to duty other than for training under title 32 U.S.C.

(c) "Duty other than for training" means any state active duty or title 32 U.S.C. duty other than training unless training is required as part of thirty (30) days of the consecutive duty upon the call or order of the governor, or active federal service under title 10 U.S.C. Duty other than for training does not include weekend drill, annual training (generally fifteen (15) days) as part of normal national guard service, and does not include attendance at military schools unless such attendance is required as part of, or occurs in conjunction with thirty (30) days of consecutive duty upon the call

or order of the governor, or by order of competent federal authority.

(d) "Employee" means any person employed by a public or private employer.

(e) "Soldiers' and sailors' civil relief act (SSCRA)" means the provisions of 50 App. U.S.C. section 501 et seq. which protects active military service members.

(f) "State active duty" means any active duty performed for thirty (30) consecutive days or more by an active member of the ~~Idaho~~ national guard in accordance with this title when called or ordered by the governor.

(g) "Uniform services employment and reemployment rights act of 1994 (USERRA)" means the provisions of 38 U.S.C. section 4301 et seq., which gives employees who leave a civilian job to perform military service the right to return to the civilian job held before entering military service with the rights to seniority, to purchase insurance coverage and purchase retirement credit.

(2) Whenever any active member of the ~~Idaho~~ national guard in time of war, armed conflict, or emergency proclaimed by ~~the~~ a governor or by the president of the United States, shall be called or ordered by ~~the~~ a governor to state active duty for a period of thirty (30) consecutive days or more, or to duty other than for training pursuant to title 32 U.S.C., the provision as then in effect of the soldiers' and sailors' civil relief act, 50 App. U.S.C. section 501 et seq., and the uniform services employment and reemployment rights act, 38 U.S.C. section 4301 et seq., shall apply.

(3) With reference to 50 App. U.S.C. section 581, the adjutant general or his designee shall be responsible to execute certificates of service referred to therein.

Approved March 30, 2007.

CHAPTER 277
(H.B. No. 88)

AN ACT

RELATING TO THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-5403, IDAHO CODE, TO INCORPORATE A NEW TREND TEST FOR RISK-BASED CAPITAL LEVELS OF PROPERTY AND CASUALTY INSURERS.

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

SECTION 1. That Section 41-5403, Idaho Code, be, and the same is hereby amended to read as follows:

41-5403. COMPANY ACTION LEVEL EVENT. (1) "Company action level event" means any of the following events:

(a) The filing of an RBC report by an insurer which indicates that:

(i) The insurer's total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC; or

(ii) If a life and/or health insurer, the insurer has total

adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 2.5 and has a negative trend; or

(iii) If a property or casualty insurer, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the property and casualty RBC instructions;

(b) The notification by the director to the insurer of an adjusted RBC report that indicates an event in paragraph (a) of this subsection, provided the insurer does not challenge the adjusted RBC report under section 41-5407, Idaho Code; or

(c) If, pursuant to section 41-5407, Idaho Code, an insurer challenges an adjusted RBC report that indicates the event in paragraph (a) of this subsection, the notification by the director to the insurer that the director has, after a hearing, rejected the insurer's challenge.

(2) In the event of a company action level event, the insurer shall prepare and submit to the director an RBC plan which shall:

(a) Identify the conditions which contribute to the company action level event;

(b) Contain proposals of corrective actions which the insurer intends to take and would be expected to result in the elimination of the company action level event;

(c) Provide projections of the insurer's financial results in the current year and at least the four (4) succeeding years, both in the absence of proposed corrective actions and giving effect to the proposed corrective actions, including projections of statutory operating income, net income, capital and surplus. (The projections for both new and renewal business might include separate projections for each major line of business and separately identify each significant income, expense and benefit component);

(d) Identify the key assumptions impacting the insurer's projections and the sensitivity of the projections to the assumptions; and

(e) Identify the quality of, and problems associated with, the insurer's business, including but not limited to, its assets, anticipated business growth and associated surplus strain, extraordinary exposure to risk, mix of business and use of reinsurance, if any, in each case.

(3) The RBC plan shall be submitted:

(a) Within forty-five (45) days of the company action level event; or

(b) If the insurer challenges an adjusted RBC report pursuant to section 41-5407, Idaho Code, within forty-five (45) days after notification to the insurer that the director has, after a hearing, rejected the insurer's challenge.

(4) Within sixty (60) days after the submission by an insurer of an RBC plan to the director, the director shall notify the insurer whether the RBC plan shall be implemented or is, in the judgment of the director, unsatisfactory. If the director determines the RBC plan is unsatisfactory, the notification to the insurer shall set forth the reasons for the determination, and may set forth proposed revisions which will render the RBC plan satisfactory, in the judgment of the director. Upon

notification from the director, the insurer shall prepare a revised RBC plan, which may incorporate by reference any revisions proposed by the director, and shall submit the revised RBC plan to the director:

(a) Within forty-five (45) days after the notification from the director; or

(b) If the insurer challenges the notification from the director under section 41-5407, Idaho Code, within forty-five (45) days after a notification to the insurer that the director has, after a hearing, rejected the insurer's challenge.

(5) In the event of a notification by the director to an insurer that the insurer's RBC plan or revised RBC plan is unsatisfactory, the director may, at the director's discretion, subject to the insurer's right to a hearing under section 41-5407, Idaho Code, specify in the notification that the notification constitutes a regulatory action level event.

(6) Every domestic insurer that files an RBC plan or revised RBC plan with the director shall file a copy of the RBC plan or revised RBC plan with the insurance director in any state in which the insurer is authorized to do business if:

(a) Such state has an RBC provision substantially similar to section 41-5408(1), Idaho Code; and

(b) The insurance director of that state has notified the insurer of its request for the filing in writing, in which case the insurer shall file a copy of the RBC plan or revised RBC plan in that state no later than the later of:

(i) Fifteen (15) days after the receipt of notice to file a copy of its RBC plan or revised RBC plan with the state; or

(ii) The date on which the RBC plan or revised RBC plan is filed under subsections (3) and (4) of this section.

Approved March 30, 2007.

CHAPTER 278
(H.B. No. 89)

AN ACT

RELATING TO THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-1036, IDAHO CODE, TO PROVIDE LANGUAGE APPLICABLE TO RECORDS MAINTENANCE AND TO REMOVE THE EXEMPTION FROM RECORDKEEPING REQUIREMENTS FOR LIFE AND DISABILITY INSURANCE.

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

SECTION 1. That Section 41-1036, Idaho Code, be, and the same is hereby amended to read as follows:

41-1036. RECORDS. (1) A producer holding a license under this chapter shall make available through his principal place of business complete records of transactions placed through or countersigned by the producer.

(2) Records as provided in subsection (1) of this section shall include, but not be limited to:

(a) The names and addresses of insurer and insured;
(b) The number and expiration date of the policy or contract;
(c) The premium payable as to the policy or contract;
(d) The date, time, insurer, insured and coverage of every binder made by the producer;
(e) All disclosures made by a producer to an insured or to a prospective insured; and
(f) Such other information as the director may reasonably require.

(3) The records shall be kept available for inspection by the director for at least five (5) years after the creation or the completion, whichever is later, of the respective transactions. The records may be maintained off-site and in electronic form if the records can be made available for inspection through the producer's principal place of business upon reasonable notice by the director.

~~(4) This section shall not apply to life and disability insurance.~~

Approved March 30, 2007.

CHAPTER 279
(H.B. No. 90)

AN ACT
RELATING TO PROPERTY INSURANCE RATES; AMENDING SECTION 41-1427, IDAHO CODE, TO INCREASE THE MAXIMUM PERIOD FOR EXAMINATION BY THE DIRECTOR OF INSURERS AND CERTAIN ORGANIZATIONS FROM THREE YEARS TO FIVE YEARS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 41-1427, Idaho Code, be, and the same is hereby amended to read as follows:

41-1427. EXAMINATION OF INSURERS AND RATING, ADVISORY, JOINT UNDERWRITING, AND JOINT REINSURANCE ORGANIZATIONS. (1) As often as he deems necessary, and not less frequently than each ~~three~~ five (~~3~~5) years, the director shall examine each licensed rating organization, each advisory organization, each group, association or other organization of insurers which engages in joint underwriting or joint reinsurance, and each authorized insurer transacting in this state any class of insurance to which the provisions of this chapter are applicable. The examination shall be for the purpose of ascertaining compliance by the person examined with the applicable provisions of this chapter. As to insurers, no such examination requirement shall be satisfied by the periodic examination of the insurer's general affairs.

(2) In lieu of any such examination the director may accept the report of a similar examination made by the insurance supervisory official of another state.

(3) The reasonable cost of the examination shall be paid by the person examined, and such person shall be subject, as though an "insurer," to the provisions of section 41-228, Idaho Code, (examination expense).

(4) Such examination shall also be subject to the applicable provisions of sections 41-223, Idaho Code, (conduct of examination), 41-227, Idaho Code, (examination report), 41-229, Idaho Code, (witnesses and evidence)~~,~~ and 41-230, Idaho Code, (testimony compelled~~;~~ -- immunity from prosecution).

Approved March 30, 2007.

CHAPTER 280
(H.B. No. 91)

AN ACT

RELATING TO THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-509, IDAHO CODE, TO DELETE AN OBSOLETE REFERENCE TO THE LIMIT OF RISK FOR NEWLY FORMED DOMESTIC MUTUAL INSURERS AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 41-509, Idaho Code, be, and the same is hereby amended to read as follows:

41-509. LIMIT OF RISK. (1) No insurer shall retain any risk on any one subject of insurance, whether located or to be performed in this state or elsewhere, in an amount exceeding ten ~~per-cent~~ percent (10%) of its surplus to ~~policy-holders~~ policyholders.

(2) A "subject of insurance" for the purposes of this section, as to insurance against fire and hazards other than windstorm, earthquake and other catastrophic hazards, includes all properties insured by the same insurer which are customarily considered by underwriters to be subject to loss or damage from the same fire or the same occurrence of any other hazard insured against.

(3) Reinsurance ceded as authorized by section 41-511, ~~of--this~~ Idaho Ccode shall be deducted in determining risk retained. As to surety risks, deduction shall also be made of the amount assumed by any established incorporated cosurety and the value of any security deposited, pledged, or held subject to the surety's consent and for the surety's protection.

(4) As to alien insurers, this section shall relate only to risks and surplus to ~~policy--holders~~ policyholders of the insurer's United States branch.

(5) "Surplus to ~~policy-holders~~ policyholders" for the purposes of this section, in addition to the insurer's capital and surplus, shall be deemed to include any voluntary reserves which are not required pursuant to law, and shall be determined from the last sworn statement of the insurer on file with the director, or by the last report of examination of the insurer, whichever is the more recent at time of assumption of risk.

(6) This section shall not apply to life or disability insurance, annuities, title insurance, insurance of wet marine and transportation risks, ~~workmen's~~ worker's compensation insurance, employers' liability

coverages, nor to any policy or type of coverage as to which the maximum possible loss to the insurer is not readily ascertainable on issuance of the policy.

~~(7)--Limits--of--risks--as--to-newly-formed-domestic-mutual-insurers shall-be-as-provided-in-section-41-2820.~~

Approved March 30, 2007.

CHAPTER 281
(H.B. No. 92)

AN ACT

RELATING TO THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-249, IDAHO CODE, TO AUTHORIZE THE DEPARTMENT TO SHARE CONFIDENTIAL INFORMATION WITH FOREIGN REGULATORY OR LAW ENFORCEMENT AGENCIES.

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

SECTION 1. That Section 41-249, Idaho Code, be, and the same is hereby amended to read as follows:

41-249. SHARING OF INFORMATION AMONG GOVERNMENTAL AGENCIES AND THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS. (1) Any document, report, or other recorded information provided to the director by any federal, ~~or~~ state ~~government~~ or foreign regulatory or law enforcement agency, or any combination thereof, or by the national association of insurance commissioners (NAIC), which is marked "confidential" or "for regulator use only" or by similar terms or concerning which the entity requires written assurance that the director maintain such information in confidence before the entity will release the information, may be maintained by the director on a confidential basis and is not required to be disclosed to the public.

(2) The director may provide any document, report, or other recorded information to any federal, ~~or~~ state ~~government~~ or foreign regulatory or law enforcement agency, or any combination thereof, or to the NAIC, which is marked "confidential" or "for regulator use only" or by similar terms or concerning which the director requires written assurance that the entity maintain such information in confidence before he will release it to such entity.

(3) The director is authorized to enter into agreements with other governments, agencies, or any combination thereof, or with the NAIC, in connection with his duties and responsibilities pursuant to this section.

(4) The application of this section shall not prevent an insurance company or producer or other licensee from obtaining information used by the department of insurance in making regulatory decisions or taking regulatory action affecting the company consistent with chapter 3, title 9, Idaho Code, and title 41, Idaho Code.

Approved March 30, 2007.

CHAPTER 282
(H.B. No. 96)

AN ACT
RELATING TO INSURANCE; AMENDING SECTION 41-2801, IDAHO CODE, TO APPLY CERTAIN CODE REQUIREMENTS TO FOREIGN INSURERS AS WELL AS DOMESTIC INSURERS.

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

SECTION 1. That Section 41-2801, Idaho Code, be, and the same is hereby amended to read as follows:

41-2801. SCOPE OF CHAPTER. This chapter shall apply only to domestic stock insurers and domestic mutual insurers, except that sections 41-2849~~, Idaho Code,~~ (nonassessable policies, mutual insurers), 41-2872 (health care provider contracts) and 41-2873, Idaho Code, (best price -- most favored nations clause prohibited) shall also apply as to foreign insurers.

Approved March 30, 2007.

CHAPTER 283
(H.B. No. 97)

AN ACT
RELATING TO THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-230, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO COMPELLED TESTIMONY AND IMMUNITY FROM PROSECUTION OR PENALTY.

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

SECTION 1. That Section 41-230, Idaho Code, be, and the same is hereby amended to read as follows:

41-230. TESTIMONY COMPELLED -- IMMUNITY FROM PROSECUTION. (1) If any person asks to be excused from attending or testifying or from producing any books, papers, records, contracts, documents, or other evidence in connection with any examination, hearing, or investigation being conducted by the director, his deputy or examiner, or in any proceeding or action before any court or magistrate upon a charge of violation of this code, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture, and shall notwithstanding be directed to give such testimony or produce such evidence, he must, if so directed by the director and the attorney general, nonetheless comply with such direction; ~~but~~ and he shall not ~~thereafter be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have so testified or produced evidence, and no testimony so given or evidence produced shall be received against him upon any criminal action, investigation, or proceeding; except, however, that no such~~

~~person--so-testifying-shall-be-exempt-from-prosecution-or-punishment-for any-perjury-committed-by-him-in-such-testimony,--and--the--testimony--or evidence--so--given-or-produced-shall-be-admissible-against-him-upon-any criminal-action,-investigation,-or-proceeding-concerning--such--perjury; nor--shall--he~~ be exempt from the refusal, suspension, or revocation of any license, permission, or authority conferred, or to be conferred, pursuant to this code. After complying, and if, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, the answer given, or evidence produced, and any information directly or indirectly derived from the answer or evidence, may not be used against the compelled person in any manner in a criminal case, except that he may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering or failing to answer, or in producing or failing to produce, evidence in accordance with the order.

(2) Any such individual may execute, acknowledge and file in the department a statement expressly waiving such immunity or privilege in respect to any transaction, matter or thing specified in such statement, and thereupon the testimony of such individual or such evidence in relation to such transaction, matter, or thing may be received or produced before any judge or justice, court, tribunal, magistrate, grand jury or otherwise, and if so received or produced such individual shall not be entitled to any immunity or privileges on account of any testimony he may so give or evidence so produced.

Approved March 30, 2007.

CHAPTER 284
(H.B. No. 103)

AN ACT

RELATING TO FUNDS OF STATE BOARD OF LAND COMMISSIONERS; AMENDING SECTION 67-1202, IDAHO CODE, TO DELETE THE AUTHORITY AND DUTY OF THE STATE TREASURER TO PURCHASE WARRANTS FOR THE STATE BOARD OF LAND COMMISSIONERS AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 67-1202, Idaho Code, be, and the same is hereby amended to read as follows:

67-1202. FUNDS OF STATE BOARD OF LAND COMMISSIONERS ~~--PURCHASE OF WARRANTS FOR BOARD~~. It is the duty of the treasurer in relation to funds within the control of the state board of land commissioners to receive from and receipt to the board for money and evidences of indebtedness, ~~(~~subject, however, to final payment~~)~~, which are accepted by banks as cash in the ordinary course of business, and to pay out of such funds orders drawn thereon by the board, but every order must specify the particular fund upon which it is drawn.

~~The state treasurer is authorized and empowered to purchase for the state board of land commissioners for its use and benefit, under written authority from said board, all warrants drawn on the general fund of the state of Idaho.~~

Approved March 30, 2007.

CHAPTER 285
(H.B. No. 104)

AN ACT

RELATING TO REFUNDING AND REPLACEMENT BONDS; REPEALING CHAPTER 37, TITLE 67, IDAHO CODE, RELATING TO STATE REFUNDING BONDS; AND REPEALING CHAPTER 38, TITLE 67, IDAHO CODE, RELATING TO REPLACEMENT BONDS.

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

SECTION 1. That Chapter 37, Title 67, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 38, Title 67, Idaho Code, be, and the same is hereby repealed.

Approved March 30, 2007.

CHAPTER 286
(H.B. No. 186)

AN ACT

RELATING TO COMPUTER INFORMATION AGREEMENTS; AMENDING CHAPTER 1, TITLE 29, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 29-116, IDAHO CODE, TO PROVIDE THAT A CHOICE OF LAW PROVISION THAT WOULD RESULT IN THE APPLICATION OF THE UNIFORM COMPUTER INFORMATION TRANSACTIONS ACT IS VOIDABLE, TO PERMIT OBJECTION TO THE APPLICATION OF THE UNIFORM COMPUTER INFORMATION TRANSACTIONS ACT, TO PROVIDE THAT THE SECTION MAY NOT BE VARIED OR INVALIDATED BY AGREEMENT OF THE PARTIES AND TO DEFINE TERMS.

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

SECTION 1. That Chapter 1, Title 29, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 29-116, Idaho Code, and to read as follows:

29-116. COMPUTER INFORMATION AGREEMENTS. (1) In an action based on a computer information agreement that contains a choice of laws provision that would result in application of the uniform computer information transactions act to such computer information agreement, such choice of laws provision is voidable by the party against whom enforcement is sought, and the agreement will be governed by the laws of the

state of Idaho if either party is a resident of this state or has its principal place of business located in this state.

(2) In an action based on a computer information agreement that does not contain a choice of laws provision, any party may object to the application of the uniform computer information transactions act to such computer information agreement. If such an objection is made, the agreement will be governed by the laws of the state of Idaho if either party is a resident of this state or has its principal place of business in this state.

(3) This section may not be varied or invalidated by the agreement of the parties.

(4) As used in this section:

(a) "Computer information" means information in electronic form that is obtained from or through the use of a computer or that is in a form capable of being processed by a computer.

(b) "Computer information agreement" means a contract or agreement to create, modify, transfer, license or otherwise use computer information or rights in computer information, or to perform or support such creation, modification, transfer, license or use.

(c) "Party" means a party to a computer information agreement.

(d) "Uniform computer information transactions act" means the uniform computer information transactions act as approved by the national conference of commissioners on uniform state laws and enacted in any jurisdiction, or any substantially similar law enacted in any jurisdiction.

Approved March 30, 2007.

CHAPTER 287
(H.B. No. 228, As Amended)

AN ACT

RELATING TO HIGHWAY DISTRICTS; AMENDING SECTION 40-1317, IDAHO CODE, TO CLARIFY THE YEAR TO WHICH THE STATEMENT APPLIES, TO EXTEND THE DEADLINE FOR SUBMITTING THE ANNUAL STATEMENT OF THE FINANCIAL CONDITION OF THE HIGHWAY DISTRICT FROM THE FIRST DAY OF NOVEMBER TO THE FIRST DAY OF JANUARY OF THE FOLLOWING YEAR, TO EXTEND THE DEADLINE BY WHICH THE ANNUAL AUDIT OF ALL HIGHWAY DISTRICTS SHALL BE COMPLETED FROM THE FIRST DAY OF DECEMBER TO THE FIRST DAY OF JANUARY OF THE FOLLOWING YEAR AND TO CLARIFY THE FISCAL YEAR TO WHICH THE AUDIT APPLIES.

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

SECTION 1. That Section 40-1317, Idaho Code, be, and the same is hereby amended to read as follows:

40-1317. ANNUAL FINANCIAL STATEMENT OF DISTRICT -- AUDIT. (1) On or before the first day of ~~November~~ January of each year, the highway district shall make and file in its office a full, true and correct statement of the financial condition of the highway district on the first day of October of the preceding year, giving a statement of the liabilities

and assets of the highway district on the first day of October of the preceding year, and a copy of the statement shall be published in at least one (1) issue of some newspaper published in the county.

(2) All highway districts shall have an annual audit made of the financial affairs of the district as required in section 67-450B, Idaho Code, by the first day of ~~December~~ January following the close of the preceding fiscal year.

Approved March 30, 2007.

CHAPTER 288
(H.B. No. 249, As Amended)

AN ACT

RELATING TO TAXATION OF MOTOR FUELS; AMENDING SECTION 63-2402, IDAHO CODE, TO PROVIDE THAT THE TAX LIABILITY FOR MOTOR FUELS IS THE RESPONSIBILITY OF THE RECEIVING DISTRIBUTOR, TO AUTHORIZE DISTRIBUTORS TO INCLUDE AN AMOUNT EQUAL TO THE TAX AS PART OF THE SELLING PRICE AND TO PROVIDE THE PROCESSES FOR REMITTANCE OF FUEL TAX WHEN THE DISTRIBUTOR, RETAILER OR CONSUMER IS EXEMPT FROM THE TAX LIABILITY; AMENDING SECTION 63-2407, IDAHO CODE, TO REVISE THE PROCESS FOR CLAIMING A DEDUCTION BASED ON THE NUMBER OF GALLONS RECEIVED BY THE DISTRIBUTOR DURING A REPORTING PERIOD AND TO DELETE DISTRIBUTOR DEDUCTION PROVISIONS RELATING TO TAXES PREVIOUSLY PAID ON WORTHLESS ACCOUNTS; AMENDING SECTION 63-2427A, IDAHO CODE, TO PROVIDE A CONDITION FOR ISSUANCE OF A DISTRIBUTOR'S LICENSE; REPEALING SECTION 63-2435, IDAHO CODE, PROVIDING THAT MOTOR FUEL TAXES ARE STATE MONEY; AMENDING CHAPTER 24, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2444, IDAHO CODE, TO PROVIDE FOR EFFECT OF TRIBAL AGREEMENTS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-2402, Idaho Code, be, and the same is hereby amended to read as follows:

63-2402. IMPOSITION OF TAX UPON MOTOR FUEL. (1) A tax is hereby imposed upon the ~~receipt of~~ distributor who receives motor fuel in this state. ~~by--any--distributor--receiving--motor--fuel--upon-which-the-tax imposed-by-this-section-has-not-previously-been-paid~~ The legal incidence of the tax imposed under this section is borne by the distributor. The tax becomes due and payable upon receipt of the motor fuel in this state by the distributor unless such tax liability has previously accrued to another distributor pursuant to this section. The tax shall be imposed without regard to whether use is on a governmental basis or otherwise, unless exempted by this chapter.

(2) The tax imposed in this section shall be at the rate of twenty-five cents (25¢) per gallon of motor fuel received. This tax shall be subject to the exemptions, deductions and refunds set forth in this chapter. ~~The-tax-shall-be-paid-by-distributors--upon--the--distributor's receipt-of-the-motor-fuel-in-this-state.~~

(3) Nothing in this chapter shall prohibit the distributor who is

liable for payment of the tax imposed under subsection (1) of this section from including as part of the selling price an amount equal to such tax on motor fuels sold or delivered by such distributor; provided however, that nothing in this chapter shall be deemed to impose tax liability on any person to whom such fuel is sold or delivered except as provided in subsection (6) of this section.

(4) Any person coming into this state in a motor vehicle may transport in the manufacturer's original tank of that vehicle, for his own use only, not more than thirty (30) gallons of motor fuel for the purpose of operating that motor vehicle, without complying with the provisions of this chapter.

(~~4~~5) The tax imposed in ~~subsection (1) of~~ this section does not apply to:

(a) Special fuels that have been dyed at a refinery or terminal under the provisions of 26 U.S.C. section 4082 and regulations adopted thereunder, or under the clean air act and regulations adopted thereunder except as provided in section 63-2425, Idaho Code; or

(b) Special fuel dispensed into a motor vehicle which uses gaseous special fuels and which displays a valid gaseous special fuels permit under section 63-2424, Idaho Code; or

(c) Special fuels that are gaseous special fuels, as defined in section 63-2401, Idaho Code, except that part thereof that is delivered into the fuel supply tank or tanks of a motor vehicle; or

(d) Aircraft engine fuel subject to tax under section 63-2408, Idaho Code.

(6) Should the distributor of first receipt be exempt from imposition of the tax as a matter of federal law, by virtue of its status as a federally-recognized Indian tribe or member of such tribe, such distributor shall not bear the tax's legal incidence and must pass the tax through as part of the selling price of the fuel. Such distributor shall retain the administrative obligation to remit the tax, and such obligation shall accrue upon receipt in accordance with subsection (1) of this section. Should a retailer otherwise subject to the tax be exempt from imposition of the tax as a matter of federal law, by virtue of its status as a federally-recognized Indian tribe or member of such tribe, the retailer shall not bear the tax's legal incidence and must pass the tax through as part of the selling price of the fuel to the consumer, unless such consumer is exempt from imposition of the tax as a matter of federal law, by virtue of its status as a federally-recognized Indian tribe or membership in such tribe, and the retailer shall be entitled to claim a credit against taxes otherwise due and owing under this chapter or a tax refund, together with interest, attributable to the fuel purchased by such consumer.

SECTION 2. That Section 63-2407, Idaho Code, be, and the same is hereby amended to read as follows:

63-2407. DEDUCTIONS AUTHORIZED. Each licensed distributor shall deduct from his monthly report:

(1) Motor fuel exported from this state other than in the supply tanks of motor vehicles, motor boats or aircraft when supported by a shipping document, an invoice signed by the purchaser, or other proper documents approved by the commission but only if:

(a) The purchaser is not a licensed distributor and the seller can establish that any tax due in the jurisdiction to which the motor fuel is destined is paid; or

(b) The purchaser is a licensed distributor in the jurisdiction to which the motor fuel is destined.

(2) Motor fuel returned to a licensed distributor's refinery or pipeline terminal storage when supported by proper documents approved by the commission.

(3) Motor fuel lost or destroyed by fire, lightning, flood, tornado, windstorm, explosion, or other accidental casualty, after presenting to the commission satisfactory proof of loss.

(4) The number of gallons which would be equal to ~~one~~ two percent (~~1~~2%) of the total number of gallons received during the reporting period, less the total number of gallons deducted under subsections (1) through (3) of this section, which credit is granted to the licensed distributor to reimburse him for ~~the expense incurred on behalf of the state of Idaho in collecting and remitting motor fuel tax moneys, maintaining necessary records for the state, preparing necessary reports and remittances in compliance with this chapter, and for~~ loss from evaporation, handling, spillage and shrinkage, except losses caused by casualty as provided in subsection (3) of this section. ~~The licensed distributor may, in addition to the above, deduct the number of gallons equal to one percent (1%) of the total number of gallons received during the preceding calendar month, less the total number of gallons deducted under subsections (1) through (3) of this section, to cover shrinkage, evaporation, spillage and handling losses of a retail dealer. The latter deductions are to be allowed only upon filing with the commission satisfactory evidence as may be prescribed by it indicating the credit allowance has been made in favor of the retail dealer or paid to him. The evidence shall be submitted together with the report wherein this portion of the deduction is claimed. A licensed distributor who sells and delivers motor fuel directly to the consumer and not for resale shall, with respect to those sales, be deemed a retail dealer for the purposes of this section.~~

(5) Motor fuel sold to the Idaho national guard for use in aircraft and in vehicles used off public highways provided, however, such deduction is supported by an exemption certificate signed by an authorized officer of the Idaho national guard.

(6) ~~For sales made on or after July 1, 1995, taxes previously paid on gallons represented by accounts found to be worthless and actually charged off for income tax purposes may be credited upon a subsequent payment of the tax provided in this chapter or, if no such tax is due, refunded. If such accounts are thereafter collected, the tax per gallon shall be paid based upon the amount actually received divided by the price per gallon of the original sale multiplied by the appropriate tax rate.~~

~~(7)~~ In the case of motor fuel received during the reporting period and included in the report that is:

(a) Gasohol, deduct the number of gallons of denatured anhydrous ethanol contained in the gasohol.

(b) Biodiesel, in whole or in part, deduct the number of gallons of agricultural products or animal fats or the wastes of such products contained in the fuel.

The deduction provided in this subsection shall not exceed ten percent

(10%) of (i) the volume of gasohol reported on the report or (ii) the special fuel which is or contains biodiesel.

SECTION 3. That Section 63-2427A, Idaho Code, be, and the same is hereby amended to read as follows:

63-2427A. DISTRIBUTOR'S LICENSE. (1) It is unlawful for a person to act as a distributor without a license unless the person only purchases fuel which is either or both:

(a) Motor fuel on which any tax due under this chapter has previously been imposed upon a licensed distributor; or

(b) Dyed fuel upon which the transfer fee imposed in section 41-4909, Idaho Code, has been imposed upon a licensed distributor.

(2) Application for a license shall be made upon forms furnished and in a manner prescribed by the commission and shall contain information as it deems necessary, and be accompanied by a bond in the amount required in section 63-2428, Idaho Code.

(3) Upon receipt of the application and bond in proper form the commission shall issue the applicant a license to act as a distributor unless the applicant:

(a) Is a person who formerly held a license under the provisions of this chapter, any predecessor statute, under the laws of any other jurisdiction, or under the laws of the United States which license, prior to the time of filing this application, had been revoked for cause within five (5) years from the date of such application; or

(b) Is a person who has outstanding fuel tax liabilities to this state, any other jurisdiction or the United States government; or

(c) Is a person who has been convicted, under the laws of the United States or any state or jurisdiction or subdivision thereof, of fraud, tax evasion, or a violation of the laws governing the reporting and payment of fees or taxes for petroleum products within five (5) years from the date of making such application; or

(d) Is a person who has been convicted of a felony or been granted a withheld judgment following an adjudication of guilt of a felony within five (5) years from the date of such application; or

(e) Who is not the real party in interest and the real party in interest is a person described in subsection (3)(a), (3)(b), (3)(c) or (3)(d) of this section.

(4) The commission shall not issue a distributor's license to any person until that person has submitted to the commission a consent to be sued in Idaho district court for purposes of the state enforcing any provision of this chapter. The consent shall be submitted in such form and include such information as the commission may by rule require.

(5) Upon approval of the application the distributor's license shall be valid until it is suspended or revoked for cause, for failure to maintain the bond required in section 63-2428, Idaho Code, for failure to file returns required in this chapter, for failure to pay all taxes and fees due with a return required in this chapter, or is otherwise canceled.

(~~5~~6) No distributor's license shall be transferable.

(~~6~~7) The commission shall furnish each licensed distributor with a list of all distributors licensed pursuant to this section. The list shall be supplemented by the commission from time to time to reflect additions and deletions.

SECTION 4. That Section 63-2435, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Chapter 24, 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 63-2444, Idaho Code, and to read as follows:

63-2444. EFFECT OF TRIBAL AGREEMENTS. Taxes imposed by this chapter shall not apply to motor fuel that is the subject of an agreement authorized by section 67-4002, Idaho Code, to the extent provided by the agreement, but only if the agreement is signed by the governor and appropriate representative of a tribe before December 1, 2007.

SECTION 6. 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 7. This act shall be in full force and effect on and after December 1, 2007.

Approved March 30, 2007.

CHAPTER 289
(H.B. No. 252)

AN ACT

RELATING TO WINE; AMENDING SECTION 23-1306, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE SALE OF CERTAIN PRODUCTS BY LICENSED WINERIES; AMENDING SECTION 23-1325, IDAHO CODE, TO PROVIDE FOR THE USE OF A RETAIL WINE OUTLET BY TWO OR MORE WINERIES AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 13, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1338, IDAHO CODE, TO PROVIDE FOR THE SERVICE AND SALE OF WINE PRODUCTS AT SPONSORED EVENTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 23-1306, Idaho Code, be, and the same is hereby amended to read as follows:

23-1306. LICENSES REQUIRED -- APPLICATION -- ISSUANCE OR REFUSAL. Before any person shall manufacture, import into this state, manufacture, bottle or broker for resale within this state, possess for resale, or distribute or sell wine within the state of Idaho, he shall apply to the director for a license to so do. The application form shall be prescribed and furnished by the director and require that the applicant therein show that he possesses all of the qualifications and none of the disqualifications of a licensee. A person may apply for and receive a license as both a distributor and importer, if otherwise qualified therefor, and shall pay the license fee required pursuant to this chap-

ter for each license. A winery licensed under this chapter shall also be considered as holding, for the purposes of selling a product processed and bottled by or for that winery, a current retail wine license and wine by the drink license for the licensed premises and for use at functions and events identified in section 23-1338, Idaho Code, and a current wine distributor's and importer's license, without further application or fee. If the director is satisfied that the applicant possesses the qualifications and none of the disqualifications for such license, he shall issue a license for each classification applied for, subject to the restrictions of and upon the conditions specified in this ~~act~~ chapter. The license or licenses issued shall be at all times prominently displayed in the place of business of the licensee. If the director determines that the applicant is not properly qualified, he shall refuse to issue a license and shall forthwith so notify the applicant and shall return to the applicant with such notification, three-fourths (3/4) of the license fee remitted with the application. A separate retail wine by the drink license, and wine distributor's license shall be required for each premises. Provided, however, nothing herein shall prohibit a distributor or retailer or wine by the drink licensee from possessing licenses for more than one (1) premises.

SECTION 2. That Section 23-1325, Idaho Code, be, and the same is hereby amended to read as follows:

23-1325. FINANCIAL INTEREST IN OR AID TO RETAILERS PROHIBITED -- CERTAIN AID PERMITTED. (1) It shall be unlawful for any importer, distributor, vintner or winery, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent or employee:

(a) To have any financial interest in any licensed retailer's business, or to own or control any real property upon which a licensed retailer conducts his business, except such property as shall have been so owned or controlled continuously for more than one (1) year prior to July 1, 1975; or

(b) To aid or assist any licensed retailer by giving such retailer, or any employee thereof, any discounts, premiums or rebates in connection with any sale of wine; or

(c) To aid or assist any retailer by furnishing, giving, renting, lending or selling any equipment, signs, supplies, wine menus or wine lists, services, or other thing of value which may be used in conducting the retailer's retail wine business, except as expressly permitted by this chapter; or

(d) To enter into any lease or other agreement with any retail licensee to control the product or products sold by such retailer; or

(e) To provide for any rental or other charge to be paid to or by the retailer for product display or advertising display space.

(2) An importer, distributor, vintner or winery as an incident to merchandising in the ordinary course of business, and if available to all licensed retailers without discrimination, may sell to a retailer equipment, supplies or clothing which may be used in conducting the retailer's retail wine business. A winery, vintner, importer or distributor may not sell such equipment or supplies at a price, or under terms, intended or designed to encourage or induce the retailer to use products of the seller to the exclusion of the products of other wineries,

vintners, importers or distributors. In no event shall the sales price of such equipment or supplies be less than the reasonable value of such equipment or supplies.

(3) Notwithstanding the provisions of subsection (2) of this section, a vintner, winery, importer or distributor, as an incident to merchandising in the ordinary course of business, and if available to all retailers without discrimination, may lend, give, furnish or sell to a retailer, the following items:

(a) Those services, equipment, brochures and recipes authorized under the provisions of sections 23-1325A and 23-1325B, Idaho Code;

(b) Signs, posters, placards, designs, devices, decorations or graphic displays bearing advertising matter and for use in windows or elsewhere in the interior of a retail establishment. The importer, distributor, vintner or winery shall not directly or indirectly pay or credit the retailer for displaying such materials or for any expense incidental to their operation;

(c) Newspaper cuts, mats or engraved blocks for use in retailer's advertisements;

(d) Items such as sports schedules, posters, calendars, informational pamphlets, decals and other similar materials for display at the point of sale which bear brand advertising for wine prominently displayed thereon, and which items are intended for use by the retailer's customers off the licensed premises and which items are made available to the retailer's customers for such purpose~~.~~;

(e) Temporary signs or banners displaying a vintner's, winery's or distributor's name, trademark or label, which signs may be permitted to be temporarily displayed on the exterior portion of the retailer premises in connection with a special event, in accordance with such rules relating thereto as may be established by the director.

(4) A distributor may perform services incident to or in connection with the stocking, rotation and restocking of wine sold and delivered to such licensed retailer on or in such licensed retailer's storeroom, salesroom shelves or refrigerating units, including the marking or remarking of containers of such wine to indicate the selling price as established by the retailer and to the arranging, rearranging, or relocating of advertising displays referred to in this section. A distributor may, with the permission of the retailer and in accordance with space allocations directed by the retailer, set, remove, replace, reset or relocate all wine upon shelves of the retailer. Labor performed or schematics prepared by the distributor relating to conduct authorized pursuant to the provisions of this ~~paragraph~~ subsection (4) shall not constitute prohibited conduct.

(5) An importer, distributor, vintner or winery may furnish or give to a retailer authorized to sell wine for consumption on the licensed premises, for sampling purposes only, a container of wine, containing not more than sixty-four (64) ounces, not currently being sold by the retailer, and which container is clearly marked "NOT FOR SALE--FOR SAMPLING PURPOSES ONLY."

(6) A licensed winery may aid or assist a licensed retail wine outlet which retails exclusively the wine product of that winery and which outlet is wholly owned and operated by that winery. Two (2) or more wineries may use the same location for their respective retail wine outlets provided each outlet holds a separate retail wine license or wine by the drink license.

(7) Every violation of the provisions of this section by an importer, distributor, vintner or winery in which a licensed retailer shall have actively participated shall constitute a violation on the part of such licensed retailer.

SECTION 3. That Chapter 13, 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 23-1338, Idaho Code, and to read as follows:

23-1338. WINE PRODUCT SERVICE AND SALES -- SPONSORED EVENTS. (1) Any person who is the holder of an Idaho winery license is authorized to serve or sell any wine product of that winery at events of seven (7) days' duration or less sponsored by any group, organization, person or political subdivision. Each participating winery must make its own arrangements with the sponsoring group, organization, person or political subdivision. Service and sales under the authority of this section may occur only in counties that permit the sale of wine in accordance with section 23-1304, Idaho Code, and any service or sales under the provisions of this section must comply with all applicable limitations and requirements regarding day and hour of sale, age and condition of purchasers and all other requirements of any regulatory ordinance adopted pursuant to the authority of section 23-1318, Idaho Code, by the city or county in whose jurisdiction the event is to take place.

(2) At least seven (7) days prior to the date on which the sponsored event is to commence, the winery shall notify by electronic mail the Idaho state police, alcohol beverage control bureau, and the chief of police of the incorporated city in which the sponsored event will be held, if the event is to be held in an incorporated city, or the sheriff of the county in which the sponsored event is to be held, if the event will not be held in an incorporated city, that wine will be served or sold by the winery at the sponsored event. The notice shall provide the following information:

(a) The name and address of the winery and the number of its state winery license;

(b) The dates and hours that wine will be served or sold;

(c) The name of the group, organization, person or political subdivision sponsoring the event; and

(d) The address at which the wine will be served or sold, and if a public building, the rooms in which the wine will be served or sold.

(3) Within three (3) business days after receiving the notice, the alcohol beverage control bureau shall respond to the winery. An approval by the alcohol beverage control bureau shall serve as authorization for the event, and shall be displayed during all hours that wine is served or sold at the sponsored event.

(4) Neither the winery nor any person owning an interest in the winery, nor any employee, contractor or business associate of the winery shall qualify as an event sponsor under the provisions of this section.

(5) Neither a city nor a county license or permit is required for the activities authorized pursuant to the provisions of this section.

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.

Approved March 30, 2007.

CHAPTER 290
(H.B. No. 265)

AN ACT
RELATING TO SALES TAX; AMENDING SECTION 63-3622X, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE SALES TAX EXEMPTION FOR POLLUTION CONTROL EQUIPMENT.

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. (1) 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~~ acquired and primarily used for the purpose of meeting air ~~and~~ or water quality standards, rules or regulations of a state or federal agency having authority to regulate and set air ~~and~~ or water quality emission standards.

(2) ~~This~~ The exemption provided in subsection (1) of this section applies to and includes:

(a) ~~T~~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~~.~~";

(b) ~~This exemption applies to t~~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;

(c) The sale, use or purchase of tangible personal property that becomes a component, fixture or improvement to realty acquired and primarily used for the purpose of meeting air or water quality emission standards, rules or regulations when purchased by:

(i) Manufacturing, mining or farming businesses that qualify for the exemption provided by section 63-3622D, Idaho Code, but not including property used to treat drinking water or to treat air or water that is not required for a production process;

(ii) Contractors working for manufacturing, mining or farming businesses that qualify for the exemption provided by section 63-3622D, Idaho Code, who purchase, use or install qualifying material at the direction of a project owner, but not including property used to treat drinking water or to treat air or water that is not required for a production process; or

(iii) Businesses principally devoted to treating and storing hazardous or toxic waste; and

(d) Tangible personal property that is necessary for the operation of property that qualifies for the exemption available in paragraph (c) of this subsection.

(3) ~~This~~ The exemption provided in subsection (1) of this section does not apply to or include:

(a) ~~M~~motor vehicles or aircraft, without regard to the use to which such motor vehicles or aircraft are put;

(b) The sale, use or purchase of fixtures, plumbing fixtures, pipe, pumps or other items used to treat or transport wastewater to a wastewater treatment plant that is owned by a wastewater operator as defined in section 54-2403, Idaho Code;

(c) The sale, use or purchase of fixtures or tangible personal property that is used to treat or transport drinking water by a drinking water operator as defined in section 54-2403, Idaho Code;

(d) The sale, use or purchase of property used to prevent soil erosion;

(e) The sale, use or purchase of property that is affixed to realty and that is used in road construction or the construction of residential or commercial buildings or other improvements to realty owned by persons other than the businesses described in subsection (2)(c) of this section;

(f) The sale, use or purchase of property used to construct buildings or structures that merely house pollution control equipment or a pollution control facility, including both building materials and construction equipment and including equipment used for excavation;

(g) The sale, use or purchase of tangible personal property used to install pollution control equipment or facilities; or

(h) The sale, use or purchase of tangible personal property that will become part of a septic tank or septic system.

Approved March 30, 2007.

CHAPTER 291
(H.B. No. 267)

AN ACT

RELATING TO ADMINISTRATIVE RULES; CONTINUING CERTAIN RULES IN FULL FORCE AND EFFECT UNTIL JULY 1, 2008; CONTINUING RULES APPROVED OR EXTENDED BY ADOPTION OF A CONCURRENT RESOLUTION OF THE FIRST REGULAR SESSION OF THE FIFTY-NINTH IDAHO LEGISLATURE IN FULL FORCE AND EFFECT UNTIL JULY 1, 2008, 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, 2007, 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, 2008, at which time they shall expire as provided in Section 67-5292, Idaho Code.

SECTION 2. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been affirmatively approved or extended by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the First Regular Session of the Fifty-ninth Idaho Legislature shall continue in full force and effect in such approved or extended language until July 1, 2008, at which time they shall expire as provided in Section 67-5292, Idaho Code, or until such earlier time as provided in the rule or as otherwise provided by statute, unless further extended by statute.

SECTION 3. All rules, as that term is defined in Section 67-5201, Idaho Code, which have been rejected by the adoption of a Concurrent Resolution by both the Senate and the House of Representatives in the First Regular Session of the Fifty-ninth 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, 2008, 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 March 30, 2007.

CHAPTER 292
(H.B. No. 305)

AN ACT

RELATING TO THE MILITARY DIVISION AND THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 31-4815, IDAHO CODE, TO PROVIDE FOR THE CREATION OF THE IDAHO EMERGENCY COMMUNICATIONS COMMISSION IN THE MILITARY DIVI-

SION; AMENDING SECTION 46-1203, IDAHO CODE, TO DELETE REFERENCE TO THE DEPARTMENT OF ADMINISTRATION AND TO PROVIDE DUTIES OF THE MILITARY DIVISION; AMENDING SECTION 46-1204, IDAHO CODE, TO DELETE REFERENCE TO THE DEPARTMENT OF ADMINISTRATION AND TO PROVIDE DUTIES OF THE MILITARY DIVISION; AMENDING SECTION 67-5747, IDAHO CODE, TO PROVIDE DUTIES OF THE MILITARY DIVISION FOR ACQUISITION AND INSTALLATION OF CERTAIN EQUIPMENT.

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

SECTION 1. That Section 31-4815, Idaho Code, be, and the same is hereby amended to read as follows:

31-4815. CREATION OF IDAHO EMERGENCY COMMUNICATIONS COMMISSION -- TERMS. (1) There is hereby created in the ~~department of administration~~ military division an Idaho emergency communications commission (hereinafter referred to as "the commission") for the purpose of assisting cities, counties, ambulance districts and fire districts in the establishment, management, operations and accountability of consolidated emergency communications systems. Notwithstanding any other provision of law to the contrary, the commission shall, upon being constituted, exercise its powers and duties in accordance with the provisions of this section relative to consolidated emergency communications in this state established by enactment of the legislature or by private act.

(2) The commission shall be composed of thirteen (13) voting members, with eleven (11) appointed by the governor as follows: one (1) member representing the association of Idaho cities, one (1) member representing the Idaho association of counties, one (1) member representing the Idaho sheriffs' association, one (1) member representing the Idaho chiefs of police association, one (1) member representing the Idaho fire chiefs association, one (1) member representing the Idaho prosecuting attorneys association, one (1) member representing the Idaho state emergency medical services communications center, one (1) member representing the Idaho emergency medical services association, one (1) member representing the public at large and two (2) members representing private industry service providers, one (1) from the wireless industry and one (1) from the traditional phone service industry. The commission shall also include the director of the Idaho state police or a designated representative and the adjutant general or a designated representative. One (1) representative of the attorney general shall serve as a nonvoting ex officio member.

(3) Except as provided in this subsection, members of the commission shall be appointed for a term of four (4) years. The following five (5) members shall be appointed to an initial term of two (2) years: the member representing the Idaho fire chiefs association, the member representing the Idaho state emergency medical services communications center, the member representing the Idaho emergency medical services association, the member representing the wireless industry, and one (1) member representing the public. The remaining six (6) members appointed by the governor shall be appointed for an initial term of four (4) years. Thereafter, all terms shall be for a period of four (4) 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. Compensation shall be paid from the emergency communications fund created in section 31-4818, Idaho Code.

SECTION 2. That Section 46-1203, Idaho Code, be, and the same is hereby amended to read as follows:

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~~ military division. 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.

SECTION 3. That Section 46-1204, Idaho Code, be, and the same is hereby amended to read as follows:

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~~ military division;

(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~~ military division;

(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~~ military division;

(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~~ military division;

(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.

SECTION 4. That Section 67-5747, Idaho Code, be, and the same is hereby amended to read as follows:

67-5747. POWERS AND DUTIES. (1) The department of administration is hereby authorized and directed:

(a) (i) To control and approve the acquisition and installation of all communications equipment and facilities for all departments and institutions of state government, except as provided in subparagraphs (ii), ~~and~~ (iii) <u>and (iv)</u> of this subsection;

(ii) To coordinate the acquisition and installation of all communications equipment and facilities for the institutions of higher education and the elected officers in the executive department;

(iii) To coordinate the acquisition and installation of all communications equipment and facilities for the legislative and judicial departments<u>;</u>

<u>(iv) Provided however, that the acquisition and installation of all public safety and microwave equipment shall be under the control of the military division.</u>

In approving or coordinating the acquisition or installation of communications equipment or facilities, the department shall first consult with and consider the recommendations and advice of the directors or executive heads of the various departments or institutions. Any acquisition or installation of any communications equipment or facilities that is contrary to the department's recommendation, or is not in harmony with the state's overall plan for communications and information sharing, shall be reported in writing to the governor and the legislature.

(b) To receive and hold, upon order of the board of examiners, physical custody and control of such existing communications equipment and facilities utilized by or in the possession of any department or institution, as may be necessary to carry out the purposes of this chapter.

(c) To provide a system of communications for all departments and institutions of state government. The department may prescribe adequate rules for the use of any communications equipment and facilities now in use or hereafter made available. Funds received pursuant to this subsection shall be appropriated for payment of communica-

tion and telephone charges incurred by the various agencies and institutions of state government.

(d) To provide a means whereby political subdivisions of the state may utilize the state communications system, upon such terms and under such conditions as the department may establish.

(e) To accept federal funds granted by congress or by executive order for all or any of the purposes of this chapter, as well as gifts and donations from individuals and private organizations or foundations.

Approved March 30, 2007.

CHAPTER 293
(H.B. No. 309)

AN ACT

APPROPRIATING MONEYS FOR THE DEPARTMENT OF HEALTH AND WELFARE FOR THE CHILD WELFARE PROGRAM FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; APPROPRIATING MONEYS FOR THE DEPARTMENT OF HEALTH AND WELFARE FOR THE FOSTER AND ASSISTANCE PAYMENTS PROGRAM FOR FISCAL YEAR 2008; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; DIRECTING THE DISTRIBUTION OF THE FUNDS FOR EMPLOYEE COMPENSATION; 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 according to the designated expense classes from the listed funds for the period July 1, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Cooperative Welfare Fund (General)	$10,689,500	$1,854,800	$ 645,000	$13,189,300
Cooperative Welfare Fund (Dedicated)	92,200			92,200
Cooperative Welfare Fund (Federal)	12,450,900	6,247,100	390,400	19,088,400
TOTAL	$23,232,600	$8,101,900	$1,035,400	$32,369,900

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than three hundred eighty-three and forty-four hundredths (383.44) full-time equiva-

lent positions for the Child Welfare Program during the period July 1, 2007, through June 30, 2008. 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 the Foster and Assistance Payments Program the following amounts to be expended according to the designated expense class from the listed funds for the period July 1, 2007, through June 30, 2008:

FOR:	
Trustee and Benefit Payments	$28,290,200
FROM:	
Cooperative Welfare Fund (General)	$12,693,100
Cooperative Welfare Fund (Dedicated)	680,300
Cooperative Welfare Fund (Federal)	14,916,800
TOTAL	$28,290,200

SECTION 4. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 5. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2008.

SECTION 6. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

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 30, 2007.

CHAPTER 294
(H.B. No. 310)

AN ACT

APPROPRIATING MONEYS FOR THE DEPARTMENT OF HEALTH AND WELFARE FOR SUBSTANCE ABUSE SERVICES IN THE SUBSTANCE ABUSE TREATMENT AND PREVENTION PROGRAM FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THE REPORTING OF CERTAIN SUBSTANCE ABUSE TREATMENT GROUPS; PROVIDING LEGISLATIVE INTENT REGARDING THE ACCESS TO RECOVERY FEDERAL FUNDING CARRYOVER; DIRECTING A SUBSTANCE ABUSE CASELOAD MINIMUM; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 substance abuse services in the Substance Abuse Treatment and Prevention Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
Cooperative Welfare Fund (General)	$246,300	$ 430,300	$ 400	$ 7,649,600	$ 8,326,600
Prevention of Minors' Access to Tobacco Fund	24,700	46,800			71,500
Substance Abuse Treatment Fund	238,700	519,800		1,593,900	2,352,400
Cooperative Welfare Fund (Dedicated)	46,700	438,300			485,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Liquor Control Fund				650,000	650,000
Cooperative Welfare Fund (Federal)	429,900	2,869,400	1,200	4,807,500	8,108,000
TOTAL	$986,300	$4,304,600	$1,600	$14,701,000	$19,993,500

SECTION 2. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than fifteen and twenty-four hundredths (15.24) full-time equivalent positions for the Substance Abuse Treatment and Prevention Program during the period July 1, 2007, through June 30, 2008. Transfers of full-time equivalent positions between appropriated programs within the department are authorized and shall be reported in the budget prepared for the next fiscal year. Any full-time equivalent positions in excess of the department's total cap may be authorized only by the Governor and promptly reported to the Joint Finance-Appropriations Committee.

SECTION 3. GENERAL FUND TRANSFERS. As appropriated, the State Controller shall make transfers from the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. REPORT. The Substance Abuse Treatment and Prevention Program is directed to report to the Joint Finance-Appropriations Committee during the 2008 legislative session, a breakdown of the following substance abuse treatment groups: court supervised individuals, individuals treated through Drug and Mental Health Courts, and noncourt supervised individuals. The information provided shall include an unduplicated count of the number of individuals served in fiscal year 2006 and fiscal year 2007, as well as the total annual cost per designated category.

SECTION 5. FEDERAL FUND CARRYOVER. It is the intent of the Legislature that should the Department of Health and Welfare Substance Abuse Treatment and Prevention Program receive approval from the federal government to carryover unspent Access to Recovery funds, the program is then directed to request a supplemental appropriation for any additional spending authority needed. Further, it is the intent of the Legislature that no additional federal spending authority for the Access to Recovery fund amount be requested or added through the noncognizable process.

SECTION 6. SUBSTANCE ABUSE CASELOAD MINIMUMS. The Department of Health and Welfare Substance Abuse Treatment and Prevention Program is directed to, based on caseload prevalence, serve at least the same number of individuals for substance abuse treatment in fiscal year 2008 as were served in fiscal year 2007. The Interagency Substance Abuse Committee and the Department of Health and Welfare are further directed to budget and request funding for substance abuse treatment based on eligi-

ble individual caseload; taking into account current treatment service capacity within the provider community and the additional service capacity needed.

SECTION 7. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2008.

SECTION 8. SALARY DISTRIBUTION. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 9. 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 March 30, 2007.

CHAPTER 295
(H.B. No. 311)

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 2008; 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 DEVELOPMEN-

TALLY 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; DIRECTING THAT THE FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO INTENSIVE BEHAVIORAL INTERVENTION; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 4,779,400	$1,267,800	$179,500	$2,745,700	$ 8,972,400
Cooperative Welfare Fund (Federal)	4,623,700	1,919,200	108,500	1,300,500	7,951,900
Cooperative Welfare Fund (Dedicated)	760,800	46,300		879,800	1,686,900
TOTAL	$10,163,900	$3,233,300	$288,000	$4,926,000	$18,611,200

SECTION 2. FULL-TIME EQUIVALENT POSITIONS. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than one hundred sixty-six and ninety-two hundredths (166.92) full-time equivalent positions for the Community Developmental Disability Services Program during the period July 1, 2007, through June 30, 2008. 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 4,526,100	$ 574,000	$293,500	$115,900	$ 5,509,500
Medical Assistance Fund		3,500			3,500
Cooperative Welfare Fund (Federal)	14,450,300	2,891,200	22,100	225,200	17,588,800
Cooperative Welfare Fund (Dedicated)	667,500	537,800		10,600	1,215,900
TOTAL	$19,643,900	$4,006,500	$315,600	$351,700	$24,317,700

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 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, 2007, through June 30, 2008. 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 2007 to the Community Developmental Disability Services Program to be used for nonrecurring expenditures for the Infant and Toddler Program, for the period July 1, 2007, through June 30, 2008. 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. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2008.

SECTION 8. It is the intent of the Legislature that the Community Developmental Disabilities Program report back on the status regarding growth in the use of intensive behavioral intervention services to the

Joint Finance-Appropriations Committee during its 2009 budget hearing. The report shall include the last five (5) years' growth history and the outcomes and effects the additional five (5) full-time equivalent positions have had on the program.

SECTION 9. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 10. 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 30, 2007.

CHAPTER 296
(H.B. No. 312)

AN ACT

APPROPRIATING ADDITIONAL MONEYS FOR THE HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 2008.

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 Psychiatry Residency Program in the State Board of Education the following amount to be expended according to the designated expense class from the listed fund for the period July 1, 2007, through June 30, 2008:

FOR:	
Trustee and Benefit Payments	$40,600
FROM:	
General Fund	$40,600

Approved March 30, 2007.

CHAPTER 297
(H.B. No. 313)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE SERVICE INTEGRATION PROGRAM FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 Service Integration Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
Cooperative Welfare Fund (General)	$ 781,300	$133,200		$ 914,500
Cooperative Welfare Fund (Dedicated)			$ 50,000	50,000
Cooperative Welfare Fund (Federal)	708,700	114,800	700,000	1,523,500
TOTAL	$1,490,000	$248,000	$750,000	$2,488,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Health and Welfare is authorized no more than twenty-seven (27) full-time equivalent positions for the Service Integration Program during the period July 1, 2007, through June 30, 2008. 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. As appropriated the State Controller shall make transfers of the General Fund to the Cooperative Welfare Fund, periodically, as requested by the director of the Department of Health and Welfare and approved by the Board of Examiners.

SECTION 4. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2008.

SECTION 5. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 6. 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 the pay grade or occupational groups with significant turnover rates shall be considered first in the order of salary savings distributions.

Approved March 30, 2007.

CHAPTER 298
(H.B. No. 314)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DIVISION OF WELFARE FOR FISCAL YEAR 2008; 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; DIRECTING THAT

FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SELF-RELIANCE PROGRAMS:					
FROM:					
General Fund	$14,203,600	$ 9,589,600	$299,400		$ 24,092,600
Cooperative Welfare Fund (Federal)	19,331,500	16,443,000	244,600		36,019,100
Idaho Health Insurance Access Card Fund	65,400				65,400
Cooperative Welfare Fund (Dedicated)	61,300	2,265,200			2,326,500
TOTAL	$33,661,800	$28,297,800	$544,000		$ 62,503,600
II. BENEFIT PAYMENTS:					
FROM:					
General Fund				$19,097,500	$ 19,097,500
Cooperative Welfare Fund (Dedicated)				311,300	311,300
Cooperative Welfare Fund (Federal)				58,922,200	58,922,200
TOTAL				$78,331,000	$ 78,331,000
GRAND TOTAL	$33,661,800	$28,297,800	$544,000	$78,331,000	$140,834,600

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 2007 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, 2007, through June 30, 2008. 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 fourteen and sixty-nine hundredths (614.69) full-time equivalent positions for the Self-Reliance Programs during the period July 1, 2007, through June 30, 2008. 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. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2008.

SECTION 6. SALARY DISTRIBUTION. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 7. 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 March 30, 2007.

CHAPTER 299
(H.B. No. 316)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE IDAHO ECONOMIC DEVELOPMENT BIOFUEL INFRASTRUCTURE MATCHING GRANT FUND; AND APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2008, THROUGH FISCAL YEAR 2009.

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

SECTION 1. On July 2, 2007, or as soon thereafter as possible, the State Controller shall transfer $690,000 from the General Fund to the Idaho Economic Development Biofuel Infrastructure Matching Grant Fund created in Section 1, House Bill No. 150, as enacted by the First Regular Session of the Fifty-ninth Idaho Legislature.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the Department of Water Resources for the Energy Resources Program the sum of $690,000 from the Idaho Economic Development Biofuel Infrastructure Matching Grant Fund to be used for matching grants pursuant to Section 42-1806, Idaho Code, for the period July 1, 2008, through June 30, 2009.

Approved March 30, 2007.

CHAPTER 300
(H.B. No. 317)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2008.

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 for the Water Management Program the sum of $557,000 from the General Fund, to be expended for operating expenditures for administration of water rights pursuant to Section 42-620, Idaho Code, for the period July 1, 2007, through June 30, 2008.

Approved March 30, 2007.

CHAPTER 301
(H.B. No. 318)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE COMMUNITY HOSPITALIZATION PROGRAM FOR FISCAL YEAR 2008; PROVIDING THE FUNDING ALLOCATION FOR SUPPORT OF FRANKLIN HOUSE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND

WELFARE FOR PSYCHIATRIC HOSPITALIZATION IN THE STATE HOSPITAL NORTH PROGRAM FOR FISCAL YEAR 2008; 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 2008; 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; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

COMMUNITY HOSPITALIZATION:	
FROM:	
General Fund	$2,160,400
FOR:	
Trustee and Benefit Payments	$2,160,400

SECTION 2. FRANKLIN HOUSE. It is the intent of the Legislature that the Department of Health and Welfare may allocate funding from either the Community Hospitalization Program or from excess appropriated funding within the Community Mental Health Program for adults, to maintain community partnerships in the support of Franklin House. Franklin House provides crisis intervention and transitional support for the mentally ill adults in Region IV for the Department of Health and Welfare, St. Alphonsus Regional Hospital, and Ada County.

SECTION 3. 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$5,996,300	$ 970,000	$124,300	$17,000	$7,107,600
State Hospital North Endowment Income Fund	186,500	515,700	115,700	44,500	862,400
Cooperative Welfare Fund (Dedicated)	143,100				143,100
TOTAL	$6,325,900	$1,485,700	$240,000	$61,500	$8,113,100

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 one hundred nine and thirty-nine hundredths (109.39) full-time equivalent positions for the State Hospital North Program during the period July 1, 2007, through June 30, 2008. 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 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$ 9,824,400	$1,415,800	$ 64,500	$260,200	$11,564,900
Mental Hospital Endowment Income Fund	1,029,600	177,500	49,000		1,256,100
Cooperative Welfare Fund (Federal)	2,794,700	1,385,900		13,000	4,193,600
Cooperative Welfare Fund (Dedicated)	2,407,000	656,100		800	3,063,900
TOTAL	$16,055,700	$3,635,300	$113,500	$274,000	$20,078,500

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 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, 2007, through June 30, 2008. 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. 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 8. 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 hospi-

tal to hospital. The Department of Health and Welfare is encouraged to actively manage the quality and cost of these services.

SECTION 9. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2008.

SECTION 10. SALARY DISTRIBUTION. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

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 March 30, 2007.

CHAPTER 302
(H.B. No. 319)

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 2008; 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 SER-

VICES 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; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO CHILDREN'S MENTAL HEALTH CONTRACT TREATMENT SERVICES; CLARIFYING THE BUDGET TRANSFER TO CHILD WELFARE; PROVIDING INTENT REGARDING THE FUNDING ALLOCATION FOR SUPPORT OF FRANKLIN HOUSE; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$2,367,900	$ 815,000	$8,400	$5,254,600	$ 8,445,900
Cooperative Welfare Fund (Federal)	3,245,600	1,796,100	1,500	1,671,600	6,714,800
Cooperative Welfare Fund (Dedicated)				164,500	164,500
TOTAL	$5,613,500	$2,611,100	$9,900	$7,090,700	$15,325,200

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 eighty-nine and sixty-eight hundredths (89.68) full-time equivalent positions for the Children's Mental Health Program during the period July 1, 2007, through June 30, 2008. 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Fund	$11,914,400	$1,800,100	$239,300	$4,131,600	$18,085,400
Cooperative Welfare Fund (Federal)	3,247,500	1,107,800	144,400	404,400	4,904,100
Drug Court, Mental Health Court & Family Court Services Fund	168,700	98,000			266,700
Cooperative Welfare Fund (Dedicated)	231,400			650,000	881,400
TOTAL	$15,562,000	$3,005,900	$383,700	$5,186,000	$24,137,600

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 two hundred fifty-nine and forty-four hundredths(259.44) full-time equivalent positions for the Community Mental Health Services Program during the period July 1, 2007, through June 30, 2008. 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. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2008.

SECTION 9. CHILDREN'S MENTAL HEALTH CONTRACT TREATMENT SERVICES. It is the intent of the Legislature that the additional funding in the amount of $947,700 from the General Fund be combined with the $1,157,000 ongoing General Funds appropriated in the fiscal year 2006 budget to pay for contract treatment services for children in the Children's Mental Health Program. The total amount is not to be a limit but rather to provide a minimum amount of $2,104,700 for contract treatment services. Contract treatment services may include, but are not limited to: family support and preservation services, intensive outpatient and outpatient treatments, day treatment services outside the public school system, and contract wraparound case management services. For fiscal year 2008 only, the department may use, on a one-time basis, up to $50,000 of this funding to pay for training for staff regarding diagnosis of co-occuring substance abuse and mental health disorders.

SECTION 10. CHILDREN'S MENTAL HEALTH -- DAY TREATMENT REPORTING. It is the intent of the Legislature that the Children's Mental Health Program report to the Joint Finance-Appropriations Committee during its 2008 budget hearing the amount of annual funds paid to public schools for day treatment services by school district, the number of children by school district that were treated annually, and the outcome data reported as required by the contracts for services. Further, it is the intent that the level of expenditures for fiscal year 2008 remain at the same level as fiscal year 2007 for school-based day treatment.

SECTION 11. CHILD WELFARE TRANSFER. The budget transfer to child welfare from the Children's Mental Health budget is for residential care of children in the child welfare system in order to meet the children's behavioral or mental health needs.

SECTION 12. FRANKLIN HOUSE. It is the intent of the Legislature that the Department of Health and Welfare may allocate funding from either the Community Hospitalization Program or from excess appropriated funding within the Community Mental Health Program for adults, to maintain community partnerships in the support of Franklin House. Franklin House provides crisis intervention and transitional support for the mentally ill adults in Region IV for the Department of Health and Welfare, St. Alphonsus Regional Hospital and Ada County.

SECTION 13. SALARY DISTRIBUTION. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 14. 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 March 30, 2007.

CHAPTER 303
(H.B. No. 320)

AN ACT

DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE WATER MANAGEMENT FUND.

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

SECTION 1. On July 2, 2007, or as soon thereafter as possible, the State Controller shall transfer $638,000 from the General Fund to the Water Management Fund. On July 2, 2007, or as soon thereafter as possible, the State Controller, with the cooperation of the Department of Water Resources, shall transfer $211,936.99 from the Department's Miscellaneous Revenue Fund to the Water Management Fund. It is legislative intent that the Idaho Water Resource Board use the sum of such moneys for technical studies, facilitation services, and interim measures as described in the Eastern Snake Comprehensive Management Plan Framework.

Approved March 30, 2007.

CHAPTER 304
(H.B. No. 322)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR FISCAL YEAR 2008; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; REAPPROPRIA-

TING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS FOR PROVIDER PAYMENTS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES FOR CERTAIN PROJECTS IN THE MEDICAID ADMINISTRATION AND MEDICAL MANAGEMENT PROGRAM; AUTHORIZING THE EXPENDITURE OF ALL RECEIPTS COLLECTED; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING A TRANSFER OF CERTAIN MONEYS APPROPRIATED FOR TRUSTEE AND BENEFIT PAYMENTS; REQUESTING A COST-BENEFIT ANALYSIS AND FEASIBILITY REVIEW REGARDING THERAPEUTIC CARE PORTION OF THERAPEUTIC FOSTER CARE, RESIDENTIAL AND GROUP CARE PROGRAMS; REQUESTING A COST-BENEFIT ANALYSIS AND FEASIBILITY REVIEW REGARDING RESIDENTIAL AND OUTPATIENT SUBSTANCE ABUSE TREATMENT; REQUESTING A REVIEW OF POLICIES AND PROCEDURES REGARDING REBATES FOR THE STATE PHARMACEUTICAL PURCHASING PLANS; AUTHORIZING THE TRANSFER OF FUNDS FOR SCHOOL-BASED SERVICES; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 Medical Assistance Services the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MEDICAID ADMINISTRATION AND MEDICAL MANAGEMENT:					
FROM:					
General Fund	$ 6,175,700	$ 6,821,800	$173,100	$ 1,311,000	$ 14,481,600
Idaho Health Insurance Access Card Fund	70,800	152,000			222,800
Cooperative Welfare Fund (Dedicated)		3,383,800			3,383,800
Cooperative Welfare Fund (Federal)	11,601,100	22,582,600	122,100	1,638,600	35,944,400
TOTAL	$17,847,600	$32,940,200	$295,200	$ 2,949,600	$ 54,032,600
II. DUAL ELIGIBLE INDIVIDUALS:					
FROM:					
General Fund				$ 63,284,900	$ 63,284,900
Cooperative Welfare Fund (Dedicated)				10,676,200	10,676,200
Cooperative Welfare Fund (Federal)				131,638,600	131,638,600
TOTAL				$ 205,599,700	$ 205,599,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. INDIVIDUALS WITH DISABILITIES:					
FROM:					
General Fund				$ 163,946,500	$ 163,946,500
Idaho Health Insurance Access Card Fund				893,500	893,500
Medical Assistance Fund				2,500	2,500
Cooperative Welfare Fund (Dedicated)				35,979,600	35,979,600
Cooperative Welfare Fund (Federal)				357,524,900	357,524,900
TOTAL				$ 558,347,000	$ 558,347,000
IV. LOW-INCOME CHILDREN AND WORKING-AGE ADULTS:					
FROM:					
General Fund				$ 134,890,800	$ 134,890,800
Idaho Health Insurance Access Card Fund				1,717,400	1,717,400
Cooperative Welfare Fund (Dedicated)				37,085,400	37,085,400
Cooperative Welfare Fund (Federal)				301,244,500	301,244,500
TOTAL				$ 474,938,100	$ 474,938,100
GRAND TOTAL	$17,847,600	$32,940,200	$295,200	$1,241,834,400	$1,292,917,400

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 Dual Eligible Individuals Program, Individuals with Disabilities Program, and Low-Income Children and Working-Age Adults Program for provider payments for fiscal year 2007, to be used for trustee and benefit payments for the period July 1, 2007, through June 30, 2008. 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. 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 originally appropriated to the Medicaid Administration and Medical Management for fiscal year 2007, for the following purposes: to continue the market analysis of rates paid to developmental disability service providers as referred to in Section 56-118, Idaho Code, to continue to develop the Medicaid Management Information System (MMIS); and to continue the efforts of the Health Quality Planning Commission and the distribution of health technology grants for the period July 1, 2007, through June 30, 2008. 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 5. EXPENDITURES OF COLLECTED RECEIPTS. Notwithstanding the provisions of Section 67-3516(2), Idaho Code, the Department of Health and Welfare is hereby authorized to expend all receipts collected on behalf of the Dual Eligible Individuals Program, Individuals with Disabilities Program, and the Low-Income Children and Working-Age Adults Program, as noncognizable funds for the period July 1, 2007, through June 30, 2008.

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 two hundred seventy-eight and five-tenths (278.5) full-time equivalent positions for the Medical Assistance Services Program during the period July 1, 2007, through June 30, 2008. 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 7. TRUSTEE AND BENEFIT PAYMENTS. Notwithstanding the provisions of Section 67-3511, Idaho Code, funding provided for provider payments in the trustee and benefit payments expenditure object code in the budgeted Medical Assistance Services may be transferred in excess of ten percent (10%) between the Dual Eligible Individuals Program, Individuals with Disabilities Program, and Low-Income Children and Working-Age Adults Program, but shall not be transferred to any other budgeted programs or objects within the Department of Health and Welfare during fiscal year 2008.

SECTION 8. COST-BENEFIT ANALYSIS. The Department of Health and Welfare is requested to perform a comprehensive cost-benefit analysis and feasibility review of any potential benefits of paying for the therapeutic care portion of therapeutic foster care, residential, and group care programs from the Medicaid appropriation rather than from the state

funded only Children's Mental Health Program. The Department of Health and Welfare shall report the results of the review to the Health Care Task Force by November 1, 2007.

SECTION 9. COST-BENEFIT ANALYSIS. The Department of Health and Welfare is requested to perform a comprehensive cost-benefit analysis and feasibility review of any potential benefits of paying for residential and outpatient substance abuse treatment for Medicaid eligible clients from the Medicaid appropriation rather than from the state funded only portion of the Substance Abuse Services Program. The Department of Health and Welfare shall report the results of the review to the Health Care Task Force by November 1, 2007.

SECTION 10. STUDY PHARMACEUTICAL REBATES. The Department of Health and Welfare is requested to review current policies and procedures within Medicaid for identifying rebates for the state pharmaceutical purchasing plan, including the possibility of enhancing collection procedures for federally mandated and supplemental rebates from name brand and generic manufacturers.

SECTION 11. SCHOOL-BASED SERVICES MATCH. Notwithstanding the provisions of Sections 33-907, 33-1018, 33-1018A and 33-1018B, Idaho Code, $1,000,000 from the Public Education Stabilization Fund shall be transferred to the Health Care Trust Fund and remain in the state treasury to be used as the required Medicaid match for school-based services to benefit the school districts.

SECTION 12. SALARY DISTRIBUTION. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 13. 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 March 30, 2007.

CHAPTER 305
(H.B. No. 323)

AN ACT

APPROPRIATING MONEYS TO THE EXECUTIVE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 Executive Office of the Governor 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. GOVERNOR'S OFFICE ADMINISTRATION:			
FROM:			
General Fund	$1,795,400	$265,300	$2,060,700
II. GOVERNOR'S EXPENSE ALLOWANCE:			
TO BE EXPENDED PURSUANT TO SECTION 67-808d, IDAHO CODE:			
FROM:			
General Fund		$ 5,000	$ 5,000
III. SOCIAL SERVICES:			
FROM:			
Federal Grant Fund	$ 187,000		$ 187,000
IV. ACTING GOVERNOR PAY:			
FROM:			
General Fund	$ 19,200		$ 19,200
TOTAL	$2,001,600	$270,300	$2,271,900

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Executive Office of the Governor is authorized no more than twenty-nine (29) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. The Executive Office of the 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, 2007.

CHAPTER 306
(S.B. No. 1078, As Amended in the House)

AN ACT

RELATING TO THE IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN COMMISSION; AMENDING SECTION 56-1013A, IDAHO CODE, TO PROVIDE AN ADDITIONAL PURPOSE FOR THE IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN COMMISSION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1017, IDAHO CODE, TO PROVIDE ADDITIONAL RULEMAKING AUTHORITY FOR THE BOARD OF HEALTH AND WELFARE AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 56-1013A, Idaho Code, be, and the same is hereby amended 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 commis-

sion for the purpose of establishing standards for scope ~~and~~ of practice and medical supervision for certified personnel, ambulance services, and ~~non-transport~~ nontransport agencies licensed by the department, and for making disciplinary action recommendations to the department against certified personnel. 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 2. That Section 56-1017, Idaho Code, be, and the same is hereby amended to read as follows:

56-1017. RULES. (1) The 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~~ nontransport services, licensure of ambulance and ~~non-transport~~ nontransport 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 and the management of complaints, investigations and certification and license actions against certified EMS personnel and licensed EMS services. The rules of the board of health and welfare must be consistent with the rules adopted by the 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~~ who request such information.

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 30, 2007.

CHAPTER 307
(S.B. No. 1126, As Amended, As Amended in the House)

AN ACT

RELATING TO MOTOR VEHICLE LIABILITY; AMENDING SECTION 49-1212, IDAHO CODE, TO REQUIRE THAT A MINIMUM LEVEL OF MOTOR VEHICLE LIABILITY COVERAGE BE PROVIDED TO CERTAIN PERSONS; AND AMENDING SECTION 49-2417, IDAHO CODE, TO REVISE LIABILITY PROVISIONS RELATING TO LIABILITY FOR IMPUTED NEGLIGENCE AND TO PROVIDE NONLIABILITY TO THE OWNER THAT RENTS OR LEASES A MOTOR VEHICLE TO A PERSON UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 49-1212, Idaho Code, be, and the same is hereby amended to read as follows:

49-1212. EXPRESSED, PERMITTED AND IMPLIED PROVISIONS OF MOTOR VEHICLE LIABILITY POLICY. (1) An owner's policy of liability insurance shall:

(a) Designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is to be granted; and

(b) Insure the person named therein and any other person, as insured, using any such described motor vehicles with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of the motor vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each motor vehicle, as provided in section 49-117, Idaho Code.

(2) An operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth in subsection (1) of this section with respect to an owner's policy of liability insurance.

(3) A motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be indorsed that insurance is provided in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

(4) A motor vehicle liability policy shall not insure any liability under any worker's compensation law as provided in title 72, Idaho Code, nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any described motor vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(5) Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(a) The policy may not be canceled or annulled as to any liability by any agreement between the insurance carrier and the insured after the occurrence of any injury or damage covered by the motor vehicle liability policy.

(b) Satisfaction by the insured of a judgment for injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage.

(c) The insurance carrier shall have the right to settle any claim covered by the policy, and if the settlement is made in good faith, the amount shall be deductible from the limits of liability specified in subsection (1)(b) of this section.

(d) The policy and its written application, if any, and any rider

or indorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

(6) Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and any excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants an excess of additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(7) Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

(8) Any motor vehicle liability policy may provide for the prorating of the insurance with other valid and collectible insurance.

(9) The requirements for a motor vehicle liability policy may be fulfilled by the policies of one (1) or more insurance carriers which policies together meet the requirements of this chapter.

(10) Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

(11) When the negligent operation of a loaned vehicle results in the death or injury to a person or personal property, except for the loaned vehicle, and at the time of the negligent operation of the loaned vehicle the operator of the loaned vehicle is insured under a motor vehicle liability policy complying with the financial responsibility law of this state, primary coverage for the death of or injury to a person or personal property, except for the loaned vehicle, shall be provided by the operator's motor vehicle liability policy. The insurance policy of the owner of the loaned vehicle shall provide secondary or excess coverage for the death of or injury to a person or personal property, however the loaned vehicle owner's insurance shall provide primary coverage for damage to the loaned vehicle.

(a) For the purpose of this subsection, "loaned vehicle" means a motor vehicle which is provided for temporary use without charge to the operator by an entity licensed under chapter 16, title 49, Idaho Code, for the purpose of demonstrating the vehicle to the operator as a prospective purchaser, or as a convenience to the operator during the repairing or servicing of a motor vehicle for the operator, regardless of whether such repair or service is performed by the owner of the loaned vehicle or by some other person or business.

(b) Should the owner of a motor vehicle receive any compensation from or on behalf of the operator for the temporary use of the motor vehicle, excluding any compensation provided to the owner as a result of the repairing or servicing of a motor vehicle for the operator, the owner's insurance coverage shall be primary and the operator's motor vehicle insurance shall be secondary or excess.

(12) No motor vehicle liability policy providing coverage beyond state mandated minimum limits shall provide a reduced level of coverage to any insured's family or household member or other authorized user except as provided in section 41-2510, Idaho Code.

SECTION 2. That Section 49-2417, Idaho Code, be, and the same is hereby amended to read as follows:

49-2417. OWNER'S TORT LIABILITY FOR NEGLIGENCE OF ANOTHER -- SUBROGATION. (1) Every owner of a motor vehicle is liable and responsible for the death of or injury to a person or property resulting from negligence in the operation of his motor vehicle, in the business of the owner or otherwise, by any person using or operating the vehicle with the permission, expressed or implied, of the owner, and the negligence of the person shall be imputed to the owner for all purposes of civil damages.

(2) The liability of an owner for imputed negligence imposed by the provisions of this section and not arising through the relationship of principal and agent or master and servant is limited to the amounts set forth under "proof of financial responsibility" in section 49-117, Idaho Code, or the limits of the liability insurance maintained by the owner, whichever is greater.

(3) In any action against an owner for imputed negligence as imposed by the provisions of this section the operator of the vehicle whose negligence is imputed to the owner shall be made a defendant party if personal service of process can be had upon that operator within Idaho. Upon recovery of a judgment, recourse shall first be had against the property of the operator so served.

(4) In the event a recovery is had under the provisions of this section against an owner for imputed negligence the owner is subrogated to all the rights of the person injured and may recover from the operator the total amount of any judgment and costs recovered against the owner. If the bailee of an owner with the permission, expressed or implied, of the owner, permits another to operate the motor vehicle of the owner, then the bailee and the driver shall both be deemed operators of the vehicle of the owner, within the meaning of subsections (3) and (4) of this section.

(5) Where two (2) or more persons are injured or killed in one (1) accident, the owner may settle or pay any bona fide claim for damages arising out of personal injuries or death, whether reduced to a judgment or not, and the payments shall diminish to the extent of the owners' total liability on account of the accident. Payments so made, aggregating the full sum of fifty thousand dollars ($50,000), shall extinguish all liability of the owner hereunder to the claimants and all other persons on account of the accident. Liability may exist by reason of imputed negligence, pursuant to this section, and not arising through the negligence of the owner nor through the relationship of principal and agent nor master and servant.

(6) If a motor vehicle is sold under a contract of conditional sale whereby the title to the motor vehicle remains in the vendor, the vendor or his assignee shall be deemed an owner within the provisions of this section.

(7) An owner that rents or leases a motor vehicle to a person shall not be liable under the laws of the state of Idaho or a political subdivision thereof, by reason of being the owner of the vehicle, for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease if:

(a) The owner is engaged in the trade or business of renting or leasing motor vehicles; and
(b) There is no negligence or criminal wrongdoing on the part of the owner.

Approved March 30, 2007.

CHAPTER 308
(S.B. No. 1142)

AN ACT

RELATING TO JUVENILE CORRECTIONS; AMENDING SECTION 20-520, IDAHO CODE, TO AUTHORIZE COURTS TO ORDER THAT THE DEPARTMENT OF HEALTH AND WELFARE CONDUCT COMPREHENSIVE SUBSTANCE ABUSE ASSESSMENTS OF JUVENILES AND TO ORDER IMMEDIATE TREATMENT UNDER CERTAIN CONDITIONS, TO PROVIDE FOR COSTS, TO AUTHORIZE RULES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-508, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 20-509, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND AMENDING SECTION 20-532, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

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

SECTION 1. That Section 20-520, Idaho Code, be, and the same is hereby amended to read as follows:

20-520. SENTENCING. (1) Upon the entry of an order finding the juvenile is within the purview of the act, the court shall then hold a sentencing hearing in the manner prescribed by the Idaho juvenile rules to determine the sentence that will promote accountability, competency development and community protection. Prior to the entry of an order disposing of the case, other than an order of discharge or dismissal, the court may request and, if requested, shall receive a report containing the results of an inquiry into the home environment, past history, competency development, prevention or out of home placement services provided, and the social, physical and mental condition of the juvenile. The court shall not consider or review the report prior to the entry of an order of adjudication. Upon presentation and consideration of the report by the court, the court may proceed to sentence the juvenile as follows:

(a) Place the juvenile on formal probation for a period not to exceed three (3) years from the date of the order, except the court may place a juvenile on formal probation for a period not to exceed the juvenile's twenty-first birthday if the court finds that the juvenile has committed a crime of a sexual nature;

(b) Sentence the juvenile to detention pursuant to this act for a period not to exceed thirty (30) days for each act, omission or status which is prohibited by the federal, state, local or municipal law or ordinance by reason of minority only. The sentence shall not be executed unless the act, omission or status is in violation of section 922(x) of title 18, United States Code, or the court finds that the juvenile has violated the court's decree imposing the sentence as provided below.

If the court, after notice and hearing, finds that a juvenile has violated the court's decree imposing the sentence under circumstances that bring the violation under the valid court order exception of the federal juvenile justice and delinquency prevention act of 1974, as amended, the court may commit the juvenile to detention for the period of detention previously imposed at sentencing;

(c) Commit the juvenile to a period of detention, pursuant to this act, for a period of time not to exceed ninety (90) days for each unlawful or criminal act the juvenile is found to have committed, if the unlawful or criminal act would be a misdemeanor if committed by an adult, or where the juvenile has been adjudicated as an habitual status offender;

(d) If the juvenile has committed an unlawful or criminal act which would be a felony if committed by an adult, the court may commit the juvenile to detention for a period not to exceed one hundred eighty (180) days for each unlawful or criminal act;

(e) Whenever a court commits a juvenile to a period of detention it shall notify the school district where the detention facility is located. No juvenile who is found to come within the purview of the act for the commission of a status offense shall be sentenced to detention in a jail facility unless an adjudication has been made that the juvenile is an habitual status offender;

(f) Commit the juvenile to detention and suspend the sentence on specific probationary conditions;

(g) The court may suspend or restrict the juvenile's driving privileges for such periods of time as the court deems necessary, and the court may take possession of the juvenile's driver's license. The juvenile may request restricted driving privileges during a period of suspension, which the court may allow if the juvenile shows by a preponderance of evidence that driving privileges are necessary for his employment or for family health needs;

(h) The court may order that the juvenile be examined or treated by a physician, surgeon, psychiatrist or psychologist, or that he receive other special care, or that he submit to an alcohol or drug evaluation, if needed, and for such purposes may place the juvenile in a hospital or other suitable facility;

(i) The court may order that the department of health and welfare conduct a comprehensive substance abuse assessment of the juvenile. After receiving the comprehensive substance abuse assessment, and upon a finding by the court that treatment will provide a cost-effective means of achieving the sentencing goals of accountability, competency development and community protection, the court may order that the juvenile receive immediate treatment for substance abuse in keeping with a plan of treatment approved by the court. The initial cost of the assessment and treatment shall be borne by the department of health and welfare. The director of the department of health and welfare may promulgate rules consistent with this paragraph (i) to establish a schedule of fees to be charged to parents by the department of health and welfare for such services based upon the cost of the services and the ability of parents to pay;

(j) In support of an order under the provisions of this section, the court may make an additional order setting forth reasonable conditions to be complied with by the parents, the juvenile, his legal guardian or custodian, or any other person who has been made a party

to the proceedings, including, but not limited to, restrictions on visitation by the parents or one (1) parent, restrictions on the juvenile's associates, occupation and other activities, and requirements to be observed by the parents, guardian or custodian;

(~~j~~k) The court may make any other reasonable order which is in the best interest of the juvenile or is required for the protection of the public, except that no person under the age of eighteen (18) years may be committed to jail, prison or a secure facility which does not meet the standards set forth in section 20-518, Idaho Code, unless jurisdiction over the individual is in the process of being waived or has been waived pursuant to section 20-508 or 20-509, Idaho Code. The court may combine several of the above-listed modes of disposition where they are compatible;

(~~k~~l) An order under the provisions of this section for probation or placement of a juvenile with an individual or an agency may provide a schedule for review of the case by the court;

(~~l~~m) Order the proceeding expanded or altered to include consideration of the cause pursuant to chapter 16, title 16, Idaho Code;

(~~m~~n) Order the case and all documents and records connected therewith transferred to the magistrate division of the district court for the county where the juvenile and/or parents reside if different than the county where the juvenile was charged and found to have committed the unlawful or criminal act, for the entry of a dispositional order;

(~~n~~o) Order such other terms, conditions, care or treatment as appears to the court will best serve the interests of the juvenile and the community;

(~~o~~p) The court shall assess a twenty dollar ($20.00) detention/probation training academy fee against the juvenile for every petition filed where there has been an adjudication that the juvenile is within the purview of this chapter. All moneys raised pursuant to this ~~subsection~~ paragraph shall be transmitted by the court for deposit in the juvenile corrections fund which is created in section 20-542, Idaho Code;

(~~p~~q) Additionally, the court shall assess a fee of sixty cents (60¢) per hour of community service against the juvenile for every petition filed where there has been an adjudication that the juvenile is within the purview of this chapter and the court is ordering community service. Such fee is to be remitted by the court to the state insurance fund for purposes of providing worker's compensation insurance for persons performing community service pursuant to this chapter;

(~~q~~r) Commit the juvenile to the legal custody of the department of juvenile corrections for an indeterminate period of time not to exceed the juvenile's nineteenth birthday, unless, in the opinion of the custody review board, extended time in custody is necessary to address competency development, accountability, and community protection; provided however, that no juvenile shall remain in the custody of the department beyond the juvenile's twenty-first birthday. The department shall adopt rules implementing the custody review board and operations and procedures of such board;

(rs) Notwithstanding any other provision of this section, a court may not commit a juvenile offender under the age of ten (10) years to a period of detention or to the custody of the department of juvenile corrections for placement in secure confinement.

(2) When an order is entered pursuant to this section, the juvenile shall be transported to the facility or program so designated by the court or the department, as applicable, by the sheriff of the county where the juvenile resides or is committed, or by an appointed agent. When committing a juvenile to the department, or another entity, the court shall at once forward to the department or entity a certified copy of the order of commitment.

(3) Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order the juvenile or his parents or both to pay restitution to or make whole any victim who suffers an economic loss as a result of the juvenile's conduct in accordance with the standards and requirements of sections 19-5304 and 19-5305, Idaho Code. The amount of restitution which may be ordered by the court shall not be subject to the limitations of section 6-210, Idaho Code. Court-ordered restitution shall be paid prior to any other court-ordered payments unless the court specifically orders otherwise.

(4) The court may order the juvenile's parents, legal guardian or custodian to pay the charges imposed by community programs ordered by the court for the juvenile, or the juvenile's parents, legal guardian or custodian.

(5) Any parent, legal guardian or custodian violating any order of the court entered against the person under the provisions of this chapter shall be subject to contempt proceedings under the provisions of chapter 6, title 7, Idaho Code.

SECTION 2. That Section 20-508, Idaho Code, be, and the same is hereby amended to read as follows:

20-508. WAIVER OF JURISDICTION AND TRANSFER TO OTHER COURTS. (1) After the filing of a petition and after full investigation and hearing, the court may waive jurisdiction under the juvenile corrections act over the juvenile and order that the juvenile be held for adult criminal proceedings when:

(a) A juvenile is alleged to have committed any of the crimes enumerated in section 20-509, Idaho Code; or

(b) A juvenile is alleged to have committed an act other than those enumerated in section 20-509, Idaho Code, after the child became fourteen (14) years of age which would be a crime if committed by an adult; or

(c) An adult at the time of the filing of the petition is alleged to have committed an act prior to his having become eighteen (18) years of age which would be a felony if committed by an adult, and the court finds that the adult is not committable to an institution for the mentally deficient or mentally ill, is not treatable in any available institution or facility available to the state designed for the care and treatment of juveniles, or that the safety of the community requires the adult continue under restraint; or

(d) An adult already under the jurisdiction of the court is alleged to have committed a crime while an adult.

(2) A motion to waive jurisdiction under the juvenile corrections

act and prosecute a juvenile under the criminal law may be made by the prosecuting attorney, the juvenile, or by motion of the court upon its own initiative. The motion shall be in writing and contain the grounds and reasons in support thereof.

(3) Upon the filing of a motion to waive jurisdiction under the juvenile corrections act, the court shall enter an order setting the motion for hearing at a time and date certain and shall order a full and complete investigation of the circumstances of the alleged offense to be conducted by county probation, or such other agency or investigation officer designated by the court.

(4) Upon setting the time for the hearing upon the motion to waive jurisdiction, the court shall give written notice of said hearing to the juvenile, and the parents, guardian or custodian of the juvenile, and the prosecuting attorney, at least ten (10) days before the date of the hearing, or a lesser period stipulated by the parties, and such notice shall inform the juvenile and the parents, guardian or custodian of the juvenile of their right to court appointed counsel. Service of the notice shall be made in the manner prescribed for service of a summons under section 20-512, Idaho Code.

(5) The hearing upon the motion to waive jurisdiction shall be held in the same manner as an evidentiary hearing upon the original petition and shall be made part of the record.

(6) If as a result of the hearing on the motion to waive jurisdiction the court shall determine that jurisdiction should not be waived, the petition shall be processed in the customary manner as a juvenile corrections act proceeding. However, in the event the court determines, as a result of the hearing, that juvenile corrections act jurisdiction should be waived and the juvenile should be prosecuted under the criminal laws of the state of Idaho, the court shall enter findings of fact and conclusions of law upon which it bases such decision together with a decree waiving juvenile corrections act jurisdiction and binding the juvenile over to the authorities for prosecution under the criminal laws of the state of Idaho.

(7) No motion to waive juvenile corrections act jurisdiction shall be recognized, considered, or heard by the court in the same case once the court has entered an order or decree in that case that said juvenile has come within the purview of the juvenile corrections act, and all subsequent proceedings after the decree finding the juvenile within the purview of the act must be under and pursuant to the act and not as a criminal proceeding.

(8) In considering whether or not to waive juvenile court jurisdiction over the juvenile, the juvenile court shall consider the following factors:

(a) The seriousness of the offense and whether the protection of the community requires isolation of the juvenile beyond that afforded by juvenile facilities;

(b) Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner;

(c) Whether the alleged offense was against persons or property, greater weight being given to offenses against persons;

(d) The maturity of the juvenile as determined by considerations of his home, environment, emotional attitude, and pattern of living;

(e) The juvenile's record and previous history of contacts with the juvenile corrections system;

(f) The likelihood that the juvenile will develop competency and life skills to become a contributing member of the community by use of facilities and resources available to the court;

(g) The amount of weight to be given to each of the factors listed in subsection (8) of this section is discretionary with the court, and a determination that the juvenile is not a fit and proper subject to be dealt with under the juvenile court law may be based on any one (1) or a combination of the factors set forth above, which shall be recited in the order of waiver.

(9) If the court does not waive jurisdiction and order a juvenile or adult held for criminal proceedings, the court in a county other than the juvenile's or adult's home county, after entering a decree that the juvenile or adult is within the purview of this chapter, may certify the case for sentencing to the court of the county in which the juvenile or adult resides upon being notified that the receiving court is willing to accept transfer. In the event of a transfer, which should be made unless the court finds it contrary to the interest of the juvenile or adult, the jurisdiction of the receiving court shall attach to the same extent as if the court had original jurisdiction.

(10) Upon conviction of a juvenile held for adult criminal proceedings under this section, the sentencing judge may, if a finding is made that adult sentencing measures would be inappropriate:

(a) Sentence the convicted person in accordance with the juvenile sentencing options set forth in this chapter; or

(b) Sentence the convicted person to the county jail or to the custody of the state board of correction but suspend the sentence or withhold judgment pursuant to section 19-2601, Idaho Code, and commit the defendant to the custody of the department of juvenile corrections for an indeterminate period of time in accordance with section 20-520(1)(~~q~~r), Idaho Code. The court, in its discretion, may order that the suspended sentence or withheld judgment be conditioned upon the convicted person's full compliance with all reasonable program requirements of the department of juvenile corrections. Such a sentence may also set terms of probation, which may be served under the supervision of county juvenile probation. However, in no event may the total of the actual time spent by the convicted person in the custody of the department plus any adult sentence imposed by the court exceed the maximum period of imprisonment that could be imposed on an adult convicted of the same crime.

(c) If a convicted person is given a suspended sentence or withheld judgment conditioned upon the convicted person's compliance with all reasonable program requirements of the department pursuant to paragraph (b) of this subsection, and if the department reasonably believes that the convicted person is failing to comply with all reasonable program requirements, the department may petition the sentencing court to revoke the commitment to the department and transfer the convicted person to the county jail or to the custody of the state board of correction for the remainder of the sentence.

SECTION 3. That Section 20-509, Idaho Code, be, and the same is hereby amended to read as follows:

20-509. VIOLENT OFFENSES, CONTROLLED SUBSTANCES VIOLATIONS NEAR SCHOOLS AND OFFENDERS. (1) Any juvenile, age fourteen (14) years to age eighteen (18) years, who is alleged to have committed any of the following crimes or any person under age fourteen (14) years who is alleged to have committed any of the following crimes and, pursuant to section 20-508, Idaho Code, has been ordered by the court to be held for adult criminal proceedings:

(a) Murder of any degree or attempted murder;

(b) Robbery;

(c) Rape, but excluding statutory rape;

(d) Forcible sexual penetration by the use of a foreign object;

(e) Infamous crimes against nature, committed by force or violence;

(f) Mayhem;

(g) Assault or battery with the intent to commit any of the above serious felonies;

(h) A violation of the provisions of section 37-2732(a)(1)(A), (B) or (C), Idaho Code, when the violation occurred on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium or other structure or grounds which were, at the time of the violation, being used for an activity sponsored by or through such a school;

(i) Arson in the first degree and aggravated arson;

shall be charged, arrested and proceeded against by complaint, indictment or information as an adult. All other felonies or misdemeanors charged in the complaint, indictment or information, which are based on the same act or transaction or on one (1) or more acts or transactions as the violent or controlled substances offense shall similarly be charged, arrested and proceeded against as an adult. Any juvenile proceeded against pursuant to this section shall be accorded all constitutional rights, including bail and trial by jury, and procedural safeguards as if that juvenile were an adult defendant.

(2) Once a juvenile has been formally charged or indicted pursuant to this section or has been transferred for criminal prosecution as an adult pursuant to the waiver provisions of section 20-508, Idaho Code, or this section, the juvenile shall be held in a county jail or other adult prison facility unless the court, after finding good cause, orders otherwise.

(3) Except as otherwise allowed by subsection (4) of this section, once a juvenile has been found to have committed the offense for which the juvenile was charged, indicted or transferred pursuant to this section or section 20-508, Idaho Code, or has been found guilty or pled guilty to a lesser offense or amended charge growing out of or included within the original charge, whether or not such lesser offense or amended charge is included within the acts enumerated in subsection (1) of this section, the juvenile shall thereafter be handled in every respect as an adult. For any subsequent violation of Idaho law, the juvenile shall be handled in every respect as an adult.

(4) Upon the conviction of a juvenile pursuant to this section, the sentencing judge may, if a finding is made that adult sentencing measures would be inappropriate:

(a) Sentence the convicted person in accordance with the juvenile sentencing options set forth in this chapter; or

(b) Sentence the convicted person to the county jail or to the custody of the state board of correction but suspend the sentence or withhold judgment pursuant to section 19-2601, Idaho Code, and commit the defendant to the custody of the department of juvenile corrections for an indeterminate period of time in accordance with section 20-520(1)(qr), Idaho Code. The court, in its discretion, may order that the suspended sentence or withheld judgment be conditioned upon the convicted person's full compliance with all reasonable program requirements of the department of juvenile corrections. Such a sentence may also set terms of probation, which may be served under the supervision of county juvenile probation. However, in no event may the total of the actual time spent by the convicted person in the custody of the department plus any adult sentence imposed by the court exceed the maximum period of imprisonment that could be imposed on an adult convicted of the same crime.

(c) If a convicted person is given a suspended sentence or withheld judgment conditioned upon the convicted person's compliance with all reasonable program requirements of the department pursuant to paragraph (b) of this subsection, and if the department reasonably believes that the convicted person is failing to comply with all reasonable program requirements, the department may petition the sentencing court to revoke the commitment to the department and transfer the convicted person to the county jail or to the custody of the state board of correction for the remainder of the sentence.

SECTION 4. That Section 20-532, Idaho Code, be, and the same is hereby amended to read as follows:

20-532. TERM OF COMMITMENT -- REVIEW AFTER COMMITMENT. A juvenile offender committed to a secure facility shall remain until the offender reaches nineteen (19) years of age, is retained for extended custody pursuant to section 20-520(1)(qr), Idaho Code, or is released or discharged. A juvenile offender committed to a secure facility shall appear before the department within ninety (90) days after commitment, for review of treatment plans.

Approved March 30, 2007.

CHAPTER 309
(S.B. No. 1147)

AN ACT

RELATING TO CHILDREN'S MENTAL HEALTH; AMENDING SECTION 16-2403, IDAHO CODE, TO DEFINE A TERM; AMENDING SECTION 16-2404, IDAHO CODE, TO PROVIDE FOR COLLABORATION AND COOPERATION AMONG CERTAIN GOVERNMENTAL ENTITIES AND TO PROVIDE THE DEPARTMENT OF HEALTH AND WELFARE THE AUTHORITY TO ENTER INTO CONTRACTS; AMENDING CHAPTER 24, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-2404A, IDAHO CODE, TO PROVIDE THE DEPARTMENT OF HEALTH AND WELFARE CONTRACTING POWER, TO PROVIDE THE DEPARTMENT RULEMAKING AUTHORITY TO PRESCRIBE QUALIFICATIONS FOR TEEN EARLY INTERVENTION SPECIALISTS, TO PROVIDE SALARY EQUIVALENCE FOR SUCH SPECIALISTS, TO PROVIDE RESPONSIBILITIES FOR

SUCH SPECIALISTS, TO PROVIDE CONDITIONS WHEN TEENS AT RISK NOT CURRENTLY ENROLLED IN SCHOOL MAY PARTICIPATE IN COUNSELING SESSIONS OR SERVICES, TO PERMIT SCHOOL DISTRICTS TO APPLY FOR THE PLACEMENT OF SUCH SPECIALISTS, TO PROVIDE THE DEPARTMENT RULEMAKING AUTHORITY TO ESTABLISH PROCEDURE, TO PROVIDE FOR LIMITS ON THE NUMBER OF SUCH PLACEMENTS, TO PROVIDE CRITERIA FOR EVALUATION OF SCHOOL DISTRICT APPLICATIONS, TO REQUIRE THE DEPARTMENT TO WORK WITH SCHOOL DISTRICTS TO GATHER CERTAIN DATA ON THE PILOT PROGRAM'S EFFECTIVENESS AND TO PERMIT COOPERATIVE PROJECTS IN GATHERING THE DATA; AND AMENDING SECTION 20-511A, IDAHO CODE, TO PERMIT COURTS TO INCLUDE TEEN EARLY INTERVENTION SPECIALISTS ON SCREENING TEAMS AND TO REQUIRE SUCH SPECIALISTS TO ATTEND CASE REVIEW HEARINGS.

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

SECTION 1. That Section 16-2403, Idaho Code, be, and the same is hereby amended to read as follows:

16-2403. DEFINITIONS. As used in this chapter:

(1) "Child" means an individual less than eighteen (18) years of age and not emancipated by either marriage or legal proceeding.

(2) "Consistent with the least restrictive alternative principle" means that services are delivered in the setting which places the fewest restrictions on the personal liberty of the child, and provides the greatest integration with individuals who do not have disabilities, in typical and age appropriate, school, community and family environments, which is consistent with safe, effective and cost-effective treatment for the child and family.

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

(4) "Designated examiner" means a psychiatrist, psychologist, psychiatric nurse, or social worker and such other mental health professionals as may be designated in accordance with rules promulgated pursuant to the provisions of chapter 52, title 67, Idaho Code, by the department of health and welfare. Any person designated by the department director will be specially qualified by training and experience in the diagnosis and treatment of mental or mentally related illnesses or conditions.

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

(6) "Emergency" means a situation in which the child's condition, as evidenced by recent behavior, poses a significant threat to the health or safety of the child, his family or others, or poses a serious risk of substantial deterioration in the child's condition which cannot be eliminated by the use of supportive services or intervention by the child's parents, or mental health professionals, and treatment in the community while the child remains in his family home.

(7) "Informed consent to treatment" means a knowing and voluntary decision to undergo a specific course of treatment, evidenced in writing, and made by an emancipated child, or a child's parent, or guardian, who has the capacity to make an informed decision, after the staff of the facility or other provider of treatment have explained the nature and effects of the proposed treatment.

(8) "Involuntary treatment" means treatment, services and placement of children provided without consent of the parent of a child, under the

authority of a court order obtained pursuant to this chapter, as directed by an order of disposition issued by a designated employee of the department of health and welfare under section 16-2415, Idaho Code.

(9) "Lacks capacity to make an informed decision concerning treatment" means that the parent is unable to understand the nature and effects of hospitalization or treatment, or is unable to engage in a rational decision-making process regarding such hospitalization or treatment, as evidenced by an inability to weigh the risks and benefits, despite conscientious efforts to explain them in terms that the parent can understand.

(10) "Likely to cause harm to himself or to suffer substantial mental or physical deterioration" means that, as evidenced by recent behavior, the child:

(a) Is likely in the near future to inflict substantial physical injury upon himself; or

(b) Is likely to suffer significant deprivation of basic needs such as food, clothing, shelter, health or safety; or

(c) Will suffer a substantial increase or persistence of symptoms of mental illness or serious emotional disturbance which is likely to result in an inability to function in the community without risk to his safety or well-being or the safety or well-being of others, and which cannot be treated adequately with available home and community-based outpatient services.

(11) "Likely to cause harm to others" means that, as evidenced by recent behavior causing, attempting, or threatening such harm with the apparent ability to complete the act, a child is likely to cause physical injury or physical abuse to another person.

(12) "Protection and advocacy system" means the agency designated by the governor as the state protection and advocacy system pursuant to 42 U.S.C. 6042 and 42 U.S.C. 10801 et seq.

(13) "Serious emotional disturbance" means an emotional or behavioral disorder, or a neuropsychiatric condition which results in a serious disability, and which requires sustained treatment interventions, and causes the child's functioning to be impaired in thought, perception, affect or behavior. A disorder shall be considered to "result in a serious disability" if it causes substantial impairment of functioning in family, school or community. A substance abuse disorder does not, by itself, constitute a serious emotional disturbance, although it may coexist with serious emotional disturbance.

(14) "Special therapy" means any treatment modality used to treat children with serious emotional disturbances which is subject to restrictions or special conditions imposed by the department of health and welfare rules.

(15) "Surrogate parent" means any person appointed to act in the place of the parent of a child for purposes of developing an individual education program under the authority of the individuals with disabilities education act, 20 U.S.C. 1400 et seq., as amended.

(16) "Teens at risk" means children attending Idaho public schools grades seven (7) through twelve (12) who have been identified as expressing or exhibiting indications of depression, suicidal inclination, emotional trauma, substance abuse or other behaviors or symptoms that indicate the existence of, or that may lead to, the development of mental illness or substance abuse.

(17) "Treatment facility" means a facility or program meeting appli-

cable licensing standards, that has been approved for the provisions of services under this chapter by the department of health and welfare.

SECTION 2. That Section 16-2404, Idaho Code, be, and the same is hereby amended to read as follows:

16-2404. COMMUNITY SERVICES AND SUPPORTS AND INTERAGENCY COLLABORATION. (1) Lead agency. The department of health and welfare shall be the lead agency in establishing and coordinating community supports, services and treatment for children with serious emotional disturbance and their families, utilizing public and private resources available in the child's community. Such resources shall be utilized to provide services consistent with the least restrictive alternative principle, to assist the child's family to care for the child in his home and community whenever possible. The state department of education shall be the lead agency for educational services.

(2) Planning. The department of health and welfare, the state department of education, the department of juvenile corrections, counties, and local school districts shall collaborate and cooperate in planning and developing comprehensive mental health services and individual treatment and service plans for children with serious emotional disturbance making the best use of public and private resources to provide or obtain needed services and treatment.

(3) Teens at risk. The department of health and welfare, the state department of education, the department of juvenile corrections, counties, courts and local school districts may collaborate and cooperate in planning and developing mental health counseling, substance abuse treatment and recovery support services and individual service plans for teens at risk.

(4) Contracting. The department of health and welfare shall also have the authority to enter into contracts with school districts to provide teen early intervention specialists as provided for in section 16-2404A, Idaho Code.

SECTION 3. That Chapter 24, Title 16, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 16-2404A, Idaho Code, and to read as follows:

16-2404A. TEEN EARLY INTERVENTION MENTAL HEALTH AND SUBSTANCE ABUSE SPECIALIST PROGRAM. (1) The department of health and welfare shall be authorized to contract for teen early intervention specialists to work with teens at risk and their families in school districts.

(2) The teen early intervention specialist shall be a certified counselor or a social worker with a clinical background in mental health or substance abuse as prescribed by the department of health and welfare by rule.

(3) The salary paid to the teen early intervention specialist shall be equivalent to the salary paid to comparably trained and experienced individuals employed by the school district in the region in which the community resource is employed.

(4) Teen early intervention specialists shall work with individual teens at risk to offer group counseling, recovery support, suicide prevention and other mental health and substance abuse counseling services to teens as needed, regardless of mental health diagnosis.

(5) By permission of school administrators, as prescribed in rule, teens at risk not currently enrolled in a public school may, if assigned by a judge, participate in group or individual teen early intervention specialist counseling sessions or services for teens at risk as appropriate.

(6) School districts seeking to have one (1) or more teen early intervention specialists placed within its district may apply to the department of health and welfare for such placement. The department of health and welfare shall establish by rule a simple application process and criteria for placement of teen early intervention specialists in districts. The number of teen early intervention specialists placed in school districts in any given year shall be limited by the funds appropriated to the teen early intervention specialist program in that fiscal year. In evaluating applications for the three (3) year pilot project, the department of health and welfare shall give special consideration to rural districts and shall consider:

(a) The demonstrated need for mental health and substance abuse counseling and treatment for teens at risk in the school district;

(b) The resources and cooperation which the school district has proposed to contribute to the support of the teen early intervention specialist program for teens at risk; and

(c) The funding appropriated to the teen early intervention specialist program for teens at risk.

(7) Through an initial three (3) year period beginning at the start of the 2008 school year, the department of health and welfare shall work with local school districts where teen early intervention specialists have been placed to gather data on the effectiveness of this program. This data may be gathered and tracked through cooperative projects with Idaho colleges and universities and may include, but not be limited to:

(a) Impacts on the number and nature of teen arrests;

(b) Reductions in the number of teen suicides and suicide attempts;

(c) Changes in patterns of teen incarceration or involvement with Idaho's juvenile justice system;

(d) Impacts on local caseloads of practitioners in the department of health and welfare;

(e) Where applicable, impacts to juvenile mental health or drug courts;

(f) Changes in academic achievement by teens at risk and by those participating in the teen early intervention specialist program; and

(g) Changes in the number and nature of student disciplinary actions in schools where teen early intervention specialists have been placed.

SECTION 4. That Section 20-511A, Idaho Code, be, and the same is hereby amended to read as follows:

20-511A. MENTAL HEALTH ASSESSMENTS AND PLANS OF TREATMENT. (1) A judge of any court shall order the department of health and welfare to submit appropriate mental health assessments and a plan of treatment for the court's approval if at any stage of a proceeding under this chapter or the child protective act, chapter 16, title 16, Idaho Code, a judge has reason to believe, based upon the record and proceedings of the court or upon an affidavit of a party, state or county agency or any person having physical custody of the juvenile, that the juvenile:

(a) Is suffering a substantial increase or persistence of a serious emotional disturbance as defined in section 16-2403, Idaho Code, which impairs his or her ability to comply with the orders and directives of the court, or which presents a risk to the juvenile's safety or well-being or the safety of others; and

(b) Such condition has not been adequately addressed with supportive services and/or corrective measures previously provided to the juvenile, or the juvenile's needs with respect to the serious emotional disturbance are not being met or have not been met.

(2) The court may convene a screening team consisting of representatives from the department of health and welfare, county probation, local school officials, teen early intervention specialists as provided for under section 16-2404A, Idaho Code, the department of juvenile corrections and/or other agencies or persons designated by the court to review the plan of treatment and provide written recommendations to the court. Parents and guardians of the juvenile, if available, shall be included in the screening team and consulted with regard to the plan of treatment.

(3) If the court, after receiving the mental health assessment and plan of treatment submitted by the department of health and welfare and any recommendations from the screening team, determines that additional information is necessary to determine whether the conditions set forth in subsections (1)(a) and (1)(b) of this section are present, or to determine an appropriate plan of treatment for the juvenile, the court may order an evaluation and/or recommendations for treatment to be furnished by a psychiatrist, licensed physician or licensed psychologist, with the expenses of such evaluation and/or recommendations to be borne by the department of health and welfare.

(4) If the court concludes that the conditions set forth in subsections (1)(a) and (1)(b) of this section are present, the plan of treatment, as approved by the court, shall be entered into the record as an order of the court. The department of health and welfare shall provide mental health treatment as designated by the approved plan of treatment. If in-patient or residential treatment is required as part of the plan of treatment, the court shall hold a hearing on whether to order such treatment unless the hearing is waived by the juvenile and the juvenile's parents or guardians. The court may order parents, legal guardians or custodians to adhere to the treatment designated in the plan of treatment. Representatives from the department of health and welfare, county probation, local school officials, teen early intervention specialists as provided for under section 16-2404A, Idaho Code, the department of juvenile corrections and/or other agencies or persons designated by the court shall attend case review hearings as scheduled by the court.

(5) All costs associated with assessment and treatment shall be the responsibility of the parents of the juvenile according to their ability to pay based upon the sliding fee scale established pursuant to section 16-2433, Idaho Code. The financial obligation of the family shall be determined after consideration of all available payment and funding sources including title XIX of the social security act, as amended, all

available third party sources, and parent resources according to any order for child support under chapter 10, title 32, Idaho Code. Services shall not be conditioned upon transfer of custody or parental rights.

Approved March 30, 2007.

CHAPTER 310
(S.B. No. 1149)

AN ACT

RELATING TO SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT; AMENDING CHAPTER 25, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-2524, IDAHO CODE, TO AUTHORIZE COURTS TO ORDER DEFENDANTS TO UNDERGO SUBSTANCE ABUSE ASSESSMENTS AND MENTAL HEALTH EXAMINATIONS, TO PROVIDE FOR PLANS OF TREATMENT FOR SUBSTANCE ABUSE, TO SET FORTH GUIDELINES FOR MENTAL HEALTH EXAMINATION REPORTS, TO PROVIDE FOR PLANS OF TREATMENT FOR MENTAL HEALTH, TO REQUIRE CRIMINOGENIC ASSESSMENTS AND THE DELIVERY OF SUCH ASSESSMENTS TO SPECIFIED PERSONS, TO REQUIRE THAT CERTAIN ASSESSMENTS, REPORTS AND PLANS OF TREATMENT BE SENT TO THE DEPARTMENT OF CORRECTION IN CERTAIN CIRCUMSTANCES AND TO PROVIDE PAYMENT OF ASSESSMENT AND TREATMENT EXPENSES.

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

SECTION 1. That Chapter 25, Title 19, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 19-2524, Idaho Code, and to read as follows:

19-2524. SUBSTANCE ABUSE AND MENTAL HEALTH TREATMENT. (1) When a defendant has pled guilty to or been found guilty of a felony, or when a defendant who has been convicted of a felony has admitted to or been found to have committed a violation of a condition of probation, the court, prior to the sentencing hearing or the hearing on revocation of probation, may order the defendant to undergo a substance abuse assessment and/or a mental health examination.

(2) If a substance abuse assessment ordered pursuant to this section indicates that the defendant is a drug addict or alcoholic, as those terms are defined in section 39-302, Idaho Code, then the assessment submitted to the court shall also include a plan of treatment. If the court concludes at sentencing that the defendant is a drug addict or alcoholic, as those terms are defined in section 39-302, Idaho Code, and if the court places the defendant on probation, the court may order the defendant, as a condition of probation, to undergo treatment consistent with the plan of treatment, subject to modification of the plan of treatment by the court.

(3) (a) If a mental health examination is ordered pursuant to this section, the report of the mental health examination shall include the following:

(i) A description of the nature of the examination;
(ii) A diagnosis, evaluation or prognosis of the mental condition of the defendant;
(iii) An analysis of the degree of the defendant's illness or defect and level of functional impairment;
(iv) A consideration of whether treatment is available for the defendant's mental condition;
(v) An analysis of the relative risks and benefits of treatment or nontreatment;
(vi) A consideration of the risk of danger which the defendant may create for the public if at large; and
(vii) A plan of treatment if the mental health examination indicates that:

1. The defendant suffers from a severe and reliably diagnosable mental illness or defect;
2. Without treatment, the immediate prognosis is for major distress resulting in serious mental or physical deterioration of the defendant;
3. Treatment is available for such illness or defect; and
4. The relative risks and benefits of treatment or nontreatment are such that a reasonable person would consent to treatment.

(b) If the court, after receiving the mental health assessment and plan of treatment, determines that additional information is necessary to determine whether the factors listed above in subsection (3)(a) are present, or to determine an appropriate plan of treatment, the court may order an evaluation and/or recommendations for treatment to be furnished by a psychiatrist, licensed physician or licensed psychologist.
(c) If the court concludes at sentencing that all of the factors listed above in subsection (3)(a) are present, and if the court places the defendant on probation, then the court may order as a condition of probation that the defendant undergo treatment consistent with the plan of treatment, subject to modification of the plan of treatment by the court.

(4) Where the court has ordered either a substance abuse assessment or mental health examination of the defendant pursuant to this section, the court shall also order a criminogenic risk assessment of the defendant if such an assessment is not provided in the presentence report. Any substance abuse assessment or report of mental health examination shall, in addition to the criminogenic risk assessment, be delivered to the court, the defendant and the prosecuting attorney prior to the sentencing or the hearing on revocation of probation.

(5) If the defendant is sentenced to the custody of the board of correction, then any substance abuse assessment, report of mental examination, plan of treatment or criminogenic risk assessment shall be sent to the department of correction along with the presentence report.

(6) The expenses of the assessments and examinations, including any evaluation or recommendations for treatment ordered under subsection (3)(a) of this section, and any treatment ordered by the court pursuant to this section shall be borne by the department of health and welfare. The department of health and welfare shall be entitled to any payment received by the defendant or to which he may be entitled for the assessments, examinations and treatment, and to any payment from any public or

private source available to the department of health and welfare because of the assessments, examinations and treatment provided to the defendant. The department of health and welfare is authorized to promulgate rules for a schedule of fees to be charged to defendants for the assessments, evaluations and treatments provided to the defendants based upon the costs of such services and the ability of the defendants to pay.

Approved March 30, 2007.

CHAPTER 311
(S.B. No. 1157, As Amended)

AN ACT

RELATING TO PUBLIC BENEFITS; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 79, TITLE 67, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO REQUIRE THE VERIFICATION OF LAWFUL PRESENCE IN THE UNITED STATES OF NATURAL PERSONS IN ORDER TO RECEIVE PUBLIC BENEFITS, TO PROVIDE EXCEPTIONS, TO PROVIDE FOR VERIFICATION PROCEDURE, TO PERMIT RULEMAKING BY AGENCIES AND REGULATION-MAKING BY POLITICAL SUBDIVISIONS, TO PROVIDE FOR PENALTIES AND TO PERMIT CERTAIN INFORMATION TO BE ACCEPTED AS PRIMA FACIE EVIDENCE OF LAWFUL PRESENCE IN THE UNITED STATES FOR SPECIFIED PURPOSES; AND TO PROVIDE FOR SEVERABILITY.

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

SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 79, Title 67, Idaho Code, and to read as follows:

CHAPTER 79
RESTRICTIONS ON PUBLIC BENEFITS

67-7901. LEGISLATIVE FINDINGS. (1) The legislature hereby finds and declares that it is the public policy of the state of Idaho that all persons eighteen (18) years of age or older shall provide proof that they are lawfully present in the United States prior to receipt of certain public benefits.

(2) The intent of the legislature is not to regulate immigration but to control public expenditures for certain public benefits, not inconsistent with federal law.

67-7902. DEFINITIONS. As used in this chapter:

(1) "Emergency medical condition" shall have the same meaning as provided in 42 U.S.C. section 1396b(v)(3).

(2) "Federal public benefit" shall have the same meaning as provided in 8 U.S.C. section 1611(c).

(3) "State or local public benefit" shall have the same meaning as provided in 8 U.S.C. section 1621(c).

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

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

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

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

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

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

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

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

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

(ii) Do not condition the provision of assistance, the amount of assistance provided or the cost of assistance provided on the individual recipient's income or resources; and

(iii) Are necessary for the protection of life or public safety;

(f) For prenatal care;

(g) For postnatal care not to exceed twelve (12) months; or

(h) For food assistance for a dependent child under eighteen (18) years of age.

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

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

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

(b) Requiring the applicant to provide:

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

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

commerce and labor finds, by rule, sufficient for purposes of this section; or

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

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

(v) A native American tribal document; or

(vi) A valid United States passport; and

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

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

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

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

(5) Notwithstanding the requirements of subsection (4)(b) of this section, the agency or political subdivision may establish by appropriate legal procedure such rules or regulations to ensure that certain individuals lawfully present in the United States receive authorized benefits including, but not limited to, homeless state citizens.

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

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

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

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

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

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.

Approved March 30, 2007.

CHAPTER 312
(S.B. No. 1159, As Amended)

AN ACT

RELATING TO ACKNOWLEDGMENTS OF WRITTEN INSTRUMENTS; AMENDING SECTION 51-107, IDAHO CODE, TO REVISE THE POWERS AND JURISDICTION OF A NOTARY PUBLIC AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 51-109, IDAHO CODE, TO PROVIDE FOR THE CERTIFICATION OF THE AFFIXATION OF A SIGNATURE BY MARK, TO PROVIDE FOR A SIGNATURE BY A NOTARY FOR A PERSON PHYSICALLY UNABLE TO SIGN OR SIGN BY MARK AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 7, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-712A, IDAHO CODE, TO PROVIDE FOR A CERTIFICATE OF ACKNOWLEDGMENT BY A PERSON SIGNING BY MARK; AND AMENDING CHAPTER 7, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-712B, IDAHO CODE, TO PROVIDE FOR A CERTIFICATE OF ACKNOWLEDGMENT BY A PERSON PHYSICALLY UNABLE TO SIGN OR SIGN BY MARK.

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

SECTION 1. That Section 51-107, Idaho Code, be, and the same is hereby amended to read as follows:

51-107. POWERS AND JURISDICTION. (1) Each notary public is empowered to:

(a) Take acknowledgments~~.~~;

(b) Administer oaths and affirmations;

(c) Certify that a copy of an original document is a true copy thereof, only if a certified copy of such original cannot be obtained from an official custodian of such document;

(d) Certify affidavits (to include verifications) or depositions of witnesses; ~~and~~

(e) Certify the affixation of a signature by mark on an instrument presented for notarization if:

(i) The signer is unable to handwrite the signer's name;

(ii) The mark is affixed in the presence of the notary in a manner which the notary can directly observe;

(iii) The notary writes below the mark the following: "Mark affixed by (printed name of signer by mark)."; and

(iv) The notary public notarizes the signature by mark through a certificate of acknowledgment or verification;

(f) A notary may sign the name of a person physically unable to sign or sign by mark on a document presented for notarization if:

(i) The person directs the notary to do so in the presence of a witness unaffected by the instrument;

(ii) The notary signs the person's name in the presence of the person and the witness;
(iii) The witness signs the instrument beside the signature;
(iv) The notary writes below the signature the following: "Signature affixed by notary in the presence of (name of person and witness)"; and
(v) The notary notarizes the signature through a certificate of acknowledgment or verification; and

(g) Perform such other acts as may be specifically permitted by law.

(2) The powers of a notary public commissioned pursuant to the provisions of this chapter may be exercised anywhere within the state of Idaho and may be exercised outside the state only in connection with a deed or other writing to be admitted to record in the state of Idaho.

SECTION 2. That Section 51-109, Idaho Code, be, and the same is hereby amended to read as follows:

51-109. FORMS FOR NOTARIAL ACTS. (1) Certificates of acknowledgment shall substantially conform to the forms set forth in sections 55-710 through 55-715, Idaho Code.

(2) An oath or affirmation, which is in writing, shall be signed by the person who takes it, and the notary public shall enter thereunder substantially the following:

"State of Idaho)
)ss.
County of .....)
Subscribed and sworn (or affirmed) before me this ..... day of ....., ..."

.....(official signature and seal)"

(3) An oath or affirmation administered verbally by a notary public shall be in substantially the following form:

"You do solemnly swear (or affirm) that the testimony you shall give in the matter in issue shall be the truth, the whole truth, and nothing but the truth." The person who takes the oath or affirmation must respond affirmatively.

(4) A certificate of verification of an instrument shall follow the maker's signature and shall identify the notary public and certify that the maker personally appeared, was sworn, stated his authority for making the instrument, and averred the truth of the statements therein. For example, the verification of a corporate document by an officer of the corporation should be in substantially the following form:

"State of Idaho)
)ss.
County of .....)
I, ..., a notary public, do hereby certify that on this ..... day of ....., ..., personally appeared before me ....., who, being by me first duly sworn, declared that he is the ..... of ....., that he signed the foregoing document as ..... of the corporation, and that the statements therein contained are true."

.....(official signature and seal)"

(5) The witnessing and certificate of verification for a signature by mark shall be substantially in the following form:

"Mark: .....
Mark affixed by (name of signer by mark) in the presence of undersigned notary.....
State of Idaho)
)ss.
County of .....)

I, ..., a notary public, do hereby certify that on this ..... day of ....., ..., personally appeared before me ..... (name and signer by mark), who, being by me first duly sworn, declared that he made his mark on the foregoing instrument, and that the statements therein contained are true.

.....(official signature and seal)"

(6) The witnessing and certificate of verification for a signature by a person physically unable to sign or sign by mark on an instrument shall be substantially in the following form:

"Signature of person by notary: .....
Witness Signature: .....
Signature affixed by notary in the presence of (names and addresses of person and witness).
State of Idaho)
)ss.
County of .....)

I, ..., a notary public, do hereby certify that on this ..... day of ....., ..., personally appeared before me ..... (name of person unable to sign or sign by mark), who, being by me first duly sworn, declared that he signed the foregoing instrument by directing the undersigned notary to sign the instrument for him, and that the statements therein contained are true.

.....(official signature and seal)"

(7) If a certified copy of a document cannot be obtained from any recorder or custodian of public documents, and if certification of a copy of the document by a notary public is otherwise permissible, a notary public may certify a copy of the document in substantially the following form:

"State of Idaho)
)ss.
County of .....)

I, ..., a notary public, do certify that on ....., ..., I carefully compared the attached copy of ..... (describe document) with the original. It is a complete and true copy of the original document."

.....(official signature and seal)

(68) On each notary certificate, the notary public shall immediately following his signature state the date of the expiration of his commission in substantially the following form:

"My commission expires on ....., ..."

SECTION 3. That Chapter 7, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-712A, Idaho Code, and to read as follows:

55-712A. FORM OF CERTIFICATE -- ACKNOWLEDGMENT BY PERSON SIGNING BY MARK. The certificate of acknowledgment by a person signing by mark shall be substantially in the following form:

"Mark: .....

Mark affixed by (printed or typewritten name of person signing by mark) in the presence of undersigned notary.

State of Idaho)
)ss.
County of .....)

On this ..... day of ....., in the year ....., before me (here insert the name and quality of the officer), personally appeared ....., known or identified to me (or proved to me on the oath of .....) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same by affixing his mark thereto.

.....(official signature and seal)"

SECTION 4. That Chapter 7, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-712B, Idaho Code, and to read as follows:

55-712B. FORM OF CERTIFICATE -- ACKNOWLEDGMENT BY PERSON PHYSICALLY UNABLE TO SIGN OR SIGN BY MARK. The certificate of acknowledgment by a person physically unable to sign or sign by mark must be substantially in the following form:

"Signature of person by notary: .....
Witness Signature: .....

Signature affixed by notary in the presence of (names of person and witness).

State of Idaho)
)ss.
County of .....)

On this ..... day of ....., in the year ....., before me (here insert the name and quality of the officer), personally appeared ....., known or identified to me (or proved to me on the oath of .....) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same by directing the undersigned notary to affix his signature thereto.

.....(official signature and seal)"

Approved March 30, 2007.

CHAPTER 313
(S.B. No. 1166)

AN ACT

RELATING TO ELECTION OF HIGHWAY DISTRICT COMMISSIONERS; AMENDING SECTION 34-625, IDAHO CODE, TO PROVIDE THAT EACH CANDIDATE FOR HIGHWAY DISTRICT COMMISSIONER IN SINGLE COUNTYWIDE DISTRICTS WITH A POPULATION OF TWO HUNDRED THOUSAND OR LESS SHALL FILE A DECLARATION OF CANDIDACY WITH THE COUNTY CLERK NOT LESS THAN NINETY DAYS PRIOR TO THE

GENERAL ELECTION; AND AMENDING SECTION 34-625A, IDAHO CODE, TO PROVIDE THAT EACH CANDIDATE FOR HIGHWAY DISTRICT COMMISSIONER IN SINGLE COUNTYWIDE DISTRICTS WITH A POPULATION OF MORE THAN TWO HUNDRED THOUSAND SHALL FILE A DECLARATION OF CANDIDACY WITH THE COUNTY CLERK NOT LESS THAN NINETY DAYS PRIOR TO THE GENERAL ELECTION.

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

SECTION 1. That Section 34-625, Idaho Code, be, and the same is hereby amended to read as follows:

34-625. ELECTION OF HIGHWAY DISTRICT COMMISSIONERS IN SINGLE COUNTYWIDE DISTRICTS -- QUALIFICATIONS. (1) In each general election, highway district commissioners in single countywide districts shall be elected as provided for in section 40-1404, Idaho Code.

(2) No person shall be elected to the office of highway district commissioner unless he shall have attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States, and shall be a resident of the highway district commissioner's subdistrict for which he seeks office.

(3) Each candidate shall file a declaration of candidacy with the county clerk not ~~more~~ less than ninety (90) days ~~nor less than sixty (60) days~~ prior to the general election. Each declaration of candidacy shall also bear the following words: "I am a resident within the boundaries of Highway District Commissioner's Subdistrict Number ....."

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of ten dollars ($10.00) which shall be deposited in the county current expense fund.

SECTION 2. That Section 34-625A, Idaho Code, be, and the same is hereby amended to read as follows:

34-625A. ELECTION OF HIGHWAY DISTRICT COMMISSIONERS IN CERTAIN SINGLE COUNTYWIDE DISTRICTS -- QUALIFICATIONS. (1) In each general election, highway district commissioners in single countywide districts shall be elected as provided for in section 40-1404A, Idaho Code.

(2) No person shall be elected to the office of highway district commissioner unless he shall have attained the age of twenty-one (21) years at the time of his election, is a citizen of the United States, and shall be a resident of the highway district commissioner's subdistrict for which he seeks office.

(3) Each candidate shall file a declaration of candidacy with the county clerk not ~~more~~ less than ninety (90) days ~~nor less than sixty (60) days~~ prior to the general election. Each declaration of candidacy shall also bear the following words: "I am a resident within the boundaries of Highway District Commissioner's Subdistrict Number ....."

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of ten dollars ($10.00) which shall be deposited in the county current expense fund.

Approved March 30, 2007.

CHAPTER 314
(S.B. No. 1169)

AN ACT

RELATING TO BUSINESS ENTITIES; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 4, TITLE 30, IDAHO CODE, TO SET FORTH THE IDAHO REGISTERED AGENTS ACT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO SET FEES, TO PROVIDE FOR ADDRESSES IN FILINGS, TO PROVIDE FOR APPOINTMENT OF A REGISTERED AGENT, TO PROVIDE FOR THE LISTING OF A COMMERCIAL REGISTERED AGENT, TO PROVIDE FOR TERMINATION OF A LISTING OF A COMMERCIAL REGISTERED AGENT, TO PROVIDE FOR CHANGE OF REGISTERED AGENT BY ENTITY, TO PROVIDE FOR CHANGE OF NAME OR ADDRESS BY NONCOMMERCIAL REGISTERED AGENT, TO PROVIDE FOR CHANGE OF NAME, ADDRESS OR TYPE OF ORGANIZATION BY COMMERCIAL REGISTERED AGENT, TO PROVIDE FOR RESIGNATION OF REGISTERED AGENT, TO PROVIDE FOR APPOINTMENT OF AGENT BY A NONFILING OR NONQUALIFIED FOREIGN ENTITY, TO PROVIDE FOR SERVICE OF PROCESS ON ENTITIES, TO PROVIDE DUTIES OF REGISTERED AGENTS, TO PROVIDE FOR JURISDICTION AND VENUE, TO PROVIDE FOR CONSISTENCY OF APPLICATION, TO PROVIDE RELATION TO A FEDERAL ACT AND TO PROVIDE FOR APPLICATION; AMENDING SECTION 30-1-120, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING EXCEPTIONS; AMENDING SECTION 30-1-122, IDAHO CODE, TO REVISE FEES; AMENDING SECTION 30-1-125, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING EXCEPTIONS; AMENDING SECTION 30-1-141, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING NOTICES TO REGISTERED OFFICES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-1-202, IDAHO CODE, TO REQUIRE THAT ARTICLES OF INCORPORATION PROVIDE CERTAIN INFORMATION AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTIONS 30-1-501, 30-1-502, 30-1-503 AND 30-1-504, RELATING TO REGISTERED OFFICES AND AGENTS OF CORPORATIONS; AMENDING SECTIONS 30-1-703, 30-1-720 AND 30-1-809, IDAHO CODE, TO REVISE APPLICABLE COURTS; AMENDING SECTION 30-1-1005, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AMENDMENT OF ARTICLES OF INCORPORATION BY BOARD OF DIRECTORS; AMENDING SECTION 30-1-1107, IDAHO CODE, TO REVISE SERVICE OF PROCESS PROVISIONS; AMENDING SECTION 30-1-1330, IDAHO CODE, TO REVISE APPLICABLE COURTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-1-1407, IDAHO CODE, TO REVISE APPLICABLE COUNTIES FOR PURPOSES OF PUBLISHED NOTICES; AMENDING SECTION 30-1-1408, IDAHO CODE, TO REVISE APPLICABLE COURTS; AMENDING SECTION 30-1-1420, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING REGISTERED OFFICES; AMENDING SECTION 30-1-1421, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 30-1-1431, IDAHO CODE, TO REVISE APPLICABLE COURTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-1-1503, IDAHO CODE, TO REQUIRE CERTAIN INFORMATION IN AN APPLICATION FOR CERTIFICATE OF AUTHORITY; AMENDING SECTION 30-1-1504, IDAHO CODE, TO REQUIRE CERTAIN INFORMATION IN AN AMENDED CERTIFICATE OF AUTHORITY; REPEALING SECTIONS 30-1-1507, 30-1-1508 AND 30-1-1509, IDAHO CODE, RELATING TO REGISTERED OFFICES AND REGISTERED AGENTS OF FOREIGN CORPORATIONS; AMENDING SECTION 30-1-1530, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING REGISTERED OFFICES; AMENDING SECTION 30-1-1604, IDAHO CODE, TO REVISE APPLICABLE COURTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-1-1605, IDAHO CODE, TO REVISE APPLICABLE COURTS; AMENDING SECTION 30-1-1622, IDAHO CODE, TO REQUIRE CERTAIN INFORMATION FOR ANNUAL REPORTS; AMENDING SECTION 30-3-2, IDAHO

CODE, TO REMOVE LANGUAGE REFERENCING EXCEPTIONS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-3-4, IDAHO CODE, TO REVISE FEES; AMENDING SECTION 30-3-7, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING EXCEPTIONS; AMENDING SECTION 30-3-8, IDAHO CODE, TO REVISE APPLICABLE COURTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-3-17, IDAHO CODE, TO REQUIRE CERTAIN INFORMATION FOR ARTICLES OF INCORPORATION; REPEALING SECTIONS 30-3-30, 30-3-31, 30-3-32 AND 30-3-33, IDAHO CODE, RELATING TO REGISTERED OFFICES AND REGISTERED AGENTS OF NONPROFIT CORPORATIONS; AMENDING SECTIONS 30-3-48 AND 30-3-54, IDAHO CODE, TO REVISE APPLICABLE COURTS; AMENDING SECTION 30-3-90, IDAHO CODE, TO REQUIRE CERTAIN INFORMATION FOR AMENDMENT OF ARTICLES OF INCORPORATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 30-3-104, IDAHO CODE, TO REVISE SERVICE OF PROCESS PROVISIONS; AMENDING SECTION 30-3-115, IDAHO CODE, TO REVISE APPLICABLE COUNTIES FOR PURPOSES OF PUBLIC NOTICES; AMENDING SECTION 30-3-115A, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING REGISTERED OFFICES; AMENDING SECTION 30-3-115B, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 30-3-115C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO REINSTATEMENT FOLLOWING ADMINISTRATIVE DISSOLUTION; AMENDING SECTION 30-3-118, IDAHO CODE, TO REVISE ADDRESS INFORMATION REQUIRED FOR AN APPLICATION FOR A CERTIFICATE OF AUTHORITY FOR A FOREIGN CORPORATION; AMENDING SECTION 30-3-119, IDAHO CODE, TO REVISE INFORMATION REQUIRED FOR AMENDED CERTIFICATES OF AUTHORITY; REPEALING SECTIONS 30-3-122, 30-3-123, 30-3-124 AND 30-3-125, IDAHO CODE, RELATING TO REGISTERED OFFICES AND REGISTERED AGENTS OF FOREIGN CORPORATIONS; AMENDING SECTION 30-3-126, IDAHO CODE, TO REMOVE CODE REFERENCES; AMENDING SECTION 30-3-127, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO GROUNDS FOR REVOCATION OF CERTIFICATE OF AUTHORITY; AMENDING SECTION 30-3-128, IDAHO CODE, TO REMOVE A CODE REFERENCE; REPEALING SECTIONS 53-2-114, 53-2-115, 53-2-116 AND 53-2-117, IDAHO CODE, RELATING TO REGISTERED OFFICES AND REGISTERED AGENTS OF LIMITED PARTNERSHIPS; AMENDING SECTION 53-2-201, IDAHO CODE, TO REVISE INFORMATION REQUIRED FOR CERTIFICATES OF LIMITED PARTNERSHIP; AMENDING SECTION 53-2-202, IDAHO CODE, TO REVISE INFORMATION REQUIRED FOR AN AMENDMENT OR RESTATEMENT OF CERTIFICATE; AMENDING SECTION 53-2-206, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 53-2-208, IDAHO CODE, TO REVISE A CODE REFERENCE; AMENDING SECTION 53-2-210, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO ANNUAL REPORTS; AMENDING SECTIONS 53-2-304 AND 53-2-407, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 53-2-807, IDAHO CODE, TO REVISE APPLICABLE COUNTIES FOR PURPOSES OF PUBLIC NOTICES; AMENDING SECTION 53-2-902, IDAHO CODE, TO REVISE INFORMATION REQUIRED FOR APPLICATIONS FOR CERTIFICATE OF AUTHORITY; AMENDING SECTION 53-2-906, IDAHO CODE, TO REVISE A CODE REFERENCE, TO REMOVE A CODE REFERENCE AND TO REVISE TERMINOLOGY; AMENDING SECTIONS 53-2-1104, 53-2-1105, 53-2-1108 AND 53-2-1109, IDAHO CODE, TO REVISE SERVICE OF PROCESS PROVISIONS; AMENDING SECTION 53-3-101, IDAHO CODE, TO REMOVE A CODE REFERENCE; AMENDING SECTION 53-3-1001, IDAHO CODE, TO REQUIRE CERTAIN INFORMATION, TO REMOVE LANGUAGE RELATING TO SERVICE OF PROCESS REQUIREMENTS AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 53-3-1003, IDAHO CODE, TO REVISE ANNUAL REPORT PROVISIONS; AMENDING SECTION 53-3-1102, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO A STATEMENT OF FOREIGN QUALIFICATION AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION 53-604, IDAHO CODE, RELAT-

ING TO REGISTERED OFFICES AND REGISTERED AGENTS AND REPEALING SECTION 53-606, IDAHO CODE, RELATING TO SERVICE OF PROCESS; AMENDING SECTION 53-608, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO ARTICLES OF ORGANIZATION; AMENDING SECTION 53-613, IDAHO CODE, TO REVISE ANNUAL REPORT REQUIREMENTS; AMENDING SECTION 53-643A, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING REGISTERED OFFICES; AMENDING SECTION 53-643B, IDAHO CODE, TO REVISE TERMINOLOGY; AMENDING SECTION 53-651, IDAHO CODE, TO REQUIRE CERTAIN INFORMATION FOR REGISTRATION; AMENDING SECTION 53-655, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING SERVICE OF PROCESS AND TO REVISE CODE REFERENCES; AMENDING SECTION 53-655A, IDAHO CODE, TO REMOVE LANGUAGE REFERENCING REGISTERED OFFICES; AMENDING SECTION 53-655B, IDAHO CODE, TO REVISE TERMINOLOGY; AND AMENDING SECTION 53-710, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE APPOINTMENT OF AN AGENT TO RECEIVE SERVICE OF PROCESS.

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

SECTION 1. That Title 30, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 4, Title 30, Idaho Code, and to read as follows:

CHAPTER 4
IDAHO REGISTERED AGENTS ACT

30-401. SHORT TITLE. This chapter shall be known and may be cited as the "Idaho Registered Agents Act."

30-402. DEFINITIONS. As used in this chapter:

(1) "Appointment of agent" means a statement appointing an agent for service of process filed by:

(a) A domestic or foreign unincorporated nonprofit association under section 53-710, Idaho Code; or

(b) A domestic entity that is not a filing entity or a nonqualified foreign entity under section 30-412, Idaho Code.

(2) "Commercial registered agent" means an individual or a domestic or foreign entity listed under section 30-406, Idaho Code.

(3) "Domestic entity" means an entity whose internal affairs are governed by the law of this state.

(4) "Entity" means a person that has a separate legal existence or has the power to acquire an interest in real property in its own name other than:

(a) An individual;

(b) A testamentary, inter vivos, or charitable trust, with the exception of a business trust, statutory trust, or similar trust;

(c) An association or relationship that is not a partnership by reason of section 53-3-202(c), Idaho Code, or a similar provision of the law of any other jurisdiction;

(d) A decedent's estate; or

(e) A public corporation, government or governmental subdivision, agency, or instrumentality, or quasi-governmental instrumentality.

(5) "Filing entity" means an entity that is created by the filing of a public organic document.

(6) "Foreign entity" means an entity other than a domestic entity.

(7) "Foreign qualification document" means an application for a

certificate of authority or other foreign qualification filing with the secretary of state by a foreign entity.

(8) "Governance interest" means the right under the organic law or organic rules of an entity, other than as a governor, agent, assignee, or proxy, to:

(a) Receive or demand access to information concerning, or the books and records of, the entity;

(b) Vote for the election of the governors of the entity; or

(c) Receive notice of or vote on any or all issues involving the internal affairs of the entity.

(9) "Governor" means a person by or under whose authority the powers of an entity are exercised and under whose direction the business and affairs of the entity are managed pursuant to the organic law and organic rules of the entity.

(10) "Interest" means:

(a) A governance interest in an unincorporated entity;

(b) A transferable interest in an unincorporated entity; or

(c) A share or membership in a corporation.

(11) "Interest holder" means a direct holder of an interest.

(12) "Jurisdiction of organization," with respect to an entity, means the jurisdiction whose law includes the organic law of the entity.

(13) "Noncommercial registered agent" means a person that is not listed as a commercial registered agent under section 30-406, Idaho Code, and that is:

(a) An individual or a domestic or foreign entity that serves in this state as the agent for service of process of an entity; or

(b) The individual who holds the office or other position in an entity that is designated as the agent for service of process pursuant to section 3-405(1)(b)(ii), Idaho Code.

(14) "Nonqualified foreign entity" means a foreign entity that is not authorized to transact business in this state pursuant to a filing with the secretary of state.

(15) "Nonresident LLP statement" means:

(a) A statement of qualification of a domestic limited liability partnership that does not have an office in this state; or

(b) A statement of foreign qualification of a foreign limited liability partnership that does not have an office in this state.

(16) "Organic law" means the statutes, if any, other than this chapter, governing the internal affairs of an entity.

(17) "Organic rules" means the public organic document and private organic rules of an entity.

(18) "Person" means an individual, corporation, estate, trust, partnership, limited liability company, business or similar trust, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(19) "Private organic rules" means the rules, whether or not in a record, that govern the internal affairs of an entity, are binding on all of its interest holders, and are not part of its public organic document, if any.

(20) "Public organic document" means the public record, the filing of which creates an entity, and any amendment to or restatement of that record.

(21) "Qualified foreign entity" means a foreign entity that is

authorized to transact business in this state pursuant to a filing with the secretary of state.

(22) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(23) "Registered agent" means a commercial registered agent or a noncommercial registered agent.

(24) "Registered agent filing" means:

(a) The public organic document of a domestic filing entity;

(b) A nonresident LLP statement;

(c) A foreign qualification document; or

(d) An appointment of agent.

(25) "Represented entity" means:

(a) A domestic filing entity;

(b) A domestic or qualified foreign limited liability partnership that does not have an office in this state;

(c) A qualified foreign entity;

(d) A domestic or foreign unincorporated nonprofit association for which an appointment of agent has been filed;

(e) A domestic entity that is not a filing entity for which an appointment of agent has been filed; or

(f) A nonqualified foreign entity for which an appointment of agent has been filed.

(26) "Sign" means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic sound, symbol, or process.

(27) "Transferable interest" means the right under an entity's organic law to receive distributions from the entity.

(28) "Type," with respect to an entity, means a generic form of entity:

(a) Recognized at common law; or

(b) Organized under an organic law, whether or not some entities organized under that organic law are subject to provisions of that law that create different categories of the form of entity.

30-403. FEES. (1) The secretary of state shall collect the following fees when a filing is made under this chapter:

(a) Commercial registered agent listing statement $100.00

(b) Commercial registered agent termination statement $20.00

(c) Statement of change $20.00

(d) Statement of resignation ..... no fee

(e) Statement appointing an agent for service of process ... $20.00

(2) The secretary of state shall collect the following fees for copying and certifying a copy of any document filed under this chapter:

(a) Twenty-five cents (25¢) per page for copying; and

(b) Twenty dollars ($20.00) for a certificate.

30-404. ADDRESSES IN FILINGS. Whenever a provision of this chapter other than section 30-411(1)(d), Idaho Code, requires that a filing state an address, the filing must state:

(1) An actual street address or rural route box number in this state; and

(2) A mailing address in this state, if different from the address under subsection (1) of this section.

30-405. APPOINTMENT OF REGISTERED AGENT. (1) A registered agent filing must state:

(a) The name of the represented entity's commercial registered agent; or

(b) If the entity does not have a commercial registered agent:

(i) The name and street address of the entity's noncommercial registered agent; or

(ii) The title of an office or other position with the entity if service of process is to be sent to the person holding that office or position, and the street address of the business office of that person.

(2) The appointment of a registered agent pursuant to subsection (1)(a) or (b)(i) of this section is an affirmation by the represented entity that the agent has consented to serve as such.

(3) The secretary of state shall make available in a record as soon as practicable a daily list of filings that contain the name of a registered agent. The list must:

(a) Be available for at least fourteen (14) calendar days;

(b) List in alphabetical order the names of the registered agents; and

(c) State the type of filing and name of the represented entity making the filing.

30-406. LISTING OF COMMERCIAL REGISTERED AGENT. (1) An individual or a domestic or foreign entity may become listed as a commercial registered agent by filing with the secretary of state a commercial registered agent listing statement signed by or on behalf of the person which states:

(a) The name of the individual or the name, type, and jurisdiction of organization of the entity;

(b) That the person is in the business of serving as a commercial registered agent in this state; and

(c) The street address of a place of business of the person in this state to which service of process and other notice and documents being served on or sent to entities represented by it may be delivered.

(2) A commercial registered agent listing statement may include the information regarding acceptance of service of process in a record by the commercial registered agent provided for in section 30-413(4), Idaho Code.

(3) If the name of a person filing a commercial registered agent listing statement is not distinguishable on the records of the secretary of state from the name of another commercial registered agent listed under this section, the person must adopt a fictitious name that is distinguishable and use that name in its statement when it does business in this state as a commercial registered agent.

(4) A commercial registered agent listing statement takes effect upon filing.

(5) The secretary of state shall note the filing of the commercial registered agent listing statement in the index of filings maintained by the secretary of state for each entity represented by the registered

agent at the time of the filing. The statement has the effect of deleting the address of the registered agent from the registered agent filing of each of those entities.

30-407. TERMINATION OF LISTING OF COMMERCIAL REGISTERED AGENT. (1) A commercial registered agent may terminate its listing as a commercial registered agent by filing with the secretary of state a commercial registered agent termination statement signed by or on behalf of the agent which states:

(a) The name of the agent as currently listed under section 30-406, Idaho Code; and

(b) That the agent is no longer in the business of serving as a commercial registered agent in this state.

(2) A commercial registered agent termination statement takes effect on the thirty-first day after the day on which it is filed.

(3) The commercial registered agent shall promptly furnish each entity represented by it with notice in a record of the filing of the commercial registered agent termination statement.

(4) When a commercial registered agent termination statement takes effect, the registered agent ceases to be an agent for service of process on each entity formerly represented by it. Until an entity formerly represented by a terminated commercial registered agent appoints a new registered agent, service of process may be made on the entity as provided in section 30-413, Idaho Code. Termination of the listing of a commercial registered agent under this section does not affect any contractual rights a represented entity may have against the agent or that the agent may have against the entity.

30-408. CHANGE OF REGISTERED AGENT BY ENTITY. (1) A represented entity may change the information currently on file under section 30-405(1), Idaho Code, by filing with the secretary of state a statement of change signed on behalf of the entity which states:

(a) The name of the entity; and

(b) The information that is to be in effect as a result of the filing of the statement of change.

(2) The interest holders or governors of a domestic entity need not approve the filing of:

(a) A statement of change under this section; or

(b) A similar filing changing the registered agent or registered office of the entity in any other jurisdiction.

(3) The appointment of a registered agent pursuant to subsection (1) of this section is an affirmation by the represented entity that the agent has consented to serve as such.

(4) A statement of change filed under this section takes effect upon filing.

(5) As an alternative to using the procedures in this section, a represented entity may change the information currently on file under section 30-405(1), Idaho Code, by amending its most recent registered agent filing in the manner provided by the laws of this state other than this chapter for amending that filing.

30-409. CHANGE OF NAME OR ADDRESS BY NONCOMMERCIAL REGISTERED AGENT. (1) If a noncommercial registered agent changes its name or its address as currently in effect with respect to a represented entity pur-

suant to section 30-405(1), Idaho Code, the agent shall file with the secretary of state, with respect to each entity represented by the agent, a statement of change signed by or on behalf of the agent which states:

(a) The name of the entity;

(b) The name and address of the agent as currently in effect with respect to the entity;

(c) If the name of the agent has changed, its new name; and

(d) If the address of the agent has changed, the new address.

(2) A statement of change filed under this section takes effect upon filing.

(3) A noncommercial registered agent shall promptly furnish the represented entity with notice in a record of the filing of a statement of change and the changes made by the filing.

30-410. CHANGE OF NAME, ADDRESS, OR TYPE OF ORGANIZATION BY COMMERCIAL REGISTERED AGENT. (1) If a commercial registered agent changes its name, its address as currently listed under section 30-406(1), Idaho Code, or its type or jurisdiction of organization, the agent shall file with the secretary of state a statement of change signed by or on behalf of the agent which states:

(a) The name of the agent as currently listed under section 30-406(1), Idaho Code;

(b) If the name of the agent has changed, its new name;

(c) If the address of the agent has changed, the new address; and

(d) If the type or jurisdiction of organization of the agent has changed, the new type or jurisdiction of organization.

(2) The filing of a statement of change under subsection (1) of this section is effective to change the information regarding the commercial registered agent with respect to each entity represented by the agent.

(3) A statement of change filed under this section takes effect upon filing.

(4) A commercial registered agent shall promptly furnish each entity represented by it with notice in a record of the filing of a statement of change relating to the name or address of the agent and the changes made by the filing.

(5) If a commercial registered agent changes its address without filing a statement of change as required by this section, the secretary of state may cancel the listing of the agent under section 30-406, Idaho Code. A cancellation under this subsection has the same effect as a termination under section 30-407, Idaho Code. Promptly after canceling the listing of an agent, the secretary of state shall serve notice in a record in the manner provided in section 30-413(2) or (3), Idaho Code, on:

(a) Each entity represented by the agent, stating that the agent has ceased to be an agent for service of process on the entity and that, until the entity appoints a new registered agent, service of process may be made on the entity as provided in section 30-413, Idaho Code; and

(b) The agent, stating that the listing of the agent has been canceled under this section.

30-411. RESIGNATION OF REGISTERED AGENT. (1) A registered agent may resign at any time with respect to a represented entity by filing with the secretary of state a statement of resignation signed by or on behalf of the agent which states:

(a) The name of the entity;

(b) The name of the agent;

(c) That the agent resigns from serving as agent for service of process for the entity; and

(d) The name and address of the person to which the agent will send the notice required by subsection (3) of this section.

(2) A statement of resignation takes effect on the earlier of the thirty-first day after the day on which it is filed or the appointment of a new registered agent for the represented entity.

(3) The registered agent shall promptly furnish the represented entity notice in a record of the date on which a statement of resignation was filed.

(4) When a statement of resignation takes effect, the registered agent ceases to have responsibility for any matter tendered to it as agent for the represented entity. A resignation under this section does not affect any contractual rights the entity has against the agent or that the agent has against the entity.

(5) A registered agent may resign with respect to a represented entity whether or not the entity is in good standing.

30-412. APPOINTMENT OF AGENT BY NONFILING OR NONQUALIFIED FOREIGN ENTITY. (1) A domestic entity that is not a filing entity or a nonqualified foreign entity may file with the secretary of state a statement appointing an agent for service of process signed on behalf of the entity which states:

(a) The name, type, and jurisdiction of organization of the entity; and

(b) The information required by section 30-405(1), Idaho Code.

(2) A statement appointing an agent for service of process takes effect upon filing.

(3) The appointment of a registered agent under this section does not qualify a nonqualified foreign entity to do business in this state and is not sufficient alone to create personal jurisdiction over the nonqualified foreign entity in this state.

(4) A statement appointing an agent for service of process may not be rejected for filing because the name of the entity filing the statement is not distinguishable on the records of the secretary of state from the name of another entity appearing in those records. The filing of a statement appointing an agent for service of process does not make the name of the entity filing the statement unavailable for use by another entity.

(5) An entity that has filed a statement appointing an agent for service of process may cancel the statement by filing a statement of cancellation, which shall take effect upon filing, and must state the name of the entity and that the entity is canceling its appointment of an agent for service of process in this state. A statement appointing an agent for service of process which has not been canceled earlier is effective for a period of five (5) years after the date of filing.

(6) A statement appointing an agent for service of process for a nonqualified foreign entity terminates automatically on the date the entity becomes a qualified foreign entity.

30-413. SERVICE OF PROCESS ON ENTITIES. (1) A registered agent is an agent of the represented entity authorized to receive service of any process, notice, or demand required or permitted by law to be served on the entity.

(2) If an entity that previously filed a registered agent filing with the secretary of state no longer has a registered agent, or if its registered agent cannot with reasonable diligence be served, the entity may be served by registered or certified mail, return receipt requested, addressed to the governors of the entity by name at its principal office in accordance with any applicable judicial rules and procedures. The names of the governors and the address of the principal office may be as shown in the most recent annual report filed with the secretary of state. Service is perfected under this subsection at the earliest of:

(a) The date the entity receives the mail;

(b) The date shown on the return receipt, if signed on behalf of the entity; or

(c) Five (5) days after its deposit with the United States postal service, if correctly addressed and with sufficient postage.

(3) If process, notice, or demand cannot be served on an entity pursuant to subsection (1) or (2) of this section, service of process may be made by handing a copy to the manager, clerk, or other person in charge of any regular place of business or activity of the entity if the person served is not a plaintiff in the action.

(4) Service of process, notice, or demand on a registered agent must be in the form of a written document, except that service may be made on a commercial registered agent in such other forms of a record, and subject to such requirements as the agent has stated from time to time in its listing under section 30-406, Idaho Code, that it will accept.

(5) Service of process, notice, or demand may be perfected by any other means prescribed by law other than this chapter.

30-414. DUTIES OF REGISTERED AGENT. The only duties under this chapter of a registered agent that has complied with this chapter are:

(1) To forward to the represented entity at the address most recently supplied to the agent by the entity any process, notice, or demand that is served on the agent;

(2) To provide the notices required by this chapter to the entity at the address most recently supplied to the agent by the entity;

(3) If the agent is a noncommercial registered agent, to keep current the information required by section 30-405(1), Idaho Code, in the most recent registered agent filing for the entity;

(4) If the agent is a commercial registered agent, to keep current the information listed for it under section 30-406(1), Idaho Code; and

(5) To have an individual available during normal business hours at the registered agent's street address to accept service of process and other notices and documents.

30-415. JURISDICTION AND VENUE. The appointment or maintenance in this state of a registered agent does not by itself create the basis for

personal jurisdiction over the represented entity in this state. The address of the agent does not determine venue in an action or proceeding involving the entity.

30-416. CONSISTENCY OF APPLICATION. In applying and construing this chapter, consideration must be given to the need to promote consistency of the law with respect to its subject matter among states that enact it.

30-417. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the federal electronic signatures in global and national commerce act, 15 U.S.C. section 7001, et seq., but does not modify, limit, or supersede section 101 of that act, 15 U.S.C. section 7001(c), or authorize delivery of any of the notices described in section 103 of that act, 15 U.S.C. section 7003(b).

30-418. SAVINGS CLAUSE. This chapter does not affect an action or proceeding commenced or right accrued before July 1, 2007.

SECTION 2. That Section 30-1-120, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-120. REQUIREMENTS FOR DOCUMENTS — EXTRINSIC FACTS. (1) A document must satisfy the requirements of this section, and of any other section that adds to or varies these requirements, to be entitled to filing by the secretary of state.

(2) This chapter must require or permit filing the document in the office of the secretary of state.

(3) The document must contain the information required by this chapter. It may contain other information as well.

(4) The document must be typewritten or printed or, if electronically transmitted, it must be in a format that can be retrieved or reproduced in typewritten or printed form.

(5) The document must be in the English language. A corporate name need not be in English if written in English letters or Arabic or Roman numerals, and the certificate of existence required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.

(6) Except as otherwise permitted by section 30-1-1622, Idaho Code, the document must be executed:

(a) By the chairman of the board of directors of a domestic or foreign corporation, by its president, or by another of its officers;

(b) If directors have not been selected or the corporation has not been formed, by an incorporator; or

(c) If the corporation is in the hands of a receiver, trustee or other court-appointed fiduciary, by that fiduciary.

(7) The person executing the document shall sign it and state beneath or opposite his signature his name and the capacity in which he signs. The document may but need not contain a corporate seal, attestation, acknowledgment or verification.

(8) If the secretary of state has prescribed a mandatory form for the document under section 30-1-121, Idaho Code, the document must be in or on the prescribed form.

(9) The document must be delivered to the office of the secretary of state for filing. Delivery may be made by electronic transmission if and to the extent permitted by the secretary of state. If it is filed in typewritten or printed form and not transmitted electronically, the secretary of state may require one (1) exact or conformed copy to be delivered with the document~~, except as provided in sections 30-1-503 and 30-1-1509, Idaho Code~~.

(10) When the document is delivered to the office of the secretary of state for filing, the correct filing fee, and any other fee or penalty required to be paid therewith by this chapter or other law must be paid or provision for payment made in a manner permitted by the secretary of state.

(11) Whenever a provision of this chapter permits any of the terms of a plan or a filed document to be dependent upon facts objectively ascertainable outside the plan or filed document, the following provisions apply:

(a) The manner in which the facts will operate upon the terms of the plan or filed document shall be set forth in the plan or filed document.

(b) The facts may include, but are not limited to:

(i) Any of the following that are available in a nationally recognized news or information medium either in print or electronically: statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data;

(ii) A determination or action by any person or body, including the corporation or any other party to a plan or filed document; or

(iii) The terms of, or actions taken under, an agreement or document to which the corporation is a party, or any other agreement or document.

(c) As used in this subsection:

(i) "Filed document" means a document filed with the secretary of state under any provision of this chapter except part 15 or section 30-1-1622, Idaho Code; and

(ii) "Plan" means a plan of domestication, merger or share exchange.

(d) The following provisions of a plan or filed document may not be made dependent upon facts outside the plan or filed document:

(i) The name and address of any person required in a filed document;

(ii) The registered office of any entity required in a filed document;

(iii) The registered agent of any entity required in a filed document;

(iv) The number of authorized shares and designation of each class or series of shares;

(v) The effective date of a filed document;

(vi) Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.

(e) If a provision of a filed document is made dependent upon a fact ascertainable outside of the filed document, and that fact is not ascertainable by reference to a source described in subsection

(11)(b)(i) of this section or a document that is a matter of public record, or the affected shareholders have not received notice of the fact from the corporation, then the corporation shall file with the secretary of state articles of amendment setting forth the fact promptly after the time when the fact referred to is first ascertainable or thereafter changes. Articles of amendment under this subsection (11)(e) are deemed to be authorized by the authorization of the original filed document or plan to which they relate and may be filed by the corporation without further action by the board of directors or the shareholders.

SECTION 3. That Section 30-1-122, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-122. FILING, SERVICE, AND COPYING FEES. (1) The secretary of state shall collect the following fees when the documents described in this subsection are delivered to him for filing:

Document	Fee
(a) Articles of incorporation	$100.00
(b) Application for use of deceptively similar name	$ 20.00
(c) Application for reserved name	$ 20.00
(d) Notice of transfer of reserved name	$ 20.00
(e) Application for registered name	$ 60.00
(f) Application for renewal of registered name	$ 60.00
(g) ~~Corporation's statement of change of registered agent or registered office or both~~	~~No fee~~
~~(h) Agent's statement of change of registered office for each affected corporation~~	~~No fee~~
~~(i) Agent's statement of resignation~~	~~No fee~~
~~(j)~~ Amendment of articles of incorporation	$ 30.00
(~~k~~h) Restatement of articles of incorporation with amendment of articles	$ 30.00
(~~l~~i) Articles of merger or share exchange	$ 30.00
(~~m~~j) Articles of dissolution	$ 30.00
(~~n~~k) Articles of revocation of dissolution	$ 30.00
(~~o~~l) Certificate of administrative dissolution	No fee
(~~p~~m) Application for reinstatement following administrative dissolution	$ 30.00
(~~q~~n) Certificate of reinstatement	No fee
(~~r~~o) Certificate of judicial dissolution	No fee
(~~s~~p) Application for certificate of authority	$100.00
(~~t~~q) Application for amended certificate of authority	$ 30.00
(~~u~~r) Application for certificate of withdrawal	$ 20.00
(~~v~~s) Certificate of revocation of authority to transact business	No fee
(~~w~~t) Annual report	No fee
(~~x~~u) Articles of correction	$ 30.00
(~~y~~v) Certificate of existence or authorization	$ 10.00
(~~z~~w) Any other document required or permitted to be filed by this chapter	$ 20.00
(~~aa~~x) Any document when the filing party requires the certificate therefor to be returned within eight (8) working hours, a surcharge of	$ 20.00

(~~bb~~y) Any nontyped document which requires a fee, a surcharge of .....$ 20.00

(2) The secretary of state shall collect a fee of ten dollars ($10.00) each time process is served on him under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if he prevails in the proceeding.

(3) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

(a) Twenty-five cents (25¢) per page for copying; and

(b) Ten dollars ($10.00) for the certificate.

SECTION 4. That Section 30-1-125, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-125. FILING DUTY OF SECRETARY OF STATE. (1) If a document delivered to the office of the secretary of state for filing satisfies the requirements of section 30-1-120, Idaho Code, the secretary of state shall file it.

(2) The secretary of state files a document by recording it as filed on the date and time of receipt. After filing a document, ~~except as provided in sections 30-1-503 and 30-1-1509, Idaho Code,~~ the secretary of state shall deliver to the domestic or foreign corporation or its representative a copy of the document with an acknowledgment of the date and time of filing.

(3) If the secretary of state refuses to file a document, he shall return it to the domestic or foreign corporation or its representative within five (5) days after the document was delivered, together with a brief, written explanation of the reason for his refusal.

(4) The secretary of state's duty to file documents under this section is ministerial. His filing or refusing to file a document does not:

(a) Affect the validity or invalidity of the document in whole or part;

(b) Relate to the correctness or incorrectness of information contained in the document;

(c) Create a presumption that the document is valid or invalid or that information contained in the document is correct or incorrect.

SECTION 5. That Section 30-1-141, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-141. NOTICE. (1) Notice under this chapter must be in writing unless oral notice is reasonable under the circumstances. Notice by electronic transmission is written notice.

(2) Notice may be communicated in person; by mail or other method of delivery; or by telephone, voice mail or other electronic means. If these forms of personal notice are impracticable, notice may be communicated by a newspaper of general circulation in the area where published, or by radio, television, or other form of public broadcast communication.

(3) Written notice by a domestic or foreign corporation to its shareholder, if in a comprehensible form, is effective:

(a) Upon deposit in the United States mail, if mailed postpaid and

correctly addressed to the shareholder's address shown in the corporation's current record of shareholders; or

(b) When electronically transmitted to the shareholder in a manner authorized by the shareholders.

(4) Written notice to a domestic or foreign corporation, authorized to transact business in this state, may be addressed to its registered agent ~~at its registered office~~ or to the corporation or its secretary at its ~~correspondance~~ correspondence address shown in its most recent annual report or, in the case of a foreign corporation that has not yet delivered an annual report, in its application for a certificate of authority.

(5) Except as provided in subsection (3) of this section, written notice, if in a comprehensible form, is effective at the earliest of the following:

(a) When received;

(b) Five (5) days after its deposit in the United States mail, if mailed postpaid and correctly addressed;

(c) On the date shown on the return receipt, if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee.

(6) Oral notice is effective when communicated if communicated in a comprehensible manner.

(7) If this chapter prescribes notice requirements for particular circumstances, those requirements govern. If articles of incorporation or bylaws prescribe notice requirements, not inconsistent with this section or other provisions of this chapter, those requirements govern.

SECTION 6. That Section 30-1-202, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-202. ARTICLES OF INCORPORATION. (1) The articles of incorporation must set forth:

(a) A corporate name for the corporation that satisfies the requirements of section 30-1-401, Idaho Code;

(b) The number of shares the corporation is authorized to issue;

(c) The ~~street address of the corporation's initial registered office and the name of its initial registered agent at that office~~ information required by section 30-405(1), Idaho Code; and

(d) The name and address of each incorporator.

(2) The articles of incorporation may set forth:

(a) The names and addresses of the individuals who are to serve as the initial directors;

(b) Provisions not inconsistent with law regarding:

(i) The purpose or purposes for which the corporation is organized,

(ii) Managing the business and regulating the affairs of the corporation,

(iii) Defining, limiting and regulating the powers of the corporation, its board of directors, and shareholders,

(iv) A par value for authorized shares or classes of shares,

(v) The imposition of personal liability on shareholders for the debts of the corporation to a specified extent and upon specified conditions;

(c) Any provision that under this chapter is required or permitted to be set forth in the bylaws;

(d) A provision eliminating or limiting the liability of a director to the corporation or its shareholders for money damages for any action taken, or any failure to take any action, as a director, except liability for:

(i) The amount of a financial benefit received by a director to which he is not entitled,

(ii) An intentional infliction of harm on the corporation or the shareholders,

(iii) A violation of section 30-1-833, Idaho Code, or

(iv) An intentional violation of criminal law; and

(e) A provision permitting or making obligatory indemnification of a director for liability, as defined in section 30-1-850(5), Idaho Code, to any person for any action taken, or any failure to take any action, as a director, except liability for:

(i) Receipt of a financial benefit to which he is not entitled,

(ii) An intentional infliction of harm on the corporation or its shareholders,

(iii) A violation of section 30-1-833, Idaho Code, or

(iv) An intentional violation of criminal law.

(3) The articles of incorporation need not set forth any of the corporate powers enumerated in this chapter.

(4) Provisions of the articles of incorporation may be made dependent upon facts objectively ascertainable outside the articles of incorporation in accordance with section 3~~1~~0-1-120(11), Idaho Code.

SECTION 7. That Sections 30-1-501, 30-1-502, 30-1-503 and 30-1-504, Idaho Code, be, and the same are hereby repealed.

SECTION 8. That Section 30-1-703, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-703. COURT-ORDERED MEETING. (1) The Idaho district court of the county where a corporation's principal office is located, or, if none in this state, ~~its registered office, is located~~ Ada county, may summarily order a meeting to be held:

(a) On application of any shareholder of the corporation entitled to participate in an annual meeting if an annual meeting was not held within fifteen (15) months after its last annual meeting; or

(b) On application of a shareholder who signed a demand for a special meeting valid under section 30-1-702, Idaho Code, if:

(i) Notice of the special meeting was not given within thirty (30) days after the date the demand was delivered to the corporation's secretary, or

(ii) The special meeting was not held in accordance with the notice.

(2) The court may fix the time and place of the meeting, determine the shares entitled to participate in the meeting, specify a record date for determining shareholders entitled to notice of and to vote at the meeting, prescribe the form and content of the meeting notice, fix the quorum required for specific matters to be considered at the meeting, or direct that the votes represented at the meeting constitute a quorum for

action on those matters, and enter other orders necessary to accomplish the purpose or purposes of the meeting.

SECTION 9. That Section 30-1-720, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-720. SHAREHOLDERS' LIST FOR MEETING. (1) After fixing a record date for a meeting, a corporation shall prepare an alphabetical list of the names of all its shareholders who are entitled to notice of a shareholders' meeting. The list must be arranged by voting group, and within each voting group by class or series of shares, and show the address of and number of shares held by each shareholder.

(2) The shareholders' list must be available for inspection by any shareholder, at least ten (10) days before the meeting for which the list was prepared and continuing through the meeting, at the corporation's principal office or at a place identified in the meeting notice in the city where the meeting will be held. A shareholder, his agent or attorney is entitled on written demand to inspect and, subject to the requirements of section 30-1-1602(3), Idaho Code, to copy the list, during regular business hours and at his expense, during the period it is available for inspection.

(3) The corporation shall make the shareholders' list available at the meeting, and any shareholder, his agent, or attorney is entitled to inspect the list at any time during the meeting or any adjournment.

(4) If the corporation refuses to allow a shareholder, his agent or attorney to inspect the shareholders' list before or at the meeting, or copy the list as permitted by subsection (2) of this section, the Idaho district court of the county where a corporation's principal office is located, or, if none in this state, ~~its registered office, is located~~ Ada county, on application of the shareholder, may summarily order the inspection or copying at the corporation's expense and may postpone the meeting for which the list was prepared until the inspection or copying is complete.

(5) Refusal or failure to prepare or make available the shareholders' list does not affect the validity of action taken at the meeting.

SECTION 10. That Section 30-1-809, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-809. REMOVAL OF DIRECTORS BY JUDICIAL PROCEEDING. (1) The Idaho district court of the county where a corporation's principal office is located, or, if none in this state, ~~its registered office, is located~~ Ada county, may remove a director of the corporation from office in a proceeding commenced by or in the right of the corporation if the court finds that:

(a) The director engaged in fraudulent conduct with respect to the corporation or its shareholders, grossly abused the position of director, or intentionally inflicted harm on the corporation; and

(b) Considering the director's course of conduct and the inadequacy of other available remedies, removal would be in the best interest of the corporation.

(2) A shareholder proceeding on behalf of the corporation under

subsection (1) of this section shall comply with all the requirements of sections 30-1-741 through 30-1-747, Idaho Code, except section 30-1-741(1), Idaho Code.

(3) The court, in addition to removing the director, may bar the director from reelection for a period prescribed by the court.

(4) Nothing in this section limits the equitable powers of the court to order other relief.

SECTION 11. That Section 30-1-1005, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1005. AMENDMENT BY BOARD OF DIRECTORS. Unless the articles of incorporation provide otherwise, a corporation's board of directors may adopt amendments to the corporation's articles of incorporation without shareholder approval:

(1) To extend the duration of the corporation if it was incorporated at a time when limited duration was required by law;

(2) To delete the names and addresses of the initial directors;

(3) To ~~delete the name and address of the initial~~ change the information required by section 30-405, Idaho Code, on its registered agent; ~~or registered office, if a statement of change is on file or if an annual report has been filed with the secretary of state;~~

(4) If the corporation has only one (1) class of shares outstanding:

(a) To change each issued and unissued authorized share of the class into a greater number of whole shares of that class; or

(b) To increase the number of authorized shares of the class to the extent necessary to permit the issuance of shares as a share dividend;

(5) To change the corporate name by substituting the word "corporation," "incorporated," "company," "limited," or the abbreviation "corp.," "inc.," "co.," or "ltd.," for a similar word or abbreviation in the name, or by adding, deleting or changing a geographical attribution for the name;

(6) To reflect a reduction in authorized shares, as a result of the operation of section 30-1-631(2), Idaho Code, when the corporation has acquired its own shares and the articles of incorporation prohibit the reissue of the acquired shares;

(7) To delete a class of shares from the articles of incorporation, as a result of the operation of section 30-1-631(2), Idaho Code, when there are no remaining shares of the class because the corporation has acquired all shares of the class and the articles of incorporation prohibit the reissue of the acquired shares; or

(8) To make any change expressly permitted by section 30-1-602(1) or (2), Idaho Code, to be made without shareholder approval.

SECTION 12. That Section 30-1-1107, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1107. EFFECT OF MERGER OR SHARE EXCHANGE. (1) When a merger becomes effective:

(a) The corporation or eligible entity that is designated in the plan of merger as the survivor continues or comes into existence, as the case may be;

(b) The separate existence of every corporation or eligible entity that is merged into the survivor ceases;

(c) All property owned by, and every contract right possessed by, each corporation or eligible entity that merges into the survivor is vested in the survivor without reversion or impairment;

(d) All liabilities of each corporation or eligible entity that is merged into the survivor are vested in the survivor;

(e) The name of the survivor may, but need not be, substituted in any pending proceeding for the name of any party to the merger whose separate existence ceased in the merger;

(f) The articles of incorporation or organic documents of the survivor are amended to the extent provided in the plan of merger;

(g) The articles of incorporation or organic documents of a survivor that is created by the merger become effective; and

(h) The shares of each corporation that is a party to the merger, and the interests in an eligible entity that is a party to a merger, that are to be converted under the plan of merger into shares, eligible interests, obligations, rights to acquire securities, other securities, cash, other property, or any combination of the foregoing, are converted, and the former holders of such shares or eligible interests are entitled only to the rights provided to them in the plan of merger or to any rights they may have under part 13 of this chapter or the organic law of the eligible entity.

(2) When a share exchange becomes effective, the shares of each domestic corporation that are to be exchanged for shares or other securities, interests, obligations, rights to acquire shares or other securities, cash, other property, or any combination of the foregoing, are entitled only to the rights provided to them in the plan of share exchange or to any rights they may have under part 13 of this chapter.

(3) A person who becomes subject to owner liability for some or all of the debts, obligations or liabilities of any entity as a result of a merger or share exchange shall have owner liability only to the extent provided in the organic law of the entity and only for those debts, obligations and liabilities that arise after the effective time of the articles of merger or share exchange.

(4) Upon merger becoming effective, a foreign corporation, or a foreign eligible entity, that is the survivor of the merger is deemed to:

(a) ~~Appoint the secretary of state as its agent for~~ Agree that service of process in a proceeding to enforce the rights of shareholders of each domestic corporation that is party to the merger who exercise appraisal rights may be made in the manner provided in section 30-413, Idaho Code; and

(b) Agree that it will promptly pay the amount, if any, to which such shareholders are entitled under part 13 of this chapter.

(5) The effect of a merger or share exchange on the owner liability of a person who had owner liability for some or all of the debts, obligations or liabilities of a party to the merger or share exchange shall be as follows:

(a) The merger or share exchange does not discharge any owner liability under the organic law of the entity in which the person was a shareholder or interest holder to the extent any such owner liability arose before the effective time of the articles of merger or share exchange.

(b) The person shall not have owner liability under the organic law of the entity in which the person was a shareholder or interest holder prior to the merger or share exchange for any debt, obligation or liability that arises after the effective time of the articles of merger or share exchange.

(c) The provisions of the organic law of any entity for which the person had owner liability before the merger or share exchange shall continue to apply to the collection or discharge of any owner liability preserved by paragraph (a) of this subsection, as if the merger or share exchange had not occurred.

(d) The person shall have whatever rights of contribution from other persons as are provided by the organic law of the entity for which the person had owner liability with respect to any owner liability preserved by paragraph (a) of this subsection, as if the merger or share exchange had not occurred.

SECTION 13. That Section 30-1-1330, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1330. COURT ACTION. (1) If a shareholder makes demand for payment under section 30-1-1326, Idaho Code, which remains unsettled, the corporation shall commence a proceeding within sixty (60) days after receiving the payment demand and petition the court to determine the fair value of the shares and accrued interest. If the corporation does not commence the proceeding within the sixty-day period, it shall pay in cash to each shareholder the amount demanded pursuant to section 3~~1~~0-1-1326, Idaho Code, plus interest.

(2) The corporation shall commence the proceeding in the appropriate court of the county where the corporation's principal office is located, or, if none~~, its registered office,~~ in this state, ~~is located~~ Ada county. If the corporation is a foreign corporation, ~~without a registered office in this state,~~ it shall commence the proceeding in the county in this state where the principal office ~~or registered office~~ of the domestic corporation merged with the foreign corporation was located or, if the domestic corporation did not have its principal office in this state at the time of the transaction, in Ada county.

(3) The corporation shall make all shareholders, whether or not residents of this state, whose demands remain unsettled parties to the proceeding, as in an action against their shares, and all parties must be served with a copy of the petition. Nonresidents may be served by registered or certified mail or by publication as provided by law.

(4) The jurisdiction of the court in which the proceeding is commenced under subsection (2) of this section is plenary and exclusive. The court may appoint one (1) or more persons as appraisers to receive evidence and recommend a decision on the question of fair value. The appraisers shall have the powers described in the order appointing them, or in any amendment to it. The shareholders demanding appraisal rights are entitled to the same discovery rights as parties in other civil proceedings. There shall be no right to a jury trial.

(5) Each shareholder made a party to the proceeding is entitled to judgment:

(a) For the amount, if any, by which the court finds the fair value of the shareholder's shares, plus interest, exceeds the amount paid by the corporation to the shareholder for such shares; or

(b) For the fair value, plus interest, of the shareholder's shares for which the corporation elected to withhold payment under section 30-1-1325, Idaho Code.

SECTION 14. That Section 30-1-1407, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1407. OTHER CLAIMS AGAINST DISSOLVED CORPORATION. (1) A dissolved corporation may also publish notice of its dissolution and request that persons with claims against the dissolved corporation present them in accordance with the notice.

(2) The notice must:

(a) Be published one (1) time in a newspaper of general circulation in the county where the dissolved corporation's principal office is or was located or, if none in this state, ~~its registered office is or was last located~~ in Ada county;

(b) Describe the information that must be included in a claim and provide a mailing address where the claim may be sent; and

(c) State that a claim against the dissolved corporation will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of the notice.

(3) If the dissolved corporation publishes a newspaper notice in accordance with subsection (2) of this section, the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation within two (2) years after the publication date of the newspaper notice:

(a) A claimant who was not given written notice under section 30-1-1406, Idaho Code;

(b) A claimant whose claim was timely sent to the dissolved corporation but not acted on;

(c) A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

(4) A claim that is not barred by section 30-1-1406(3) or 30-1-1407(3), Idaho Code, may be enforced:

(a) Against the dissolved corporation, to the extent of its undistributed assets; or

(b) Except as provided in section 30-1-1408(4), Idaho Code, if the assets have been distributed in liquidation, against a shareholder of the dissolved corporation to the extent of the shareholder's pro rata share of the claim or the corporate assets distributed to the shareholder in liquidation, whichever is less, but a shareholder's total liability for all claims under this section may not exceed the total amount of assets distributed to the shareholder.

SECTION 15. That Section 30-1-1408, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1408. COURT PROCEEDING. (1) A dissolved corporation that has published a notice under section 30-1-1407, Idaho Code, may file an application with the ~~appropriate~~ district court of the county where the dissolved corporation's principal office is located, or, if none in this state, ~~its registered office, is located~~ Ada county, for a determination of the amount and form of security to be provided for payment of claims that are contingent or have not been made known to the dissolved corpo-

ration or that are based on an event occurring after the effective date of dissolution but that, based on the facts known to the dissolved corporation, are reasonably estimated to arise after the effective date of dissolution. Provision need not be made for any claim that is or is reasonably anticipated to be barred under section 30-1-1407(3), Idaho Code.

(2) Within ten (10) days after the filing of the application, notice of the proceeding shall be given by the dissolved corporation to each claimant holding a contingent claim whose contingent claim is shown on the records of the dissolved corporation.

(3) The court may appoint a guardian ad litem to represent all claimants whose identities are unknown in any proceeding brought under this section. The reasonable fees and expenses of such guardian, including all reasonable expert witness fees, shall be paid by the dissolved corporation.

(4) Provision by the dissolved corporation for security in the amount and the form ordered by the court under subsection (1) of this section, shall satisfy the dissolved corporation's obligations with respect to claims that are contingent, have not been made known to the dissolved corporation or are based on an event occurring after the effective date of dissolution, and such claims may not be enforced against a shareholder who received assets in liquidation.

SECTION 16. That Section 30-1-1420, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1420. GROUNDS FOR ADMINISTRATIVE DISSOLUTION. The secretary of state may administratively dissolve a corporation under section 30-1-1421, Idaho Code, if:

(1) The corporation does not deliver its annual report to the secretary of state by the date on which it is due;

(2) The corporation is without a registered agent ~~or registered office~~ in this state for sixty (60) days or more;

(3) The secretary of state has credible information that the corporation has failed to notify the secretary of state within sixty (60) days after the occurrence that its registered agent ~~or registered office~~ has been changed~~,~~ or that its registered agent has resigned~~, or that its registered office has been discontinued~~; or

(4) The corporation's period of duration stated in its articles of incorporation expires.

SECTION 17. That Section 30-1-1421, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1421. PROCEDURE FOR AND EFFECT OF ADMINISTRATIVE DISSOLUTION. (1) If the secretary of state determines that one (1) or more grounds exist under section 30-1-1420, Idaho Code, for dissolving a corporation, he shall give notice of his determination to the corporation by first class mail addressed to its mailing address as indicated on its most recent annual report or, if the corporation has not yet filed an annual report, to its registered ~~office~~ agent.

(2) If the corporation does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty (60) days after receipt of the notice of determination, the

secretary of state shall administratively dissolve the corporation by noting the fact of dissolution and the effective date thereof in his records. The secretary of state shall give notice of the dissolution to the corporation by first class mail addressed to its mailing address as indicated on its most recent annual report or, if the corporation has not yet filed an annual report, to its registered ~~office~~ agent.

(3) A corporation administratively dissolved continues its corporate existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 30-1-1405, Idaho Code, and notify claimants under sections 30-1-1406 and 30-1-1407, Idaho Code.

(4) The administrative dissolution of a corporation does not terminate the authority of its registered agent.

SECTION 18. That Section 30-1-1431, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1431. PROCEDURE FOR JUDICIAL DISSOLUTION. (1) Venue for a proceeding by the attorney general to dissolve a corporation lies in Ada ~~C~~county. Venue for a proceeding brought by any other party named in section 30-1-1430, Idaho Code, lies in the county where a corporation's principal office is or was located or, if none in this state, ~~its registered office is or was located~~ in Ada county.

(2) It is not necessary to make shareholders parties to the proceeding to dissolve a corporation unless relief is sought against them individually.

(3) A court in a proceeding brought to dissolve a corporation may issue injunctions, appoint a receiver or custodian pendente lite with all powers and duties the court directs, take other action required to preserve the corporate assets wherever located, and carry on the business of the corporation until a full hearing can be held.

(4) Within ten (10) days of the commencement of a proceeding under section 30-1-1430(2), Idaho Code, to dissolve a corporation that has no shares listed on a national securities exchange or regularly traded in a market maintained by one (1) or more members of a national or affiliated securities association, the corporation must send to all shareholders, other than the petitioner, a notice stating that the shareholders may be entitled to avoid the dissolution of the corporation by electing to purchase the petitioner's shares under section 30-1-1434, Idaho Code, and accompanied by a copy of section 30-1-1434, Idaho Code.

SECTION 19. That Section 30-1-1503, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1503. APPLICATION FOR CERTIFICATE OF AUTHORITY. (1) A foreign corporation may apply for a certificate of authority to transact business in this state by delivering an application to the secretary of state for filing. The application must set forth:

(a) The name of the foreign corporation or, if its name is unavailable for use in this state, a corporate name that satisfies the requirements of section 30-1-1506, Idaho Code;

(b) The name of the state or country under whose law it is incorporated;

(c) Its date of incorporation;

(d) The street address of its principal office;

(e) The ~~street address of its registered office in this state and the name of its registered agent at that office~~ information required by section 30-405(1), Idaho Code; and

(f) The names and usual business addresses of its current directors and officers.

(2) The foreign corporation shall deliver with the completed application a certificate of existence, or a document of similar import, duly authenticated by the secretary of state or other official having custody of corporate records in the state or country under whose law it is incorporated.

SECTION 20. That Section 30-1-1504, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1504. AMENDED CERTIFICATE OF AUTHORITY. (1) A foreign corporation authorized to transact business in this state must obtain an amended certificate of authority from the secretary of state if it changes:

(a) Its corporate name; ~~or~~

(b) The state or country of its incorporation; or

(c) Any of the information required by section 30-405(1), Idaho Code.

(2) The requirements of section 30-1-1503, Idaho Code, for obtaining an original certificate of authority apply to obtaining an amended certificate under this section.

SECTION 21. That Sections 30-1-1507, 30-1-1508 and 30-1-1509, Idaho Code, be, and the same are hereby repealed.

SECTION 22. That Section 30-1-1530, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1530. GROUNDS FOR REVOCATION OF CERTIFICATE OF AUTHORITY. The secretary of state may commence a proceeding under section 30-1-1531, Idaho Code, to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(1) The foreign corporation does not deliver its annual report to the secretary of state by the date on which it is due;

(2) The foreign corporation is without a registered agent ~~or registered office~~ in this state for sixty (60) days or more;

(3) The secretary of state has credible information that the foreign corporation has failed to notify the secretary of state within sixty (60) days of the occurrence that its registered agent ~~or registered office~~ has changed~~,~~ or that its registered agent has resigned~~, or that its registered office has been discontinued~~;

(4) The secretary of state has credible information that an incorporator, director, officer or agent of the foreign corporation signed a document he knew was false in any material respect with intent that the document be delivered to the secretary of state for filing; or

(5) The secretary of state receives a duly authenticated certificate from the official having custody of corporate records in the state or country under whose law the foreign corporation is incorporated,

stating that it has been dissolved or disappeared as a result of a merger.

SECTION 23. That Section 30-1-1604, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1604. COURT-ORDERED INSPECTION. (1) If a corporation does not allow a shareholder who complies with section 30-1-1602(1), Idaho Code, to inspect and copy any records required by that subsection to be available for inspection, the Idaho district court of the county where the corporation's principal office is located or, if none in this state, ~~its registered office is located~~ Ada county, may summarily order inspection and copying of the records demanded at the corporation's expense upon application of the shareholder.

(2) If a corporation does not within a reasonable time allow a shareholder to inspect and copy any other record, the shareholder who complies with section 30-1-1602(2) and (3), Idaho Code, may apply to the Idaho district court ~~in~~ of the county where the corporation's principal office is located or, if none in this state, ~~its registered office is located~~ Ada county, for an order to permit inspection and copying of the records demanded. The court shall dispose of an application under this subsection on an expedited basis.

(3) If the court orders inspection and copying of the records demanded, it shall also order the corporation to pay the shareholder's costs, including reasonable counsel fees, incurred to obtain the order unless the corporation proves that it refused inspection in good faith because it had a reasonable basis for doubt about the right of the shareholder to inspect the records demanded.

(4) If the court orders inspection and copying of the records demanded, it may impose reasonable restrictions on the use or distribution of the records by the demanding shareholder.

SECTION 24. That Section 30-1-1605, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1605. INSPECTION OF RECORDS BY DIRECTORS. (1) A director of a corporation is entitled to inspect and copy the books, records and documents of the corporation at any reasonable time to the extent reasonably related to the performance of the director's duties as a director, including duties as a member of a committee, but not for any other purpose or in any manner that would violate any duty to the corporation.

(2) The ~~appropriate~~ district court of the county where the corporation's principal office is located, or if none in this state, ~~its registered office, is located~~ Ada county, may order inspection and copying of the books, records and documents at the corporation's expense, upon application of a director who has been refused such inspection rights, unless the corporation establishes that the director is not entitled to such inspection rights. The court shall dispose of an application under this subsection on an expedited basis.

(3) If an order is issued, the court may include provisions protecting the corporation from undue burden or expense, and prohibiting the director from using information obtained upon exercise of the inspection rights in a manner that would violate a duty to the corporation, and may also order the corporation to reimburse the director for

the director's costs, including reasonable counsel fees, incurred in connection with the application.

SECTION 25. That Section 30-1-1622, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-1622. ANNUAL REPORT FOR SECRETARY OF STATE. (1) Each domestic corporation, and each foreign corporation authorized to transact business in this state, shall deliver to the secretary of state for filing an annual report on a form provided by the secretary of state that sets forth:

(a) The name of the corporation and the state or country under whose law it is incorporated;

(b) The ~~address of its registered office and the name of its registered agent at that office in this state~~ information required by section 30-405, Idaho Code;

(c) The address to which correspondence to the corporation's officers may be mailed; and

(d) The names and business addresses of its directors and its president and secretary.

(2) Information in the annual report must be current as of the date the annual report is executed on behalf of the corporation.

(3) The annual report shall be executed by one (1) of the persons identified in section 30-1-120, Idaho Code, or by another person who is authorized by the board of directors to execute the report. Execution of the annual report constitutes a representation that the person is authorized by the board of directors to execute the report.

(4) No annual report need be filed during the first year after a corporation is incorporated or authorized to transact business in this state. The first, and all subsequent annual reports shall be delivered to the secretary of state each year before the end of the month during which a domestic corporation was initially incorporated or a foreign corporation was initially authorized to transact business.

(5) If an annual report does not contain the information required by this section, the secretary of state shall promptly notify the reporting domestic or foreign corporation in writing and return the report to it for correction. If the report is corrected to contain the information required by this section and delivered to the secretary of state within thirty (30) days after the effective date of notice, it is deemed to be timely filed.

(6) Annual reports may be filed electronically by domestic or foreign corporations by following the online filing instructions provided by the secretary of state.

SECTION 26. That Section 30-3-2, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-2. FILING REQUIREMENTS. (1) A document must satisfy the requirements of this section, and of any other section that adds to or varies these requirements, to be entitled to filing by the secretary of state.

(2) This act must require or permit filing the document in the office of the secretary of state.

(3) The document must contain the information required by this act.

It may contain other information as well.

(4) The document must be typewritten or printed.

(5) The document must be in the English language. However, a corporate name need not be in English if written in English letters or ~~a~~Arabic or ~~r~~Roman numerals, and the certificate of existence required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.

(6) Except as otherwise permitted by section 30-3-136, Idaho Code, the document must be executed:

(a) By the presiding officer of its board of directors of a domestic or foreign corporation, its president, or by another of its officers;

(b) If directors have not been selected or the corporation has not been formed, by an incorporator; or

(c) If the corporation is in the hands of a receiver, trustee or other court-appointed fiduciary, by that fiduciary.

(7) The person executing a document shall sign it and state beneath or opposite the signature his or her name and the capacity in which he or she signs. The document may, but need not, contain:

(a) The corporate seal;

(b) An attestation by the secretary or an assistant secretary; or

(c) An acknowledgement, verification or proof.

(8) The document must be delivered to the office of the secretary of state for filing and must be accompanied by one (1) exact or conformed copy, ~~except as provided in sections 30-3-32 and 30-3-124, Idaho Code,~~ the correct filing fee, and any penalty required by this act or other law.

SECTION 27. That Section 30-3-4, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-4. FILING, SERVICE AND COPYING FEES. The secretary of state shall collect the following fees when the documents described in these subsections are delivered for filing:

(1) Articles of incorporation.....$30.00
(2) Application for reserved name.....$20.00
(3) Notice of transfer of reserved name.....$20.00
(4) Application for registered name.....$30.00
(5) Application for renewal of registered name.....$30.00
(6) ~~Corporation's statement of change of registered agent or registered office or both.....no fee~~
~~(7) Agent's statement of change of registered office for each affected corporation.....no fee~~
~~(8) Agent's statement of resignation.....no fee~~
~~(9)~~ Amendment of articles of incorporation.....$30.00
(~~10~~7) Restatement of articles of incorporation with amendments $30.00
(~~11~~8) Articles of merger.....$30.00
(~~12~~9) Articles of dissolution.....$30.00
(~~13~~0) Application for reinstatement following administrative dissolution.....$30.00
(~~14~~1) Application for certificate of authority.....$30.00
(~~15~~2) Application for amended certificate of authority.....$30.00
(~~16~~3) Application for certificate of withdrawal.....$20.00

(1~~7~~4) Certificate of revocation of authority to transact business .....no fee
(1~~8~~5) Annual report.....no fee
(1~~9~~6) Articles of correction.....$20.00
(~~20~~17) Certificate of existence or authorization.....$10.00
(~~21~~18) Any other document required or permitted to be filed by this act.....$20.00
(~~22~~19) Filing any document relating to a nonprofit corporation when the filing party requires the evidence of completion of filing to be returned within eight (8) hours, a surcharge of....$20.00

SECTION 28. That Section 30-3-7, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-7. FILING DUTY OF SECRETARY OF STATE. (1) If a document delivered to the office of the secretary of state for filing satisfies the requirements of section 30-3-2, Idaho Code, the secretary of state shall file it.

(2) The secretary of state files a document by stamping or otherwise endorsing "Filed," together with the secretary of state's official title and the date and the time of receipt, on both the original and copy of the document and on the receipt for the filing fee. After filing a document, ~~except as provided in sections 30-3-32 and 30-3-125, Idaho Code,~~ the secretary of state shall deliver the document copy, with the filing fee receipt, (or acknowledgement of receipt if no fee is required) attached, to the domestic or foreign corporation or its representative.

(3) Upon refusing to file a document, the secretary of state shall return it to the domestic or foreign corporation or its representative within five (5) days after the document was delivered, together with a brief, written explanation of the reason or reasons for the refusal.

(4) The secretary of state's duty to file documents under this section is ministerial. Filing or refusal to file a document does not:

(a) Affect the validity or invalidity of the document in whole or in part;

(b) Relate to the correctness or incorrectness of information contained in the document; or

(c) Create a presumption that the document is valid or invalid or that information contained in the document is correct or incorrect.

SECTION 29. That Section 30-3-8, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-8. APPEAL FROM SECRETARY OF STATE'S REFUSAL TO FILE DOCUMENT. (1) If the secretary of state refuses to file a document delivered for filing to the secretary of state's office, the domestic or foreign corporation may appeal the refusal to the district court ~~in~~ of the county where the corporation's principal office is located, or if there is none in this state, ~~its registered office, is or will be located~~ Ada county. The appeal is commenced by petitioning the court to compel filing the document and by attaching to the petition the document and the secretary of state's explanation of the refusal to file.

(2) The court may summarily order the secretary of state to file the document or take other action the court considers appropriate.

(3) The court's final decision may be appealed as in other civil proceedings.

SECTION 30. That Section 30-3-17, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-17. ARTICLES OF INCORPORATION. (1) The articles of incorporation must set forth:

(a) A corporate name for the corporation that satisfies the requirements of section 30-3-27, Idaho Code;

(b) The purpose or purposes for which the corporation is organized, which may be, either alone or in combination with other purposes, the transaction of any lawful activity;

(c) The names and addresses of the individuals who are to serve as the initial directors;

(d) The ~~street--address--of--the--corporation's-initial-registered office-and-the-name-of-its-initial-registered-agent-at--that--office~~ information required by section 30-405(1), Idaho Code;

(e) The name and address of each incorporator;

(f) Whether or not the corporation will have members; and

(g) Provisions not inconsistent with law regarding the distribution of assets on dissolution.

(2) The articles of incorporation may set forth:

(a) Provisions not inconsistent with law regarding:

(i) Managing and regulating the affairs of the corporation;

(ii) Defining, limiting and regulating the powers of the corporation, its board of directors, and members or any class of members; and

(iii) The characteristics, qualifications, rights, limitations and obligations attaching to each or any class of members.

(b) Any provision that under this act is required or permitted to be set forth in the bylaws.

(3) Each incorporator named in the articles must sign the articles.

(4) The articles of incorporation need not set forth any of the corporation powers enumerated in this act.

(5) The articles of incorporation may authorize assessments to be levied upon all members or classes of membership alike, or upon the outstanding shares of stock of the corporation that issues shares of stock instead of memberships pursuant to its articles of incorporation, or in different amounts or proportions or upon a different basis upon different members or classes of membership, and may exempt some members or classes of membership from assessments. The articles of incorporation may fix the amount and method of collection of assessments, or may authorize the board of directors to fix the amount thereof, from time to time, and may make them payable at such times or intervals, and upon such notice and by such methods as the directors may prescribe. Assessments may be made enforceable by civil action or by the forfeiture of membership, or both, or by the sale of shares of the capital stock of a stockholder in a corporation that issues shares of stock instead of memberships, when authorized by the articles of incorporation of said corporation, upon notice given in writing twenty (20) days before commencement of such action or such forfeiture. If the articles of incorporation so provide, assessments may be secured by a lien upon real property to which membership rights are appurtenant, if appropriate, or upon the

shares of stock of a stockholder or shareholder corporation, when authorized by its articles of incorporation.

SECTION 31. That Sections 30-3-30, 30-3-31, 30-3-32 and 30-3-33, Idaho Code, be, and the same are hereby repealed.

SECTION 32. That Section 30-3-48, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-48. COURT-ORDERED MEETINGS. (1) The district court of the county where a corporation's principal office is located or, if none in this state, ~~its registered office, is located~~ Ada county, may summarily order a meeting to be held:

(a) On application of any member or other person entitled to participate in an annual or regular meeting, if an annual meeting was not held within the earlier of six (6) months after the end of the corporation's fiscal year or fifteen (15) months after its last annual meeting; or

(b) On application of any member or other person entitled to participate in a regular meeting, if a regular meeting is not held within forty (40) days after the date it was required to be held; or

(c) On application of a member who signed a demand for a special meeting valid under section 30-3-47, Idaho Code, a person or persons entitled to call a special meeting, if:

(i) Notice of the special meeting was not given within thirty (30) days after the date the demand was delivered to a corporate officer; or

(ii) The special meeting was not held in accordance with the notice.

(2) The court may fix the time and place of the meeting, specify a record date for determining members entitled to notice of and to vote at the meeting, prescribe the form and content of the meeting notice, fix the quorum required for specific matters to be considered at the meeting, or direct that the votes represented at the meeting constitute a quorum for action on those matters, and enter other orders necessary to accomplish the purpose or purposes of the meeting.

(3) If the court orders a meeting, it may also order the corporation to pay the member's costs, including reasonable attorney's fees, incurred to obtain the order.

SECTION 33. That Section 30-3-54, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-54. MEMBERS' LIST FOR MEETING. (1) After fixing a record date for a notice of a meeting, a corporation shall prepare an alphabetical list of the names of all its members who are entitled to notice of the meeting. The list must show the address and number of votes each member is entitled to vote at the meeting. The corporation shall prepare on a current basis through the time of the membership meeting a list of members, if any, who are entitled to vote at the meeting, but not entitled to notice of the meeting. This list shall be prepared on the same basis and be part of the list of members.

(2) The list of members must be available for inspection by any member for the purpose of communication with other members concerning

the meeting, beginning two (2) business days after notice is given of the meeting for which the list was prepared and continuing through the meeting, at the corporation's principal office or at a reasonable place identified in the meeting notice in the city where the meeting will be held. A member, a member's agent or attorney is entitled on written demand to inspect and, subject to the limitations of sections 30-3-131(3) and 30-3-133, Idaho Code, to copy the list, at a reasonable time and at the member's expense, during the period it is available for inspection.

(3) The corporation shall make the list of members available at the meeting, and any member, a member's agent or attorney is entitled to inspect the list at any time during the meeting or any adjournment.

(4) If the corporation refuses to allow a member, a member's agent or attorney to inspect the list of members before or at the meeting or copy the list as permitted by subsection (2) of this section, the district court of the county where a corporation's principal office is located, or if none in this state, ~~its registered office, is located~~ Ada county, on application of the member, may summarily order the inspection or copying at the corporation's expense and may postpone the meeting for which the list was prepared until the inspection or copying is complete and may order the corporation to pay the member's costs, including reasonable attorney's fees, incurred to obtain the order.

(5) Unless a written demand to inspect and copy a membership list has been made under subsection (2) of this section, prior to the membership meeting and a corporation improperly refuses to comply with the demand, refusal or failure to comply with this section does not affect the validity of action taken at the meeting.

(6) The articles or bylaws of a religious corporation may limit or abolish the rights of a member under this section to inspect and copy any corporate record.

SECTION 34. That Section 30-3-90, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-90. AMENDMENT OF ARTICLES BY DIRECTORS. (1) Unless the articles provide otherwise, a corporation's board of directors may adopt one (1) or more amendments to the corporation's articles without member approval:

(a) To extend the duration of the corporation if it was incorporated at a time when limited duration was required by law;

(b) To delete the names and addresses of the initial directors;

(c) To ~~delete the name and address of the initial registered agent or registered office, if a statement of change is on file with the secretary of state~~ change the information required by section 30-405(1), Idaho Code;

(d) To change the corporate name by substituting the word "corporation," "incorporated," "company," "limited," or the abbreviation "corp.," "inc.," "co.," or "ltd.," for a similar word or abbreviation in the name, or by adding, deleting or changing a geographical attribution to the name; or

(e) To make any other change expressly permitted by this act to be made by director action.

(2) If a corporation has no members, its incorporators, until directors have been chosen, and thereafter its board of directors, may

adopt one (1) or more amendments to the corporation's articles subject to any approval required pursuant to section 30-~~1~~3-99, Idaho Code. The corporation shall provide notice of any meeting at which an amendment is to be voted upon. The notice shall be in accordance with section 30-3-76(3), Idaho Code. The notice must also state that the purpose, or one (1) of the purposes, of the meeting is to consider a proposed amendment to the articles and contain or be accompanied by a copy or summary of the amendment or state the general nature of the amendment. The amendment must be approved by a majority of the directors in office at the time the amendment is adopted.

SECTION 35. That Section 30-3-104, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-104. MERGER WITH FOREIGN CORPORATION. (1) One (1) or more foreign business or nonprofit corporations may merge with one (1) or more domestic nonprofit corporations if:

(a) The merger is permitted by the law of the state or country under whose law each foreign corporation is incorporated and each foreign corporation complies with that law in effecting the merger;

(b) The foreign corporation complies with section 30-3-102, Idaho Code, if it is the surviving corporation of the merger; and

(c) Each domestic nonprofit corporation complies with the applicable provisions of sections 30-3-99 and 30-3-101, Idaho Code, and, if it is the surviving corporation of the merger, with section 30-3-102, Idaho Code.

(2) Upon the merger taking effect, the surviving foreign business or nonprofit corporation ~~is deemed to have irrevocably appointed the secretary of state as its agent for service of~~ may be served with process in any proceeding brought against it as provided in section 30-413, Idaho Code.

SECTION 36. That Section 30-3-115, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-115. UNKNOWN CLAIMS AGAINST DISSOLVED CORPORATION. (1) The directors of a dissolved corporation may also publish notice of its dissolution and request that persons with claims against the corporation present them in accordance with the notice.

(2) The notice must:

(a) Be published one (1) time in a newspaper of general circulation in the county where the dissolved corporation's principal office is or was located, or, if none in this state, ~~its registered office, is or was last located~~ in Ada county;

(b) Describe the information that must be included in a claim and provide a mailing address where the claim may be sent; and

(c) State that a claim against the corporation will be barred unless a proceeding to enforce the claim is commenced within five (5) years after publication of the notice.

(3) If the directors of a dissolved corporation publish a newspaper notice in accordance with subsection (2) of this section, the claim of each of the following claimants is barred unless the claimant commences a proceeding to enforce the claim against the dissolved corporation

within five (5) years after the publication date of the newspaper notice:

(a) A claimant who did not receive written notice under section 30-3-114, Idaho Code;

(b) A claimant whose claim was timely sent to the dissolved corporation but not acted on; and

(c) A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

(4) A claim may be enforced under this section:

(a) Against the dissolved corporation to the extent of its undistributed assets; or

(b) If the assets have been distributed in liquidation, against any person, other than a creditor of the corporation, to whom the corporation distributed its property to the extent of the distributee's pro rata share of the claim or the corporate assets distributed to such person in liquidation, whichever is less, but the distributee's total liability for all claims under this section may not exceed the total amount of assets distributed to the distributee.

SECTION 37. That Section 30-3-115A, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-115A. GROUNDS FOR ADMINISTRATIVE DISSOLUTION. The secretary of state may administratively dissolve a corporation under section 30-3-115B, Idaho Code, if:

(1) The corporation does not deliver its annual report to the secretary of state by the date on which it is due;

(2) The corporation is without a registered agent ~~or registered office~~ in this state for sixty (60) days or more;

(3) The secretary of state has credible information that the corporation has failed to notify the secretary of state within sixty (60) days after the occurrence that its registered agent ~~or registered office~~ has been changed~~,~~ <u>or</u> that its registered agent has resigned~~, or that its registered office has been discontinued~~; or

(4) The corporation's period of duration stated in its articles of incorporation expires.

SECTION 38. That Section 30-3-115B, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-115B. PROCEDURE FOR AND EFFECT OF ADMINISTRATIVE DISSOLUTION. (1) If the secretary of state determines that one (1) or more grounds exist under section 30-3-115A, Idaho Code, for dissolving a corporation, he shall give notice of his determination to the corporation by first class mail addressed to its mailing address as indicated on its most recent annual report or, if the corporation has not yet filed an annual report, to its registered ~~office~~ <u>agent.</u>

(2) If the corporation does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty (60) days after receipt of the notice of determination, the secretary of state shall administratively dissolve the corporation by noting the fact of dissolution and the effective date thereof in his records. The secretary of state shall give notice of the dissolution to

the corporation by first class mail addressed to its mailing address as indicated on its most recent annual report or, if the corporation has not yet filed an annual report, to its registered ~~office~~ agent.

(3) A corporation administratively dissolved continues its corporate existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 30-3-113, Idaho Code, and notify claimants under sections 30-3-114 and 30-3-115, Idaho Code.

(4) The administrative dissolution of a corporation does not terminate the authority of its registered agent.

SECTION 39. That Section 30-3-115C, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-115C. REINSTATEMENT FOLLOWING ADMINISTRATIVE DISSOLUTION. (1) A corporation administratively dissolved under section 30-3-115B, Idaho Code, may apply to the secretary of state for reinstatement within ten (10) years after the effective date of dissolution. The application must:

(a) Recite the name of the corporation and the date of its incorporation;

(b) State that the corporation applies for reinstatement;

(c) If the corporation's name ~~or one deceptively similar thereto~~ has been appropriated by another entity whose organizational documents are filed with the secretary of state, be accompanied ~~either by a consent to the use of a deceptively similar name executed by the other entity or~~ by articles of amendment by which the corporation adopts a new name which complies with the requirements of section 30-3-27, Idaho Code; and

(d) Be accompanied by a current annual report, appointment of registered agent pursuant to section 30-405, Idaho Code, or articles of amendment to extend the corporate existence, as appropriate to the reason for administrative dissolution.

(2) If the secretary of state determines that the application contains the information required by subsection (1) of this section and that the information is correct, he shall cancel the dissolution and prepare a certificate of reinstatement that recites the fact and effective date of the reinstatement, file a copy thereof and return the original to the corporation.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the corporation resumes carrying on its business as if the administrative dissolution had never occurred.

SECTION 40. That Section 30-3-118, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-118. APPLICATION OF FOREIGN CORPORATION FOR CERTIFICATE OF AUTHORITY. (1) A foreign corporation may apply for a certificate of authority to transact business in this state by delivering an application to the secretary of state. The application must set forth:

(a) The name of the foreign corporation or, if its name is unavailable for use in this state, a corporate name that satisfies the requirements of section 30-3-121, Idaho Code;

(b) The name of the state or country under whose law it is incorporated;
(c) The date of incorporation and period of duration;
(d) The street address of its principal office;
(e) The name and street address of its registered ~~office~~ agent in this state; ~~and the name of its registered agent at that office;~~
(f) The names and usual business or home addresses of its current directors and officers;
(g) Whether the foreign corporation has members.
(2) The foreign corporation shall deliver with the completed application a certificate of corporate existence or status, or a document of similar import.

SECTION 41. That Section 30-3-119, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-119. FOREIGN CORPORATION AMENDED CERTIFICATE OF AUTHORITY. (1) A foreign corporation authorized to transact business in this state must obtain an amended certificate of authority from the secretary of state if it changes:
(a) Its corporate name;
(b) The period of its duration; ~~or~~
(c) Any of the information required by section 30-405, Idaho Code; or
(d) The state or country of its incorporation.
(2) The requirements of section 30-3-119, Idaho Code, for obtaining an original certificate of authority apply to obtaining an amended certificate under this section and the corporation shall deliver with the application a certificate evidencing the change duly authenticated by the secretary of state or other official having custody or corporate records in the state or country under whose law it is incorporated.

SECTION 42. That Sections 30-3-122, 30-3-123, 30-3-124 and 30-3-125, Idaho Code, be, and the same are hereby repealed.

SECTION 43. That Section 30-3-126, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-126. WITHDRAWAL OF FOREIGN CORPORATION. (1) A foreign corporation authorized to transact business in this state may withdraw from this state upon procuring from the secretary of state a certificate of withdrawal. In order to procure such certificate of withdrawal, such foreign corporation shall deliver to the secretary of state an application for withdrawal, which shall set forth:
(a) The name of the corporation and the state or country under the laws of which it is incorporated;
(b) That the corporation is not transacting business in this state;
(c) That the corporation surrenders its authority to transact business in this state;
(d) That the corporation revokes the authority of its registered agent in this state to accept service of process and consents that service of process in any action, suit or proceeding based upon any cause of action arising in this state during the time the corporation was authorized to transact business in this state may thereaf-

ter be made on such corporation by service thereon; ~~in--the--manner provided-in-section-30-3-125,-Idaho-Code;~~

(e) A post-office address to which a copy of any process against the corporation may be served on it; ~~pursuant-to-the--provisions--of section-30-3-125,-Idaho-Code;~~ and

(f) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine and assess any unpaid fees payable by such foreign corporation as in this act prescribed.

The application for withdrawal shall be made on forms prescribed and furnished by the secretary of state and shall be executed by the corporation by its president or a vice president and by its secretary or an assistant secretary, and verified by one (1) of the officers signing the application, or, if the corporation is in the hands of a receiver or trustee, shall be executed on behalf of the corporation by such receiver or trustee and verified by him.

(2) Duplicate originals of such application for withdrawal shall be delivered to the secretary of state. If the secretary of state finds that such application conforms to the provisions of this act, he shall, when all fees have been paid as in this act prescribed:

(a) Endorse on each of such duplicate originals the word "Filed," and the month, day and year of the filing thereof.

(b) File one (1) of such duplicate originals in his office.

(c) Issue a certificate of withdrawal to which he shall affix the other duplicate original.

The certificate of withdrawal, together with the duplicate original of the application for withdrawal affixed thereto by the secretary of state, shall be returned to the corporation or its representative. Upon the issuance of such certificate of withdrawal, the authority of the corporation to transact business in this state shall cease.

SECTION 44. That Section 30-3-127, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-127. GROUNDS FOR REVOCATION OF CERTIFICATE OF AUTHORITY. The secretary of state may commence a proceeding under section 30-3-128, Idaho Code, to revoke the certificate of authority of a foreign corporation authorized to transact business in this state if:

(1) The foreign corporation does not deliver its annual report to the secretary of state by the date on which it is due;

(2) The foreign corporation is without a registered agent ~~or-registered-office~~ in this state for sixty (60) days or more;

(3) The secretary of state has credible information that the foreign corporation has failed to notify the secretary of state by an appropriate filing within sixty (60) days of the occurrence that its registered agent ~~or--registered-office~~ has changed~~,~~ or that its registered agent has resigned~~,-or-that-its-registered-office-has-been-discontinued~~;

(4) The secretary of state has credible information that an incorporator, director, officer or agent of the foreign corporation signed a document he knew was false in any material respect with intent that the document be delivered to the secretary of state for filing; or

(5) The secretary of state receives a duly authenticated certificate from the official having custody of corporate records in the state

or country under whose law the foreign corporation is incorporated, stating that it has been dissolved or has disappeared as a result of a merger.

SECTION 45. That Section 30-3-128, Idaho Code, be, and the same is hereby amended to read as follows:

30-3-128. PROCEDURE AND EFFECT OF REVOCATION OF AUTHORITY OF FOREIGN CORPORATION. (1) If the secretary of state determines that one (1) or more grounds exist under section 30-3-127, Idaho Code, for revocation of a certificate of authority, he shall give notice of his determination to the foreign corporation by first class mail addressed to its mailing address as indicated on its most recent annual report or, if the foreign corporation has not yet filed an annual report, to its registered office.

(2) If the foreign corporation does not correct each ground for revocation or demonstrate to the reasonable satisfaction of the secretary of state that each ground for revocation determined by the secretary of state does not exist within sixty (60) days after receipt of the notice of determination, the secretary of state may revoke the foreign corporation's certificate of authority by noting the fact of revocation and the effective date thereof in his records. The secretary of state shall give notice of the revocation to the foreign corporation by first class mail addressed to its mailing address as indicated on its most recent annual report, or if the foreign corporation has not yet filed an annual report, to its registered office.

(3) The authority of a foreign corporation to transact business in this state ceases on the date shown on the notice of revocation of its certificate of authority.

(4) Service of process on a foreign corporation whose certificate of authority has been revoked may be made upon its registered agent, if any~~, or pursuant to section 30-3-125, Idaho Code~~.

(5) Revocation of a foreign corporation's certificate of authority does not terminate the authority of the registered agent of the corporation.

SECTION 46. That Sections 53-2-114, 53-2-115, 53-2-116 and 53-2-117, Idaho Code, be, and the same are hereby repealed.

SECTION 47. That Section 53-2-201, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-201. FORMATION OF LIMITED PARTNERSHIP -- CERTIFICATE OF LIMITED PARTNERSHIP. (1) In order for a limited partnership to be formed, a certificate of limited partnership must be delivered to the secretary of state for filing. The certificate must state:

(a) The name of the limited partnership, which must comply with section 53-2-108, Idaho Code;

(b) The ~~mailing--address--of--the-initial-principal-office-and-the name-and-street-address-of-the-initial-registered-agent-at-the--registered--office~~ information required by section 30-405(1), Idaho Code;

(c) The name and mailing address of each general partner;

(d) Whether the limited partnership is a limited liability limited partnership; and

(e) Any additional information required by part 11 of this chapter.

(2) A certificate of limited partnership may also contain any other matters but may not vary or otherwise affect the provisions specified in section 53-2-110(2), Idaho Code, in a manner inconsistent with that section.

(3) If there has been substantial compliance with subsection (1) of this section, subject to section 53-2-206(3), Idaho Code, a limited partnership is formed when the secretary of state files the certificate of limited partnership.

(4) Subject to subsection (2) of this section, if any provision of a partnership agreement is inconsistent with the filed certificate of limited partnership or with a filed statement of dissociation, termination, or change or filed articles of conversion or merger:

(a) The partnership agreement prevails as to partners and transferees; and

(b) The filed certificate of limited partnership, statement of dissociation, termination, or change or articles of conversion or merger prevail as to persons, other than partners and transferees, that reasonably rely on the filed record to their detriment.

SECTION 48. That Section 53-2-202, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-202. AMENDMENT OR RESTATEMENT OF CERTIFICATE. (1) In order to amend its certificate of limited partnership, a limited partnership must deliver to the secretary of state for filing an amendment or, pursuant to part 11 of this chapter, articles of merger stating:

(a) The name of the limited partnership;

(b) The date of filing of its initial certificate; and

(c) The changes the amendment makes to the certificate as most recently amended or restated.

(2) A limited partnership shall promptly deliver to the secretary of state for filing an amendment to a certificate of limited partnership to reflect:

(a) The admission of a new general partner;

(b) The dissociation of a person as a general partner; or

(c) The appointment of a person to wind up the limited partnership's activities under section 53-2-803(3) or (4), Idaho Code.

(3) A general partner that knows that any information in a filed certificate of limited partnership was false when the certificate was filed or has become false due to changed circumstances shall promptly:

(a) Cause the certificate to be amended; or

(b) If appropriate, deliver to the secretary of state for filing a statement ~~of change pursuant to section 53-2-115, Idaho Code, or a statement~~ of correction pursuant to section 53-2-207 <u>or 30-408,</u> Idaho Code.

(4) A certificate of limited partnership may be amended at any time for any other proper purpose as determined by the limited partnership.

(5) A restated certificate of limited partnership may be delivered to the secretary of state for filing in the same manner as an amendment.

(6) Subject to section 53-2-206(3), Idaho Code, an amendment or restated certificate is effective when filed by the secretary of state.

SECTION 49. That Section 53-2-206, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-206. DELIVERY TO AND FILING OF RECORDS BY SECRETARY OF STATE -- EFFECTIVE TIME AND DATE. (1) A record authorized or required to be delivered to the secretary of state for filing under this chapter must be captioned to describe the record's purpose, be in a medium permitted by the secretary of state, and be delivered to the secretary of state. The secretary of state shall provide forms which may be used for filing records. Unless the secretary of state determines that a record does not comply with the filing requirements of this chapter, and if all filing fees have been paid, the secretary of state shall file the record and:

(a) For a statement of dissociation, send:

(i) A copy of the filed statement and a receipt for the fees to the person which the statement indicates has dissociated as a general partner; and

(ii) A copy of the filed statement and receipt to the limited partnership;

(b) For a statement of withdrawal, send:

(i) A copy of the filed statement and a receipt for the fees to the person on whose behalf the record was filed; and

(ii) If the statement refers to an existing limited partnership, a copy of the filed statement and receipt to the limited partnership; and

(c) For all other records, send a copy of the filed record and a receipt for the fees to the person on whose behalf the record was filed.

(2) Upon request and payment of a fee, the secretary of state shall send to the requester a certified copy of the requested record.

(3) Except as otherwise provided in section~~s 53-2-116 and~~ 53-2-207, Idaho Code, a record delivered to the secretary of state for filing under this chapter may specify an effective time and a delayed effective date. Except as otherwise provided in this chapter, a record filed by the secretary of state is effective:

(a) If the record does not specify an effective time and does not specify a delayed effective date, on the date and at the time the record is filed as evidenced by the secretary of state's endorsement of the date and time on the record;

(b) If the record specifies an effective time but not a delayed effective date, on the date the record is filed at the time specified in the record;

(c) If the record specifies a delayed effective date but not an effective time, at 12:01 a.m. on the earlier of:

(i) The specified date; or

(ii) The ninetieth day after the record is filed; or

(d) If the record specifies an effective time and a delayed effective date, at the specified time on the earlier of:

(i) The specified date; or

(ii) The ninetieth day after the record is filed.

SECTION 50. That Section 53-2-208, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-208. LIABILITY FOR FALSE INFORMATION IN FILED RECORD. (1) If a record delivered to the secretary of state for filing under this chapter and filed by the secretary of state contains false information, a person that suffers loss by reliance on the information may recover damages for the loss from:

(a) A person that signed the record, or caused another to sign it on the person's behalf, and knew the information to be false at the time the record was signed; and

(b) A general partner that has notice that the information was false when the record was filed or has become false because of changed circumstances, if the general partner has notice for a reasonably sufficient time before the information is relied upon to enable the general partner to effect an amendment under section 53-2-202, Idaho Code, file a petition pursuant to section 53-2-205, Idaho Code, or deliver to the secretary of state for filing a statement of change pursuant to section ~~53-2-115~~ 30-408, Idaho Code, or a statement of correction pursuant to section 53-2-207, Idaho Code.

(2) Signing a record authorized or required to be filed under this chapter constitutes an affirmation under the penalties of perjury that the facts stated in the record are true.

SECTION 51. That Section 53-2-210, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-210. ANNUAL REPORT FOR SECRETARY OF STATE. (1) A limited partnership or a foreign limited partnership authorized to transact business in this state shall deliver to the secretary of state for filing an annual report that states:

(a) The name of the limited partnership or foreign limited partnership;

(b) The ~~mailing address of its principal office and the name and street address of its registered agent and registered office in this state~~ information required by section 30-405(1), Idaho Code;

(c) In the case of a foreign limited partnership, the state or other jurisdiction under whose law the foreign limited partnership is formed and any alternate name adopted under section 53-2-905(1), Idaho Code; and

(d) The name and mailing address of one (1) or more general partners.

(2) Information in an annual report must be current as of the date the annual report is delivered to the secretary of state for filing.

(3) No annual report need be filed during the first year after a limited partnership is formed or authorized to transact business in this state. The first and all subsequent annual reports shall be delivered to the secretary of state each year before the end of the month during which a limited partnership was originally formed or a foreign limited partnership was initially authorized to transact business.

(4) If an annual report does not contain the information required in subsection (1) of this section, the secretary of state shall promptly notify the reporting limited partnership or foreign limited partnership and return the report to it for correction. If the report is corrected

to contain the information required in subsection (1) of this section and delivered to the secretary of state within thirty (30) days after the effective date of the notice, it is timely delivered.

(5) If a filed annual report contains ~~an address of a registered office or the name or address of a registered agent~~ information provided under subsection (1)(b) of this section which differs from the information shown in the records of the secretary of state immediately before the filing, the differing information in the annual report is considered a statement of change under section ~~53-2-115~~ 30-408, Idaho Code, provided the change in information is with the consent of any new registered agent.

SECTION 52. That Section 53-2-304, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-304. RIGHT OF LIMITED PARTNER AND FORMER LIMITED PARTNER TO INFORMATION. (1) On ten (10) days' demand, made in a record received by the limited partnership, a limited partner may inspect and copy required information during regular business hours in the limited partnership's ~~designated~~ principal office. The limited partner need not have any particular purpose for seeking the information.

(2) During regular business hours and at a reasonable location specified by the limited partnership, a limited partner may obtain from the limited partnership and inspect and copy true and full information regarding the state of the activities and financial condition of the limited partnership and other information regarding the activities of the limited partnership as is just and reasonable if:

(a) The limited partner seeks the information for a purpose reasonably related to the partner's interest as a limited partner;

(b) The limited partner makes a demand in a record received by the limited partnership, describing with reasonable particularity the information sought and the purpose for seeking the information; and

(c) The information sought is directly connected to the limited partner's purpose.

(3) Within ten (10) days after receiving a demand pursuant to subsection (2) of this section, the limited partnership in a record shall inform the limited partner that made the demand:

(a) What information the limited partnership will provide in response to the demand;

(b) When and where the limited partnership will provide the information; and

(c) If the limited partnership declines to provide any demanded information, the limited partnership's reasons for declining.

(4) Subject to subsection (6) of this section, a person dissociated as a limited partner may inspect and copy required information during regular business hours in the limited partnership's ~~designated~~ principal office if:

(a) The information pertains to the period during which the person was a limited partner;

(b) The person seeks the information in good faith; and

(c) The person meets the requirements of subsection (2) of this section.

(5) The limited partnership shall respond to a demand made pursuant to subsection (4) of this section in the same manner as provided in subsection (3) of this section.

(6) If a limited partner dies, section 53-2-704, Idaho Code, applies.

(7) The limited partnership may impose reasonable restrictions on the use of information obtained under this section. In a dispute concerning the reasonableness of a restriction under this subsection, the limited partnership has the burden of proving reasonableness.

(8) A limited partnership may charge a person that makes a demand under this section reasonable costs of copying, limited to the costs of labor and material.

(9) Whenever this chapter or a partnership agreement provides for a limited partner to give or withhold consent to a matter, before the consent is given or withheld, the limited partnership shall, without demand, provide the limited partner with all information material to the limited partner's decision that the limited partnership knows.

(10) A limited partner or person dissociated as a limited partner may exercise the rights under this section through an attorney or other agent. Any restriction imposed under subsection (7) of this section or by the partnership agreement applies both to the attorney or other agent and to the limited partner or person dissociated as a limited partner.

(11) The rights stated in this section do not extend to a person as transferee, but may be exercised by the legal representative of an individual under legal disability who is a limited partner or person dissociated as a limited partner.

SECTION 53. That Section 53-2-407, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-407. RIGHT OF GENERAL PARTNER AND FORMER GENERAL PARTNER TO INFORMATION. (1) A general partner, without having any particular purpose for seeking the information, may inspect and copy during regular business hours:

(a) In the limited partnership's ~~designated~~ principal office, required information; and

(b) At a reasonable location specified by the limited partnership, any other records maintained by the limited partnership regarding the limited partnership's activities and financial condition.

(2) Each general partner and the limited partnership shall furnish to a general partner:

(a) Without demand, any information concerning the limited partnership's activities and activities reasonably required for the proper exercise of the general partner's rights and duties under the partnership agreement or this chapter; and

(b) On demand, any other information concerning the limited partnership's activities, except to the extent the demand or the information demanded is unreasonable or otherwise improper under the circumstances.

(3) Subject to subsection (5) of this section, on ten (10) days' demand made in a record received by the limited partnership, a person dissociated as a general partner may have access to the information and records described in subsection (1) of this section at the location specified in subsection (1) of this section if:

(a) The information or record pertains to the period during which the person was a general partner;

(b) The person seeks the information or record in good faith; and

(c) The person satisfies the requirements imposed on a limited partner by section 53-2-304(2), Idaho Code.

(4) The limited partnership shall respond to a demand made pursuant to subsection (3) of this section in the same manner as provided in section 53-2-304(3), Idaho Code.

(5) If a general partner dies, section 53-2-704, Idaho Code, applies.

(6) The limited partnership may impose reasonable restrictions on the use of information under this section. In any dispute concerning the reasonableness of a restriction under this subsection, the limited partnership has the burden of proving reasonableness.

(7) A limited partnership may charge a person dissociated as a general partner that makes a demand under this section reasonable costs of copying, limited to the costs of labor and material.

(8) A general partner or person dissociated as a general partner may exercise the rights under this section through an attorney or other agent. Any restriction imposed under subsection (6) of this section or by the partnership agreement applies both to the attorney or other agent and to the general partner or person dissociated as a general partner.

(9) The rights under this section do not extend to a person as transferee, but the rights under subsection (3) of this section of a person dissociated as a general partner may be exercised by the legal representative of an individual who dissociated as a general partner under section 53-2-603(7)(b) or (c), Idaho Code.

SECTION 54. That Section 53-2-807, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-807. OTHER CLAIMS AGAINST DISSOLVED LIMITED PARTNERSHIP. (1) A dissolved limited partnership may publish notice of its dissolution and request persons having claims against the limited partnership to present them in accordance with the notice.

(2) The notice must:

(a) Be published at least once in a newspaper of general circulation in the county in which the dissolved limited partnership's principal office is located or, if it has none in this state, in ~~the~~ Ada county; ~~in which the limited partnership's designated office is or was last located;~~

(b) Describe the information required to be contained in a claim and provide a mailing address to which the claim is to be sent;

(c) State that a claim against the limited partnership is barred unless an action to enforce the claim is commenced within five (5) years after publication of the notice; and

(d) Unless the limited partnership has been throughout its existence a limited liability limited partnership, state that the barring of a claim against the limited partnership will also bar any corresponding claim against any general partner or person dissociated as a general partner which is based on section 53-2-404, Idaho Code.

(3) If a dissolved limited partnership publishes a notice in accordance with subsection (2) of this section, the claim of each of the fol-

lowing claimants is barred unless the claimant commences an action to enforce the claim against the dissolved limited partnership within five (5) years after the publication date of the notice:

(a) A claimant that did not receive notice in a record under section 53-2-806, Idaho Code;

(b) A claimant whose claim was timely sent to the dissolved limited partnership but not acted on; and

(c) A claimant whose claim is contingent or based on an event occurring after the effective date of dissolution.

(4) A claim not barred under this section may be enforced:

(a) Against the dissolved limited partnership, to the extent of its undistributed assets;

(b) If the assets have been distributed in liquidation, against a partner or transferee to the extent of that person's proportionate share of the claim or the limited partnership's assets distributed to the partner or transferee in liquidation, whichever is less, but a person's total liability for all claims under this paragraph does not exceed the total amount of assets distributed to the person as part of the winding up of the dissolved limited partnership; or

(c) Against any person liable on the claim under section 53-2-404, Idaho Code.

SECTION 55. That Section 53-2-902, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-902. APPLICATION FOR CERTIFICATE OF AUTHORITY. (1) A foreign limited partnership may apply for a certificate of authority to transact business in this state by delivering an application to the secretary of state for filing. The application must state:

(a) The name of the foreign limited partnership and, if the name does not comply with section 53-2-108, Idaho Code, an alternate name adopted pursuant to section 53-2-905(1), Idaho Code;

(b) The name of the state or other jurisdiction under whose law the foreign limited partnership is organized;

(c) The street and mailing address of the foreign limited partnership's principal office and, if the laws of the jurisdiction under which the foreign limited partnership is organized require the foreign limited partnership to maintain an office in that jurisdiction, the street and mailing address of the required office;

(d) The ~~name and street and mailing address of the foreign limited partnership's initial agent for service of process in this state~~ information required by section 30-405(1), Idaho Code;

(e) The name and street and mailing address of each of the foreign limited partnership's general partners; and

(f) Whether the foreign limited partnership is a foreign limited liability limited partnership.

(2) A foreign limited partnership shall deliver with the completed application a certificate of existence or a record of similar import signed by the secretary of state or other official having custody of the foreign limited partnership's publicly filed records in the state or other jurisdiction under whose law the foreign limited partnership is organized.

SECTION 56. That Section 53-2-906, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-906. REVOCATION OF CERTIFICATE OF AUTHORITY. (1) A certificate of authority of a foreign limited partnership to transact business in this state may be revoked by the secretary of state in the manner provided in subsections (2) and (3) of this section if the foreign limited partnership does not:

(a) Pay, within sixty (60) days after the due date, any fee, tax or penalty due to the secretary of state under this chapter or other law;

(b) Deliver, within sixty (60) days after the due date, its annual report required under section 53-2-210, Idaho Code;

(c) Appoint and maintain an agent for service of process as required by section ~~53-2-114(2)~~ 30-405(1), Idaho Code; or

(d) Deliver for filing a statement of a change ~~under section 53-2-115, Idaho Code,~~ within thirty (30) days after a change has occurred in the name or address of the agent.

(2) In order to revoke a certificate of authority, the secretary of state must prepare, sign, and file a notice of revocation and send a copy to the foreign limited partnership's agent for service of process in this state, or if the foreign limited partnership does not appoint and maintain a proper agent in this state, to the foreign limited partnership's ~~designated~~ principal office. The notice must state:

(a) The revocation's effective date, which must be at least sixty (60) days after the date the secretary of state sends the copy; and

(b) The foreign limited partnership's failures to comply with subsection (1) of this section which are the reason for the revocation.

(3) The authority of the foreign limited partnership to transact business in this state ceases on the effective date of the notice of revocation unless before that date the foreign limited partnership cures each failure to comply with subsection (1) of this section stated in the notice. If the foreign limited partnership cures the failures, the secretary of state shall so indicate on the filed notice.

SECTION 57. That Section 53-2-1104, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-1104. FILINGS REQUIRED FOR CONVERSION — EFFECTIVE DATE. (1) After a plan of conversion is approved:

(a) A converting limited partnership shall deliver to the secretary of state for filing articles of conversion, which must include:

(i) A statement that the limited partnership has been converted into another organization;

(ii) The name and form of the organization and the jurisdiction of its governing statute;

(iii) The date the conversion is effective under the governing statute of the converted organization;

(iv) A statement that the conversion was approved as required by this chapter;

(v) A statement that the conversion was approved as required by the governing statute of the converted organization; and

(vi) If the converted organization is a foreign organization not authorized to transact business in this state, the street

and mailing address of an office which ~~the secretary of state~~ may ~~use~~ be used for ~~the purposes~~ service of process under section 53-2-1105(3), Idaho Code; and

(b) If the converting organization is not a converting limited partnership, the converting organization shall deliver to the secretary of state for filing a certificate of limited partnership, which must include, in addition to the information required by section 53-2-201, Idaho Code:

(i) A statement that the limited partnership was converted from another organization;

(ii) The name and form of the organization and the jurisdiction of its governing statute; and

(iii) A statement that the conversion was approved in a manner that complied with the organization's governing statute.

(2) A conversion becomes effective:

(a) If the converted organization is a limited partnership, when the certificate of limited partnership takes effect; and

(b) If the converted organization is not a limited partnership, as provided by the governing statute of the converted organization.

SECTION 58. That Section 53-2-1105, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-1105. EFFECT OF CONVERSION. (1) An organization that has been converted pursuant to this part 11 is for all purposes the same entity that existed before the conversion.

(2) When a conversion takes effect:

(a) All property owned by the converting organization remains vested in the converted organization;

(b) All debts, liabilities, and other obligations of the converting organization continue as obligations of the converted organization;

(c) An action or proceeding pending by or against the converting organization may be continued as if the conversion had not occurred;

(d) Except as prohibited by other law, all of the rights, privileges, immunities, powers, and purposes of the converting organization remain vested in the converted organization;

(e) Except as otherwise provided in the plan of conversion, the terms and conditions of the plan of conversion take effect; and

(f) Except as otherwise agreed, the conversion does not dissolve a converting limited partnership for the purposes of part 8 of this chapter.

(3) A converted organization that is a foreign organization consents to the jurisdiction of the courts of this state to enforce any obligation owed by the converting limited partnership, if before the conversion the converting limited partnership was subject to suit in this state on the obligation. A converted organization that is a foreign organization and not authorized to transact business in this state ~~appoints the secretary of state as its agent for service of process for purposes of enforcing an obligation under this subsection. Service on the secretary of state under this subsection (3) is made in the same manner and with the same consequences as in section 53-2-117(3) and (4)~~ may be served with process at the address required under section 53-2-1104(1)(a)(vi), Idaho Code.

SECTION 59. That Section 53-2-1108, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-1108. FILINGS REQUIRED FOR MERGER -- EFFECTIVE DATE. (1) After each constituent organization has approved a merger, articles of merger must be signed on behalf of:

(a) Each preexisting constituent limited partnership, by each general partner listed in the certificate of limited partnership; and

(b) Each other preexisting constituent organization, by an authorized representative.

(2) The articles of merger must include:

(a) The name and form of each constituent organization and the jurisdiction of its governing statute;

(b) The name and form of the surviving organization, the jurisdiction of its governing statute, and, if the surviving organization is created by the merger, a statement to that effect;

(c) The date the merger is effective under the governing statute of the surviving organization;

(d) If the surviving organization is to be created by the merger:

(i) If it will be a limited partnership, the limited partnership's certificate of limited partnership; or

(ii) If it will be an organization other than a limited partnership, the organizational document that creates the organization;

(e) If the surviving organization preexists the merger, any amendments provided for in the plan of merger for the organizational document that created the organization;

(f) A statement as to each constituent organization that the merger was approved as required by the organization's governing statute;

(g) If the surviving organization is a foreign organization not authorized to transact business in this state, the street and mailing address of an office which ~~the secretary of state~~ may ~~use~~ be used for ~~the purposes~~ service of process under section 53-2-1109(2), Idaho Code; and

(h) Any additional information required by the governing statute of any constituent organization.

(3) Each constituent limited partnership shall deliver the articles of merger for filing in the office of the secretary of state.

(4) A merger becomes effective under this part 11:

(a) If the surviving organization is a limited partnership, upon the later of:

(i) Compliance with subsection (3) of this section; or

(ii) Subject to section 53-2-206(3), Idaho Code, as specified in the articles of merger; or

(b) If the surviving organization is not a limited partnership, as provided by the governing statute of the surviving organization.

SECTION 60. That Section 53-2-1109, Idaho Code, be, and the same is hereby amended to read as follows:

53-2-1109. EFFECT OF MERGER. (1) When a merger becomes effective:

(a) The surviving organization continues or comes into existence;

(b) Each constituent organization that merges into the surviving organization ceases to exist as a separate entity;

(c) All property owned by each constituent organization that ceases to exist vests in the surviving organization;
(d) All debts, liabilities, and other obligations of each constituent organization that ceases to exist continue as obligations of the surviving organization;
(e) An action or proceeding pending by or against any constituent organization that ceases to exist may be continued as if the merger had not occurred;
(f) Except as prohibited by other law, all of the rights, privileges, immunities, powers, and purposes of each constituent organization that ceases to exist vest in the surviving organization;
(g) Except as otherwise provided in the plan of merger, the terms and conditions of the plan of merger take effect; and
(h) Except as otherwise agreed, if a constituent limited partnership ceases to exist, the merger does not dissolve the limited partnership for the purposes of part 8 of this chapter;
(i) If the surviving organization is created by the merger:
(i) If it is a limited partnership, the certificate of limited partnership becomes effective; or
(ii) If it is an organization other than a limited partnership, the organizational document that creates the organization becomes effective; and
(j) If the surviving organization preexists the merger, any amendments provided for in the articles of merger for the organizational document that created the organization become effective.

(2) A surviving organization that is a foreign organization consents to the jurisdiction of the courts of this state to enforce any obligation owed by a constituent organization, if before the merger the constituent organization was subject to suit in this state on the obligation. A surviving organization that is a foreign organization and not authorized to transact business in this state ~~appoints the secretary of state as its agent for service of process for the purposes of enforcing an obligation under this subsection. Service on the secretary of state under this subsection is made in the same manner and with the same consequences as in section 53-2-117(3) and (4)~~ may be served with process at the address required in the articles of merger under section 53-2-1108(2)(g), Idaho Code.

SECTION 61. That Section 53-3-101, Idaho Code, be, and the same is hereby amended to read as follows:

53-3-101. DEFINITIONS. In this act:
(1) "Business" includes every trade, occupation and profession.
(2) "Debtor in bankruptcy" means a person who is the subject of:
(i) An order for relief under title 11 of the United States Code or a comparable order under a successor statute of general application; or
(ii) Comparable order under federal, state, or foreign law governing insolvency.
(3) "Distribution" means a transfer of money or other property from a partnership to a partner in the partner's capacity as a partner or to the partner's transferee.

(4) "Execution" means any signature, mark or symbol affixed to a writing with the intent to authenticate the writing. It includes an electronically transmitted signature or symbol.

(5) "Foreign limited liability partnership" means a partnership that:

(i) Is formed under laws other than the laws of this state; and

(ii) Has the status of a limited liability partnership under those laws.

(6) "Legal entity" means an association of one (1) or more persons created pursuant to statute for the purpose of transacting business, whether for profit or otherwise. It includes, but is not limited to, a corporation, a limited liability company, a partnership or a limited liability partnership.

(7) "Limited liability partnership" means a partnership that has filed a statement of qualification under section 53-3-1001, Idaho Code, and does not have a similar statement in effect in any other jurisdiction.

(8) "Partnership" means an association of two (2) or more persons to carry on as co-owners a business for profit formed under section 53-3-202, Idaho Code, predecessor law, or comparable law of another jurisdiction.

(9) "Partnership agreement" means the agreement, whether written, oral, or implied, among the partners concerning the partnership, including amendments to the partnership agreement.

(10) "Partnership at will" means a partnership in which the partners have not agreed to remain partners until the expiration of a definite term or the completion of a particular undertaking.

(11) "Partnership interest" or "partner's interest in the partnership" means all of a partner's interests in the partnership, including the partner's transferable interest and all management and other rights.

(12) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited partnership, association, joint venture, limited liability company, government, governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(13) "Property" means all property, real, personal, or mixed, tangible or intangible, or any interest therein.

(14) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or insular possession subject to the jurisdiction of the United States.

(15) "Statement" means a statement of partnership authority under section 53-3-303, Idaho Code, a statement of denial under section 53-3-304, Idaho Code, a statement of dissociation under section 53-3-704, Idaho Code, a statement of dissolution under section 53-3-805, Idaho Code, a statement of merger under section 53-3-907, Idaho Code, a statement of qualification under section 53-3-1001, Idaho Code, a statement of foreign qualification ~~under section 53-3-1102, Idaho Code,~~ or an amendment or cancellation of any of the foregoing.

(16) "Transfer" includes an assignment, conveyance, lease, mortgage, deed and encumbrance.

SECTION 62. That Section 53-3-1001, Idaho Code, be, and the same is hereby amended to read as follows:

53-3-1001. STATEMENT OF QUALIFICATION. (a) A partnership may become a limited liability partnership pursuant to this section.

(b) The terms and conditions on which a partnership becomes a limited liability partnership must be approved by the vote necessary to amend the partnership agreement except, in the case of a partnership agreement that expressly considers obligations to contribute to the partnership, the vote necessary to amend those provisions.

(c) After the approval required by subsection (b) of this section, a partnership may become a limited liability partnership by filing a statement of qualification pursuant to section 53-3-105, Idaho Code. The statement must contain:

(1) The name of the partnership and, if the partnership has previously filed a statement of partnership authority, the name it used in that statement and the date of its filing;

(2) The street address of the partnership's chief executive office;

(3) If the partnership does not have an office in this state, the ~~name and street address of the partnership's agent for service of process~~ information required by section 30-405(1), Idaho Code;

(4) The mailing address to which the secretary of state may send mail to the partnership;

(5) A statement that the partnership elects to be a limited liability partnership; and

(6) A deferred effective date, if any.

(d) ~~The agent of a limited liability partnership for service of process must be an individual who is a resident of this state or other person authorized to do business in this state.~~

~~(e)~~ The status of a partnership as a limited liability partnership is effective on the later of the filing of the statement or a date specified in the statement. The status remains effective, regardless of changes in the partnership, until it is ~~cancelled~~ canceled pursuant to section 53-3-105(c), Idaho Code, or revoked pursuant to section 53-3-1003A, Idaho Code.

(~~f~~e) The status of a partnership as a limited liability partnership and the liability of its partners is not affected by errors or later changes in the information required to be contained in the statement of qualification under subsection (c) of this section.

(~~g~~f) The filing of a statement of qualification establishes that a partnership has satisfied all conditions precedent to the qualification of the partnership as a limited liability partnership.

(~~h~~g) An amendment or cancellation of a statement of qualification is effective when it is filed or on a deferred effective date specified in the amendment or cancellation.

SECTION 63. That Section 53-3-1003, Idaho Code, be, and the same is hereby amended to read as follows:

53-3-1003. ANNUAL REPORT. (a) A limited liability partnership, and a foreign limited liability partnership authorized to transact business in this state, shall file an annual report in the office of the secretary of state which contains:

(1) The name of the limited liability partnership and the state or other jurisdiction under whose laws the foreign limited liability partnership is formed;

(2) The name and mailing address of no less than two (2) partners;

(3) The street address of the partnership's chief executive office and, if different, the ~~mailing~~ street address of an office of the partnership ~~to which mail may be sent~~ in this state, if any; and

(4) ~~The name and street address of the partnership's current agent for service of process~~ If the partnership does not have an office in this state, the information required by section 30-405(1), Idaho Code.

(b) No annual report need be filed during the first year after a limited liability partnership is qualified or authorized to transact business in this state. The first, and all subsequent annual reports shall be delivered to the secretary of state each year before the end of the month during which a limited liability partnership was initially qualified or a foreign limited liability partnership was initially authorized to transact business. If an annual report does not contain the information required by this section, the secretary of state shall promptly notify the reporting domestic or foreign limited liability partnership in writing and return the report to it for correction. If the report is corrected to contain the information required by this section and delivered to the secretary of state within thirty (30) days after the effective date of notice, it is deemed to be timely filed.

(c) Annual reports may be filed electronically by domestic or foreign limited liability partnerships by following the online filing instructions provided by the secretary of state.

SECTION 64. That Section 53-3-1102, Idaho Code, be, and the same is hereby amended to read as follows:

53-3-1102. STATEMENT OF FOREIGN QUALIFICATION. (a) Before transacting business in this state, a foreign limited liability partnership must file a statement of foreign qualification. The statement must contain:

(1) The name of the foreign limited liability partnership which satisfies the requirements of the state or other jurisdiction under whose law it is formed and ends with "Registered Limited Liability Partnership," "Limited Liability Partnership," "R.L.L.P.," "L.L.P.," "RLLP" or "LLP";

(2) The street address of the partnership's chief executive office and, if different, the mailing address to which mail may be sent;

(3) The ~~name and street address of the partnership's agent for service of process~~ information required by section 30-405(a), Idaho Code; and

(4) A deferred effective date, if any.

(b) ~~The agent of a foreign limited liability partnership for service of process must be an individual who is a resident of this state or other person authorized to do business in this state.~~

~~(c)~~ The status of a partnership as a foreign limited liability partnership is effective on the later of the filing of the statement of foreign qualification or a date specified in the statement. The status remains effective, regardless of changes in the partnership, until it is ~~cancelled~~ canceled pursuant to section 53-3-105(c), Idaho Code, or revoked pursuant to section 53-3-1003A, Idaho Code.

(~~d~~c) An amendment or cancellation of a statement of foreign qualification is effective when it is filed or on a deferred effective date specified in the amendment or cancellation.

SECTION 65. That Sections 53-604 and 53-606, Idaho Code, be, and the same are hereby repealed.

SECTION 66. That Section 53-608, Idaho Code, be, and the same is hereby amended to read as follows:

53-608. ARTICLES OF ORGANIZATION. The articles of organization shall be set forth in a form prescribed by the secretary of state:

(1) A name for the limited liability company that satisfies the requirements of section 53-602, Idaho Code;

(2) The ~~street address of the registered office and the name of the registered agent at that address, as required to be maintained by the provisions of~~ information required by section ~~53-604~~ 30-405(1), Idaho Code;

(3) If management of the limited liability company is vested in a manager or managers, a statement to that effect;

(4) If the management of the limited liability company is vested in its members, the name and address of one (1) or more of the initial members of the limited liability company;

(5) If the management of the limited liability company is vested in a manager or managers, the name and address of one (1) or more of the initial managers of the limited liability company;

(6) If the limited liability company is a professional service limited liability company, the principal profession for which members are duly licensed or otherwise legally authorized to render professional services.

SECTION 67. That Section 53-613, Idaho Code, be, and the same is hereby amended to read as follows:

53-613. ANNUAL REPORT OF DOMESTIC AND FOREIGN LIMITED LIABILITY COMPANIES. (1) Each domestic limited liability company, and each foreign limited liability company authorized to do business in this state, shall file an annual report setting forth:

(a) The name of the limited liability company and the state or country under the laws of which it is organized;

(b) The ~~address of the registered office of the limited liability company in this state, and the name of its registered agent in this state at such address, and the address of its principal office~~ information required by section 30-405(1), Idaho Code;

(c) If the management of the limited liability company is vested in its members, the name and address of one (1) or more of the current members of the limited liability company;

(d) If the management of the limited liability company is vested in a manager or managers, the name and address of one (1) or more of the current managers of the limited liability company.

(2) Such annual report shall be made on a form prescribed and furnished by the secretary of state, and the information therein contained shall be given as of the date of the execution of the report. It shall be executed for the limited liability company by a person authorized by the members if management is vested in the members, or by a person authorized by the managers if management is vested in the managers. Execution by such a person constitutes a representation that the authority was granted. If the limited liability company is in the hands of a

receiver or trustee, it shall be executed on behalf of the limited liability company by such receiver or trustee.

(3) The annual report of a domestic or foreign limited liability company shall be delivered to the secretary of state each year before the end of the month during which a domestic limited liability company was initially organized, or a foreign limited liability company was initially authorized to transact business. Beginning one (1) year after a domestic limited liability company is organized or a foreign limited liability company is authorized to transact business, and each year thereafter, the annual report of the limited liability company must be received in the office of the secretary of state not later than the close of business on the final day of the applicable month. If the secretary of state finds that such report conforms to the requirements of this chapter, he shall file the same. If he finds that it does not so conform, he shall promptly return the same to the limited liability company for any necessary corrections.

(4) Annual reports may be filed electronically by domestic or foreign limited liability companies by following the online filing instructions provided by the secretary of state.

SECTION 68. That Section 53-643A, Idaho Code, be, and the same is hereby amended to read as follows:

53-643A. GROUNDS FOR ADMINISTRATIVE DISSOLUTION. The secretary of state may administratively dissolve a limited liability company under section 53-643B, Idaho Code, if:

(1) The limited liability company does not deliver its annual report to the secretary of state by the date on which it is due;

(2) The limited liability company is without a registered agent ~~or registered office~~ in this state for sixty (60) days or more; or

(3) The secretary of state has credible information that the limited liability company has failed to notify the secretary of state within sixty (60) days after the occurrence that its registered agent ~~or registered office~~ has been changed~~,~~ or that its registered agent has resigned~~, or that its registered office has been discontinued~~.

SECTION 69. That Section 53-643B, Idaho Code, be, and the same is hereby amended to read as follows:

53-643B. PROCEDURE FOR AND EFFECT OF ADMINISTRATIVE DISSOLUTION. (1) If the secretary of state determines that one (1) or more grounds exist under section 53-643A, Idaho Code, for dissolving a limited liability company, he shall give notice of his determination to the limited liability company by first class mail addressed to its principal office as indicated on its most recent annual report or, if it has not yet filed an annual report, to its registered ~~office~~ agent.

(2) If the limited liability company does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty (60) days after receipt of the notice of determination, the secretary of state shall administratively dissolve the limited liability company by noting the fact of dissolution and the effective date thereof in his records. The secretary of state shall give notice of the dissolution to the limited liability company by first

class mail addressed to its principal office as indicated on its most recent annual report or, if it has not yet filed an annual report, to its registered ~~office~~ agent.

(3) A limited liability company administratively dissolved continues its existence but may not carry on any business except that necessary to wind up and liquidate its business and affairs under section 53-644, Idaho Code, and notify claimants under sections 53-648 and 53-649, Idaho Code.

(4) The administrative dissolution of a limited liability company does not terminate the authority of its registered agent.

SECTION 70. That Section 53-651, Idaho Code, be, and the same is hereby amended to read as follows:

53-651. REGISTRATION. Before transacting business in this state, a foreign limited liability company shall register with the secretary of state by submitting to the secretary of state an original signed copy of an application for registration as a foreign limited liability company, together with a duplicate copy that may be either a signed, photocopied or conformed copy, executed by a person with authority to do so under the laws of the state or other jurisdiction of its formation. The application shall be prescribed by the secretary of state and set forth:

(1) The name of the foreign limited liability company and, if different, the name under which it proposes to transact business in this state;

(2) The state or other jurisdiction where formed, and date of its formation;

(3) The ~~name and street address of a registered agent for service of process required to be maintained by the provisions of~~ information required by section ~~53-604~~ 30-405(1), Idaho Code;

(4) The address of the office required to be maintained in the state or other jurisdiction of its formation by the laws of that state or jurisdiction or, if not so required, of the principal office of the foreign limited liability company; and

(5) The application for registration of a foreign limited liability company shall be accompanied by a certificate from the filing officer in the jurisdiction of creation evidencing that the foreign limited liability company is a "foreign limited liability company" as defined in section 53-601(5), Idaho Code.

SECTION 71. That Section 53-655, Idaho Code, be, and the same is hereby amended to read as follows:

53-655. VOLUNTARY CANCELLATION OF REGISTRATION. (1) A foreign limited liability company authorized to transact business in this state may cancel its registration by filing with the secretary of state an application for cancellation, which shall set forth:

(a) The name of the foreign limited liability company and the state or other jurisdiction under the laws of which it is formed;

(b) That the foreign limited liability company is not transacting business in this state;

(c) That the foreign limited liability company surrenders its registration to transact business in this state;

(d) That the foreign limited liability company revokes the author-

ity of its registered agent ~~for service of process~~ in this state and consents that service of process in any action, suit or proceeding based upon any cause of action arising in this state during the time the foreign limited liability company was authorized to transact business in this state may thereafter be made on such limited liability by service thereon in the manner provided in section ~~53-606~~ 30-413(2), Idaho Code;

(e) A post-office address to which a copy of any process against the limited liability company may be served on it pursuant to the provisions of section ~~53-606~~ 30-413, Idaho Code.

(2) The application for cancellation shall be in the form and manner designated by the secretary of state and shall be executed on behalf of the foreign limited liability company by a person with authority to do so under the laws of the state or other jurisdiction of its formation, or, if the foreign limited liability company is in the hands of a receiver, trustee or other court-appointed fiduciary, by that fiduciary.

SECTION 72. That Section 53-655A, Idaho Code, be, and the same is hereby amended to read as follows:

53-655A. ADMINISTRATIVE CANCELLATION OF REGISTRATION. The secretary of state may commence a proceeding under section 53-655B, Idaho Code, to administratively cancel the registration of a foreign limited liability company authorized to transact business in this state if:

(1) The foreign limited liability company does not deliver its annual report to the secretary of state by the date on which it is due;

(2) The foreign limited liability company is without a registered agent ~~or registered office~~ in this state for sixty (60) days or more;

(3) The secretary of state has credible information that the foreign limited liability company has failed to notify the secretary of state within sixty (60) days of the occurrence that its registered agent ~~or registered office~~ has changed~~,~~ or that its registered agent has resigned~~, or that its registered office has been discontinued~~;

(4) The secretary of state has credible information that a member or manager of the foreign limited liability company signed a document he knew was false in any material respect with intent that the document be delivered to the secretary of state for filing; or

(5) The secretary of state receives a duly authenticated certificate from the official having custody of the records of limited liability companies in the state or country under whose law the foreign limited liability company is organized, stating that it has been dissolved or has disappeared as a result of a merger.

SECTION 73. That Section 53-655B, Idaho Code, be, and the same is hereby amended to read as follows:

53-655B. PROCEDURE FOR AND EFFECT OF ADMINISTRATIVE CANCELLATION. (1) If the secretary of state determines that one (1) or more grounds exist under section 53-655A, Idaho Code, for administrative cancellation of registration, he shall give notice of his determination to the foreign limited liability company by first class mail addressed to its principal office as indicated on its most recent annual report or, if it has not yet filed an annual report, to its registered ~~office~~ agent.

(2) If the foreign limited liability company does not correct each

ground for administrative cancellation or demonstrate to the reasonable satisfaction of the secretary of state that each ground determined by the secretary of state does not exist within sixty (60) days after receipt of the notice of determination, the secretary of state may cancel the foreign limited liability company's registration by noting the fact of cancellation and the effective date thereof in his records. The secretary of state shall give notice of the cancellation to the foreign limited liability company by first class mail addressed to its principal office as indicated on its most recent annual report, or if it has not yet filed an annual report, to its registered ~~office~~ agent.

(3) The authority of a foreign limited liability company to transact business in this state ceases on the date shown on the notice of administrative cancellation of its registration.

(4) Service of process on a foreign limited liability company whose registration has been administratively canceled may be made upon its registered agent, if any, or if there be none, by registered or certified mail, return receipt requested, to a member or manager listed on the most recent annual report, if any, or otherwise to the address of its office in the jurisdiction of its formation as disclosed on its application for registration.

(5) Cancellation of a foreign limited liability company's registration does not terminate the authority of its registered agent.

SECTION 74. That Section 53-710, Idaho Code, be, and the same is hereby amended to read as follows:

53-710. APPOINTMENT OF AGENT TO RECEIVE SERVICE OF PROCESS. (1) A nonprofit association may file in the office of the secretary of state a statement appointing an agent authorized to receive service of process.

(2) A statement appointing an agent must set forth:

(a) The name of the nonprofit association;

(b) The address in this state, including the street address, if any, of the nonprofit association, or, if the nonprofit association does not have an address in this state, its address out of state; and

(c) The ~~name of the person in this state authorized to receive service of process and the person's address, including the street address, in this state~~ information required by section 30-405(1), Idaho Code.

(3) A statement appointing an agent, and an amendment or cancellation thereof, must be signed by a person authorized to manage the affairs of a nonprofit association. ~~The statement must also be signed by the person appointed agent, who thereby accepts the appointment. The appointed agent may resign by filing a resignation in the office of the secretary of state and giving notice to the nonprofit association.~~

~~(4) The secretary of state may collect a fee for filing a statement appointing an agent to receive service of process, an amendment or a resignation in the amount charged for filing similar documents.~~

(~~5~~4) An amendment to a statement appointing an agent to receive service of process must meet the requirements for execution of an original statement.

Approved March 30, 2007.

CHAPTER 315
(S.B. No. 1175, As Amended in the House)

AN ACT
RELATING TO THE BOARD OF HEALTH AND WELFARE; AMENDING SECTION 56-1005, IDAHO CODE, TO REVISE THE COMPENSATION OF THE MEMBERS OF THE BOARD OF HEALTH AND WELFARE.

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

SECTION 1. 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 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. 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 shall hold meetings 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~~p), Idaho Code.

(4) The board, in furtherance of its duties under 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 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 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 March 30, 2007.

CHAPTER 316
(S.B. No. 1179)

AN ACT

RELATING TO THE IDAHO CRIMINAL GANG ENFORCEMENT ACT; AMENDING SECTION 18-8503, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO CLARIFY PUNISHMENTS FOR ADULTS AND JUVENILES.

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

SECTION 1. That Section 18-8503, Idaho Code, be, and the same is hereby amended to read as follows:

18-8503. ~~EXTENDED--SENTENCE~~ PUNISHMENT. (1) ~~A person~~ An adult, or any juvenile waived to adult court pursuant to section 20-508 or 20-509, Idaho Code, who is convicted of any felony or misdemeanor enumerated in section 18-8502(3), Idaho Code, that is knowingly committed for the benefit or at the direction of, or in association with, any criminal gang or criminal gang member, in addition to the punishment provided for the commission of the underlying offense, shall be punished as follows:

(a) Any ~~person~~ adult, or any juvenile waived to adult court pursuant to section 20-508 or 20-509, Idaho Code, who is convicted of a misdemeanor shall be punished by an additional term of imprisonment in the county jail for not more than one (1) year.

(b) Any ~~person~~ adult, or any juvenile waived to adult court pursuant to section 20-508 or 20-509, Idaho Code, who is convicted of a felony shall be punished by an extended term of not more than two (2) years in prison.

(c) If the underlying offense described in section 18-8502(3), Idaho Code, is a felony and committed on the grounds of, or within one thousand (1,000) feet of, a public or private elementary, secondary or vocational school during hours when the facility is open for classes or school-related programs or when minors are using the facility, the extended term shall be not less than one (1) year and not more than four (4) years.

(2) This section does not create a separate offense but provides an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed facts.

(3) The court shall not impose an extended penalty pursuant to this section unless:

(a) The indictment or information charging the defendant with the primary offense alleges that the primary offense was committed knowingly for the benefit or at the direction of, or in association with, a criminal gang or criminal gang member with the specific intent to promote, further or assist the activities of the criminal gang; and

(b) The trier of fact finds the allegation to be true beyond a reasonable doubt.

(4) Except in a case of a juvenile who has been waived to adult court pursuant to section 20-508 or 20-509, Idaho Code, the imposition or execution of the sentences provided in this section may not be suspended.

(5) An extended sentence provided in this section shall run consecutively to the sentence provided for the underlying offense.

(6) Unless waived to adult court pursuant to section 20-508 or 20-509, Idaho Code, a juvenile who is adjudicated of any felony or misdemeanor enumerated in section 18-8502(3), Idaho Code, that is knowingly committed for the benefit or at the direction of, or in association with, any criminal gang or criminal gang member shall be sentenced according to the provisions of section 20-520, Idaho Code.

Approved March 30, 2007.

CHAPTER 317
(S.B. No. 1182)

AN ACT

RELATING TO FINANCING STATEMENTS COVERING FARM PRODUCTS; AMENDING SECTION 28-9-502, IDAHO CODE, TO REVISE REQUIREMENTS APPLICABLE TO FINANCING STATEMENTS AND AMENDMENTS TO FINANCING STATEMENTS; AND AMENDING SECTION 28-9-518, IDAHO CODE, TO PERMIT THE FILING OF CORRECTION STATEMENTS IN CONNECTION WITH FINANCING STATEMENTS COVERING FARM PRODUCTS.

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

SECTION 1. That Section 28-9-502, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-502. CONTENTS OF FINANCING STATEMENT — RECORD OF MORTGAGE AS FINANCING STATEMENT — TIME OF FILING FINANCING STATEMENT — FARM PRODUCTS. (a) Subject to subsection (b) of this section, a financing statement is sufficient only if it:

(1) Provides the name of the debtor;

(2) Provides the name of the secured party or a representative of the secured party; and

(3) Indicates the collateral covered by the financing statement.

(b) Except as otherwise provided in section 28-9-501(b), to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subsection (a) of this section and also:

(1) Indicate that it covers this type of collateral;

(2) Indicate that it is to be filed in the real property records;

(3) Provide a description of the real property to which the collateral is related sufficient to give constructive notice of a mortgage under the law of this state if the description were contained in a record of the mortgage of the real property; and

(4) If the debtor does not have an interest of record in the real property, provide the name of a record owner.

(c) A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

(1) The record indicates the goods or accounts that it covers;

(2) The goods are or are to become fixtures related to the real property described in the record or the collateral is related to the real property described in the record and is as-extracted collateral or timber to be cut;

(3) The record satisfies the requirements for a financing statement in this section other than an indication that it is to be filed in the real property records; and

(4) The record is recorded.

(d) A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

(e) A financing statement covering farm products is sufficient if it: ~~contains the following information:~~

(1) Contains t~~T~~he names and addresses of both the debtor and the secured party;

(2) ~~The debtor's signature~~ Is signed, authorized or otherwise authenticated by the debtor;

(3) ~~The name, address and signature of the secured party;~~

~~(4)~~ Contains t~~T~~he debtor's social security number ~~of the debtor~~ or other unique number, combination of numbers and letters, or other identifier selected by the secretary of state using a selection system or method approved by the secretary of agriculture, or in the case of a debtor doing business other than as an individual, the debtor's internal revenue service taxpayer identification number or other approved unique identifier;

(5) ~~A~~ Contains a description by category of the farm products subject to the security interest and the amount of such products, where applicable;

(6) ~~A reasonable description of the real estate where~~ Indicates

the county or counties in which the farm products are produced or located. ~~This provision may be satisfied by a designation of the county or counties, and a legal description is not required.~~

(f) A financing statement ~~described in subsection (e) of this section~~ covering farm products must be amended in writing ~~within three (3) months,~~ and similarly signed, authorized or authenticated, and filed, to reflect any material changes. In the event such form is not incorporated within the financing statement, the effectiveness and continuation of that form is to be treated as if it were a part of the financing statement with which it is filed.

(g) If the financing statement covering farm products, or an amendment to such statement, is filed electronically, neither the debtor's nor the secured party's signature shall be required.

(h) In order to terminate a financing statement covering farm products, the amendment must be terminated in writing and signed or authenticated by the secured party.

SECTION 2. That Section 28-9-518, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-518. CLAIM CONCERNING INACCURATE OR WRONGFULLY FILED RECORD. (a) A person may file in the filing office a correction statement with respect to a record indexed there under the person's name if the person believes that the record is inaccurate or was wrongfully filed.

(b) A correction statement must:

(1) Identify the record to which it relates by the file number assigned to the initial financing statement to which the record relates;

(2) Indicate that it is a correction statement; and

(3) Provide the basis for the person's belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for the person's belief that the record was wrongfully filed.

(c) The filing of a correction statement does not affect the effectiveness of an initial financing statement or other filed record.

(d) A correction statement may be filed in connection with the previous filing of a financing statement covering farm products under section 28-9-502.

Approved March 30, 2007.

CHAPTER 318
(S.B. No. 1183)

AN ACT

RELATING TO THE OPTIONAL RETIREMENT PROGRAM; AMENDING SECTION 33-107A, IDAHO CODE, TO REVISE INSTITUTIONAL PROGRAM CONTRIBUTION PERCENTAGES, TO REVISE A CALENDAR YEAR DATE AND TO MAKE A TECHNICAL CORRECTION.

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

SECTION 1. That Section 33-107A, Idaho Code, be, and the same is hereby amended to read as follows:

33-107A. BOARD MAY ESTABLISH AN OPTIONAL RETIREMENT PROGRAM. (1) The state board of education may establish an optional retirement program under which contracts providing retirement and death benefits may be purchased for members of the teaching staff and officers of the university of Idaho, Idaho state university, Boise state university, Lewis-Clark state college and the state board of education who are hired on or after July 1, 1993; provided, however, that no such employee shall be eligible to participate in an optional retirement program unless he would otherwise be eligible for membership in the public employee retirement system of Idaho. The benefits to be provided for or on behalf of participants in an optional retirement program shall be provided through annuity contracts or certificates, fixed or variable in nature, or a combination thereof, whose benefits are owned by the participants in the program.

(2) The state board of education is hereby authorized to provide for the administration of the optional retirement program and to perform or authorize the performance of such functions as may be necessary for such purposes. The board shall designate the company or companies from which contracts are to be purchased under the optional retirement program and shall approve the form and contents of such contracts. In making the designation and giving approval, the board shall consider:

(a) The nature and extent of the rights and benefits to be provided by such contracts for participants and their beneficiaries;

(b) The relation of such rights and benefits to the amount of contributions to be made;

(c) The suitability of such rights and benefits to the needs of the participants and the interests of the institutions in the recruitment and retention of staff members; and

(d) The ability of the designated company to provide such suitable rights and benefits under such contracts.

(3) Elections to participate in an optional retirement program shall be as follows:

(a) Eligible employees are:

(i) Those faculty and nonclassified staff initially appointed or hired between July 1, 1990 and June 30, 1993; and

(ii) Those teaching staff and officers initially appointed or hired on or after July 1, 1993.

All eligible employees, except those who are vested members of the public employee retirement system of Idaho, shall participate in the optional retirement program.

(b) Vested members of the public employee retirement system of Idaho may make a one (1) time irrevocable election to remain a member of that retirement system. The election shall be made in writing, within sixty (60) days of the date of initial hire or appointment or the effective date of this act, whichever occurs later. It shall be filed with the administrative officer of the employing institution.

(c) An election by an eligible employee of the optional retirement program shall be irrevocable and shall be accompanied by an appropriate application, where required, for issuance of a contract or contracts under the program.

(d) The accumulated contributions of employees who make the one (1) time irrevocable election or are required to participate in the optional retirement program may be transferred by the public employee retirement system of Idaho to such qualified plan, maintained under the optional retirement program, as designated in writing by the employee.

(4) (a) Each institution shall contribute on behalf of each participant in its optional retirement program the following:

(i) To the designated company or companies, an amount equal to ~~seven and eighty one hundredths percent (7.81%)~~ nine and thirty-five hundredths percent (9.35%) of each participant's salary, reduced by any amount necessary, if any, to provide contributions to a total disability program provided either by the state or by a private insurance carrier licensed and authorized to provide such benefits or any combination thereof, but in no event less than five percent (5%) of each participant's salary; and

(ii) To the public employee retirement system, an amount equal to ~~three and three one hundredths percent (3.03%)~~ one and forty-nine hundredths percent (1.49%) of salaries of members who are participants in the optional retirement program. This amount shall be paid until July 1, 20~~1~~25, and is in lieu of amortization payments and withdrawal contributions required pursuant to chapter 13, title 59, Idaho Code.

(b) Each participant shall contribute an amount equal to six and ninety-seven hundredths percent (6.97%) of the participant's salary. Employee contributions may be made by employer pick-up pursuant to section 59-1332, Idaho Code.

(c) Payment of contributions authorized or required under this subsection shall be made by the financial officer of the employing institution to the designated company or companies for the benefits of each participant.

(5) Any person participating in the optional retirement program shall be ineligible for membership in the public employee retirement system of Idaho so long as he remains continuously employed in any teaching staff position or as an officer with any of the institutions under the jurisdiction of the state board of education.

(6) A retirement, death or other benefit shall not be paid by the state of Idaho or the state board of education for services credited under the optional retirement program. Such benefits are payable to participants or their beneficiaries only by the designated company or companies in accordance with the terms of the contracts.

Approved March 30, 2007.

CHAPTER 319
(S.B. No. 1184)

AN ACT

RELATING TO WHOLESALE DRUG DISTRIBUTION; AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 54-1751, 54-1752, 54-1753, 54-1754, 54-1755, 54-1756, 54-1757, 54-1758 AND 54-1759,

IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO REQUIRE LICENSURE OF WHOLESALE DRUG DISTRIBUTORS, TO PROVIDE AN EXCEPTION, TO PROVIDE FOR LICENSING REQUIREMENTS, TO PERMIT THE BOARD OF PHARMACY TO ADOPT RULES, TO PROVIDE FOR LIMITATION ON DISCLOSURE OF INFORMATION, TO PROVIDE RESTRICTIONS ON TRANSACTIONS, TO REQUIRE EACH PERSON WHO IS ENGAGED IN WHOLESALE DISTRIBUTION OF PRESCRIPTION DRUGS TO PROVIDE A PEDIGREE, TO PROVIDE EXCEPTIONS, TO REQUIRE VERIFICATION WITH EXCEPTION, TO PROVIDE FOR THE CONTENTS OF A PEDIGREE, TO PROVIDE FOR RECORDKEEPING, TO REQUIRE THE BOARD OF PHARMACY TO TIMELY ADOPT RULES AND A FORM, TO PROVIDE CERTAIN ENFORCEMENT POWERS TO THE BOARD, TO PROVIDE FOR ENFORCEMENT PROCEDURE, TO PROVIDE FOR THE IMPOSITION OF PENALTIES, TO STATE CERTAIN PROHIBITED ACTS WITH EXCEPTIONS AND TO PROVIDE FOR CRIMINAL PENALTIES; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Chapter 17, Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 54-1751, 54-1752, 54-1753, 54-1754, 54-1755, 54-1756, 54-1757, 54-1758 and 54-1759, Idaho Code, and to read as follows:

54-1751. SHORT TITLE. Sections 54-1751 through 54-1759, Idaho Code, shall be known and may be cited as the "Idaho Wholesale Drug Distribution Act."

54-1752. DEFINITIONS. As used in sections 54-1751 through 54-1759, Idaho Code:

(1) "Authentication" means to affirmatively verify before any wholesale distribution of a prescription drug occurs that each transaction listed on the pedigree has occurred.

(2) "Authorized distributor of record" means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drug. An ongoing relationship is deemed to exist between such wholesale distributor and a manufacturer when the wholesale distributor, including any affiliated group of the wholesale distributor, as defined in section 1504 of the Internal Revenue Code, complies with the following:

(a) The wholesale distributor has a written agreement currently in effect with the manufacturer evidencing such ongoing relationship; and

(b) The wholesale distributor is listed on the manufacturer's current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis.

(3) "Chain pharmacy warehouse" means a physical location for prescription drugs that acts as a central warehouse and performs intracompany sales or transfers of such drugs to a group of chain pharmacies that have the same common ownership and control.

(4) "Colicensed partner or product" means an instance where two (2) or more parties have the right to engage in the manufacturing and/or marketing of a prescription drug, consistent with the federal food and drug administration's implementation of the prescription drug marketing act.

(5) "Drop shipment" means the sale of a prescription drug to a wholesale distributor or chain pharmacy warehouse by the manufacturer of the prescription drug, or that manufacturer's colicensed product partner, that manufacturer's third party logistics provider or that manufacturer's exclusive distributor, whereby the wholesale distributor or chain pharmacy warehouse takes title but not physical possession of such prescription drug and the wholesale distributor invoices the pharmacy or chain pharmacy warehouse, or other person authorized by law to dispense or administer such drug to a patient, and the pharmacy or chain pharmacy warehouse or other authorized person receives delivery of the prescription drug directly from the manufacturer, or that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor.

(6) "Facility" means a facility of a wholesale distributor where prescription drugs are stored, handled, repackaged or offered for sale.

(7) "Manufacturer" means a person licensed or approved by the federal food and drug administration to engage in the manufacture of drugs or devices, consistent with the federal food and drug administration definition of "manufacturer" under its regulations and guidance implementing the prescription drug marketing act.

(8) "Manufacturer's exclusive distributor" means anyone who contracts with a manufacturer to provide or coordinate warehousing, distribution or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug. Such manufacturer's exclusive distributor must be licensed as a wholesale distributor under section 54-1753, Idaho Code, and to be considered part of the normal distribution channel, must also be an authorized distributor of record.

(9) "Normal distribution channel" means a chain of custody for a prescription drug that goes from a manufacturer of the prescription drug, from that manufacturer to that manufacturer's colicensed partner, from that manufacturer to that manufacturer's third-party logistics provider or from that manufacturer to that manufacturer's exclusive distributor, either directly or by drop shipment, to:

(a) A pharmacy to a patient;

(b) Other designated persons authorized by law to dispense or administer such drug to a patient;

(c) A wholesale distributor to a pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient;

(d) A wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient; or

(e) A chain pharmacy warehouse to the chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient.

(10) "Pedigree" means a document or electronic file containing information that records each wholesale distribution of any given prescription drug.

(11) "Prescription drug" means any drug, including any biological product, except for blood and blood components intended for transfusion or biological products that are also medical devices, required by fed-

eral law or federal regulation to be dispensed only by a prescription, including finished dosage forms and bulk drug substances, subject to section 503(b) of the federal food, drug and cosmetic act.

(12) "Repackage" means repackaging or otherwise changing the container, wrapper or labeling to further the distribution of a prescription drug, excluding that completed by the pharmacist responsible for dispensing product to the patient.

(13) "Repackager" means a person who repackages.

(14) "Third party logistics provider" means anyone who contracts with a prescription drug manufacturer to provide or coordinate warehousing, distribution or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug's sale or disposition. Such third party logistics provider must be licensed as a wholesale distributor under section 54-1753, Idaho Code, and to be considered part of the normal distribution channel, must also be an authorized distributor of record.

(15) "Wholesale distributor" means anyone engaged in the wholesale distribution of prescription drugs including, but not limited to:

(a) Manufacturers;
(b) Repackagers;
(c) Own-label distributors;
(d) Private-label distributors;
(e) Jobbers;
(f) Brokers;
(g) Warehouses, including manufacturers' and distributors' warehouses;
(h) Manufacturer's exclusive distributors;
(i) Authorized distributors of record;
(j) Drug wholesalers or distributors;
(k) Independent wholesale drug traders;
(l) Specialty wholesale distributors;
(m) Third party logistics providers;
(n) Retail pharmacies that conduct wholesale distribution; and
(o) Chain pharmacy warehouses that conduct wholesale distribution.

To be considered part of the normal distribution channel, such wholesale distributor, except for a chain pharmacy warehouse not engaged in wholesale distribution, must also be an authorized distributor of record.

(16) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient, but does not include:

(a) Intracompany sales of prescription drugs, meaning any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership and control of a corporate entity, or any transaction or transfer between colicensees of a colicensed product.
(b) The sale, purchase, distribution, trade or transfer of a prescription drug or offer to sell, purchase, distribute, trade or transfer a prescription drug for emergency medical reasons.
(c) The distribution of prescription drug samples by manufacturers' representatives.
(d) Drug returns, when conducted by a hospital, health care entity or charitable institution in accordance with 21 CFR 203.23.
(e) The sale of minimal quantities of prescription drugs by retail pharmacies to licensed practitioners for office use.

(f) The sale, purchase or trade of a drug, an offer to sell, purchase or trade a drug, or the dispensing of a drug pursuant to a prescription.

(g) The sale, transfer, merger or consolidation of all or part of the business of a pharmacy or pharmacies from or with another pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets.

(h) The sale, purchase, distribution, trade or transfer of a prescription drug from one (1) authorized distributor of record to one (1) additional authorized distributor of record when the manufacturer has stated in writing to the receiving authorized distributor of record that the manufacturer is unable to supply such prescription drug and the supplying authorized distributor of record states in writing that the prescription drug being supplied had, until that time, been exclusively in the normal distribution channel.

(i) The delivery of, or offer to deliver, a prescription drug by a common carrier solely in the common carrier's usual course of business of transporting prescription drugs, and such common carrier does not store, warehouse or take legal ownership of the prescription drug.

(j) The sale or transfer from a retail pharmacy or chain pharmacy warehouse of expired, damaged, returned or recalled prescription drugs to the original manufacturer or third party returns processor, including a reverse distributor.

54-1753. WHOLESALE DRUG DISTRIBUTOR LICENSING REQUIREMENT -- MINIMUM REQUIREMENTS FOR LICENSURE. (1) Every wholesale distributor who engages in the wholesale distribution of prescription drugs must be licensed by the board, and every nonresident wholesale distributor must be licensed by the board if it ships prescription drugs into this state in accordance with this act before engaging in wholesale distributions of wholesale prescription drugs. The board shall exempt manufacturers distributing their own federal food and drug administration approved drugs and devices from any licensing and other requirements to the extent not required by federal law or regulation, unless particular requirements are deemed necessary and appropriate following rulemaking.

(2) The board shall require the following minimum information from each wholesale distributor applying for a license under subsection (1) of this section:

(a) The name, full business address and telephone number of the licensee;

(b) All trade or business names used by the licensee;

(c) Addresses, telephone numbers, and the names of contact persons for all facilities used by the licensee for the storage, handling, and distribution of prescription drugs;

(d) The type of ownership or operation, i.e., partnership, corporation, or sole proprietorship;

(e) The name of each person who is an owner or an operator of the licensee;

(f) A list of all licenses and permits issued to the applicant by any other state that authorizes the applicant to purchase or possess prescription drugs;

(g) The name of the applicant's designated representative for the facility, together with the personal information statement and

fingerprints, required pursuant to paragraph (h) of this subsection (2) for such individual;

(h) Each individual required by paragraph (g) of this subsection (2) to provide a personal information statement and fingerprints shall provide the following information to the board:

(i) The individual's places of residence for the past seven (7) years;

(ii) The individual's date and place of birth;

(iii) The individual's occupations, positions of employment and offices held during the past seven (7) years;

(iv) The principal business and address of any business, corporation or other organization in which each such office of the individual was held or in which each such occupation or position of employment was carried on;

(v) Whether the individual has been, during the past seven (7) years, the subject of any proceeding for the revocation of any license or any criminal violation and, if so, the nature of the proceeding and the disposition of the proceeding;

(vi) Whether, during the past seven (7) years, the individual has been enjoined, either temporarily or permanently, by a court of competent jurisdiction from violating any federal or state law regulating the possession, control or distribution of prescription drugs or criminal violations, together with details concerning any such event;

(vii) A description of any involvement by the individual with any business, including any investments, other than the ownership of stock in a publicly traded company or mutual fund, during the past seven (7) years, which manufactured, administered, prescribed, distributed or stored pharmaceutical products, and any lawsuits in which such businesses were named as a party;

(viii) A description of any felony criminal offense of which the individual, as an adult, was found guilty, regardless of whether adjudication of guilt was withheld or whether the individual pled guilty or nolo contendere. If the individual indicates that a criminal conviction is under appeal and submits a copy of the notice of appeal of that criminal offense, the applicant must, within fifteen (15) days after the disposition of the appeal, submit to the board a copy of the final written order of disposition; and

(ix) A photograph of the individual taken in the previous year.

(3) The information required pursuant to subsection (2) of this section shall be provided under oath.

(4) The board shall not issue a wholesale distributor license to an applicant, unless the board:

(a) Conducts a physical inspection of the facility at the address provided by the applicant as required in subsection (2)(a) of this section; and

(b) Determines that the designated representative meets the following qualifications:

(i) Is at least twenty-one (21) years of age;

(ii) Has been employed full time for at least three (3) years in a pharmacy or with a wholesale distributor in a capacity related to the dispensing and distribution of, and recordkeep-

ing relating to, prescription drugs;

(iii) Is employed by the applicant full time in a managerial level position;

(iv) Is actively involved in and aware of the actual daily operation of the wholesale distributor;

(v) Is physically present at the facility of the applicant during regular business hours, except when the absence of the designated representative is authorized including, but not limited to, sick leave and vacation leave;

(vi) Is serving in the capacity of a designated representative for only one (1) applicant at a time, except where more than one (1) licensed wholesale distributor is colocated in the same facility and such wholesale distributors are members of an affiliated group, as defined in section 1504 of the Internal Revenue Code;

(vii) Does not have any convictions under any federal, state or local law relating to wholesale or retail prescription drug distribution or distribution of controlled substances; and

(viii) Does not have any felony convictions under federal, state or local law.

(5) The board shall submit the fingerprints provided by a person with a license application for a statewide criminal records check and for forwarding to the federal bureau of investigation for a national criminal records check of the individual.

(6) The board shall require every wholesale distributor applying for a license to submit a bond of at least one hundred thousand dollars ($100,000), or other equivalent means of security acceptable to the board, such as an irrevocable letter of credit or a deposit in a trust account or financial institution, payable to a fund established by the board pursuant to subsection (7) of this section. Chain pharmacy warehouses that are not engaged in wholesale distribution are exempt from the bond requirement. The purpose of the bond is to secure payment of any fines or penalties imposed by the board and any fees and costs incurred by the board regarding that license, which are authorized under the law of this state and which the licensee fails to pay thirty (30) days after the fines, penalties or costs become final. The board may make a claim against such bond or security until one (1) year after the licensee's license ceases to be valid. A single bond may suffice to cover all facilities operated by the applicant in this state.

(7) The board shall establish a fund, separate from its other accounts, in which to deposit the wholesale distributor bonds.

(8) If a wholesale distributor distributes prescription drugs from more than one (1) facility, the wholesale distributor shall obtain a license for each facility.

(9) In accordance with each licensure renewal, the board shall send to each wholesale distributor licensed under this section a form setting forth the information that the wholesale distributor provided pursuant to subsection (2) of this section. Within thirty (30) days of receiving such form, the wholesale distributor must identify and state under oath to the board all changes or corrections to the information that was provided pursuant to subsection (2) of this section. Changes in, or corrections to, any information in subsection (2) of this section shall be submitted to the board as required by the board. The board may suspend or revoke the license of a wholesale distributor if such authority

determines that the wholesale distributor no longer qualifies for the license issued under this section.

(10) The designated representative identified pursuant to subsection (2)(g) of this section must receive and complete continuing training in applicable federal law and the law of this state governing wholesale distribution of prescription drugs.

(11) The board may adopt rules to approve an accreditation body to evaluate a wholesaler's operations to determine compliance with professional standards and any other applicable laws, and to perform inspections of each facility and location where wholesale distribution operations are conducted by the wholesaler.

(12) Information provided under this section shall not be disclosed to any person other than a state licensing authority, government board or government agency, provided such licensing authority, government board or agency needs such information for licensing or monitoring purposes.

54-1754. RESTRICTIONS ON TRANSACTIONS. (1) A wholesale distributor shall receive prescription drug returns or exchanges from a pharmacy or chain pharmacy warehouse pursuant to the terms and conditions of the agreement between the wholesale distributor and the pharmacy or chain pharmacy warehouse. Returns of expired, damaged, recalled or otherwise nonsaleable pharmaceutical product shall be distributed by the receiving wholesale distributor only to either the original manufacturer or third party returns processor, including a reverse distributor. The returns or exchanges of prescription drugs, saleable or otherwise, including any redistribution by a receiving wholesaler, shall not be subject to the pedigree requirement of section 54-1755, Idaho Code, so long as they are exempt from pedigree under the federal food and drug administration's currently applicable prescription drug marketing act guidance. Wholesale distributors and pharmacies shall be held accountable for administering their returns process and ensuring that the aspects of this operation are secure and do not permit the entry of adulterated and counterfeit product.

(2) A manufacturer or wholesale distributor shall furnish prescription drugs only to a person licensed by the board or other appropriate state licensing authorities. Before furnishing prescription drugs to a person not known to the manufacturer or wholesale distributor, the manufacturer or wholesale distributor shall affirmatively verify that the person is legally authorized to receive the prescription drugs by contacting the appropriate state licensing authorities.

(3) Prescription drugs furnished by a manufacturer or wholesale distributor shall be delivered only to the premises listed on the license; provided that the manufacturer or wholesale distributor may furnish prescription drugs to an authorized person or agent of that person at the premises of the manufacturer or wholesale distributor if:

(a) The identity and authorization of the recipient is properly established; and

(b) This method of receipt is employed only to meet the immediate needs of a particular patient of the authorized person.

(4) Prescription drugs may be furnished to a hospital pharmacy receiving area provided that a pharmacist or authorized receiving personnel signs, at the time of delivery, a receipt showing the type and quantity of the prescription drug so received. Any discrepancy between

receipt and the type and quantity of the prescription drug actually received shall be reported to the delivering manufacturer or wholesale distributor by the next business day after the delivery to the pharmacy receiving area.

(5) A manufacturer or wholesale distributor shall not accept payment for, or allow the use of, a person's credit to establish an account for the purchase of prescription drugs from any person other than the owner(s) of record, the chief executive officer or the chief financial officer listed on the license of a person legally authorized to receive prescription drugs. Any account established for the purchase of prescription drugs must bear the name of the licensee.

54-1755. PEDIGREE. (1) In General. Each person who is engaged in wholesale distribution of prescription drugs, including repackagers, but excluding the original manufacturer of the finished form of the prescription drug, that leaves, or has ever left, the normal distribution channel shall, before each wholesale distribution of such drug, provide a pedigree to the person who receives such drug.

(a) A retail pharmacy or chain pharmacy warehouse shall comply with the requirements of this section only if the pharmacy or chain pharmacy warehouse engages in wholesale distribution of prescription drugs.

(b) The board shall determine by July 1, 2009, a targeted implementation date for electronic track and trace pedigree technology. Such a determination shall be based on consultation with manufacturers, distributors and pharmacies responsible for the sale and distribution of prescription drug products in this state. After consultation with interested stakeholders and prior to implementation of the electronic pedigree, the board shall deem that the technology is universally available across the entire prescription pharmaceutical supply chain. The implementation date for the mandated electronic track and trace pedigree technology will be no sooner than July 1, 2010, and may be extended by the board in one (1) year increments if it appears the technology is not universally available across the entire prescription pharmaceutical supply chain.

(2) Authentication. Each person who is engaged in the wholesale distribution of a prescription drug, including repackagers, but excluding the original manufacturer of the finished form of the prescription drug, who is provided a pedigree for a prescription drug and attempts to further distribute that prescription drug, shall affirmatively verify before any wholesale distribution of a prescription drug occurs that each transaction listed on the pedigree has occurred.

(3) Contents. The pedigree shall:

(a) Include all necessary identifying information concerning each sale in the chain of distribution of the product from the manufacturer, or the manufacturer's third party logistics provider, colicensed product partner, or manufacturer's exclusive distributor, through acquisition and sale by any wholesale distributor or repackager, until final sale to a pharmacy or other person dispensing or administering the drug. At minimum, the necessary pedigree information shall include:

(i) Name, address, telephone number and, if available, the e-mail address, of each owner of the prescription drug, and each wholesale distributor of the prescription drug;

(ii) Name and address of each location from which the product was shipped, if different from the owner's;
(iii) Transaction dates; and
(iv) Certification that each recipient has authenticated the pedigree.

(b) At minimum, the pedigree shall also include the:
(i) Name of the prescription drug;
(ii) Dosage form and strength of the prescription drug;
(iii) Size of the container;
(iv) Number of containers;
(v) Lot number and national drug code number of the prescription drug; and
(vi) Name of the manufacturer of the finished dosage form.

(4) Maintenance Provisions. Each pedigree or electronic file shall be:

(a) Notwithstanding the provisions in section 54-1735, Idaho Code, maintained by the purchaser and the wholesale distributor for not less than three (3) years from the date of sale or transfer; and

(b) Available for inspection or use within five (5) business days upon a request of an authorized officer of the law.

(5) Implementation. The board shall adopt rules and a form relating to the requirements of this section no later than ninety (90) days after the effective date of this act.

54-1756. ENFORCEMENT -- ORDER TO CEASE DISTRIBUTION OF A DRUG. (1) If the board finds that there is a reasonable probability that:

(a) A wholesale distributor, other than a manufacturer, has:
(i) Violated a provision in this act; or
(ii) Falsified a pedigree, or sold, distributed, transferred, manufactured, repackaged, handled or held a counterfeit prescription drug intended for human use; and

(b) The prescription drug at issue as a result of a violation in paragraph (a) of this subsection could cause serious, adverse health consequences or death; and

(c) Other procedures would result in unreasonable delay;

the board shall issue an order requiring the appropriate person, including the distributors or retailers of the drug, to immediately cease distribution of the drug within the state.

(2) An order under subsection (1) of this section shall provide the person subject to the order with an opportunity for an informal hearing, to be held not later than ten (10) days after the date of the issuance of the order, on the actions required by the order. If, after providing an opportunity for such a hearing, the board determines that inadequate grounds exist to support the actions required by the order, the board shall vacate the order.

54-1757. DISCIPLINE -- GROUNDS -- PENALTIES. (1) Upon a finding that a wholesale distributor is in violation of any provision of this chapter or of this act, or such rules or standards of conduct and practice as may be adopted by the board, and in accordance with the provisions of chapter 52, title 67, Idaho Code, the board may impose any one (1) or more of the penalties provided for in section 54-1728, Idaho Code.

(2) Imposition of a penalty by the board or other action against a

wholesale distributor by the board as set forth in this act shall not be construed as barring other civil, administrative or criminal proceedings or prosecutions or entry of any available penalty or sanction as authorized by law.

54-1758. PROHIBITED ACTS. (1) It shall be unlawful for a person to knowingly perform, or cause the performance of, or aid and abet any of the following acts in this state:

(a) Failure to obtain a license when a license is required by this act;

(b) Operate as a wholesale distributor without a valid license when a license is required by this act;

(c) Purchase from or otherwise receive, return or exchange a prescription drug from a pharmacy or chain pharmacy warehouse, other than in compliance with section 54-1754(1), Idaho Code;

(d) When a state license is required pursuant to section 54-1754(2), Idaho Code, sell, distribute, transfer or otherwise furnish a prescription drug to a person who is not authorized under the law of the jurisdiction in which the person received the prescription drug to receive the prescription drug;

(e) Failure to deliver prescription drugs to specified premises, as required by section 54-1754(3), Idaho Code;

(f) Acceptance of payment or credit for the purchase of prescription drugs, other than in compliance with section 54-1754(5), Idaho Code;

(g) Failure to maintain or provide pedigrees as required by this act;

(h) Failure to obtain, pass or authenticate a pedigree, as required by this act;

(i) Provide the board or any of its representatives or any federal official with false or fraudulent records or make false or fraudulent statements regarding any matter within the provisions of this act;

(j) Obtain, or attempt to obtain, a prescription drug by fraud, deceit or misrepresentation or engage in misrepresentation or fraud in the distribution of a prescription drug;

(k) Manufacture, repackage, sell, transfer, deliver, hold or offer for sale any prescription drug that is adulterated, misbranded, counterfeit, suspected of being counterfeit or otherwise has been rendered unfit for distribution;

(l) Adulterate, misbrand or counterfeit any prescription drug;

(m) Receive any prescription drug that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit or suspected of being counterfeit;

(n) Deliver or proffer delivery of, for pay or otherwise, any prescription drug that is adulterated, misbranded, stolen, obtained by fraud or deceit, counterfeit or suspected of being counterfeit;

(o) Alter, mutilate, destroy, obliterate or remove the whole or any part of the labeling of a prescription drug or commit any other act with respect to a prescription drug that results in the prescription drug being misbranded; or

(p) Sell, deliver, transfer or offer to sell to a person not authorized under law to receive the return or exchange of a prescription drug, a prescription drug that has expired, been damaged or recalled

by either the original manufacturer, a third party returns processor or a reverse distributor.

(2) The acts prohibited in subsection (1) of this section do not include a prescription drug manufacturer, or agent of a prescription drug manufacturer, who obtains or attempts to obtain a prescription drug for the sole purpose of testing the prescription drug for authenticity.

54-1759. PENALTIES. (1) Any person who commits any act prohibited by section 54-1758(1)(a) through (1)(h), Idaho Code, is guilty of a misdemeanor, which is punishable by not more than one (1) year of imprisonment, or by a fine not exceeding five thousand dollars ($5,000), or both.

(2) Any person who commits any act prohibited by section 54-1758(1)(i) through (1)(p), Idaho Code, is guilty of a felony, which is punishable by imprisonment for a term of not less than five (5) years and not more than twenty (20) years, or by a fine not exceeding five hundred thousand dollars ($500,000), or both.

(3) Any person who, with the intent to commit any of the acts prohibited by section 54-1758(1)(i) through (1)(p), Idaho Code, commits any act prohibited by section 54-1758(1)(a) through (1)(h), Idaho Code, is guilty of a felony, which is punishable by imprisonment for a term of not less than five (5) years and not more than twenty (20) years, or by a fine not exceeding five hundred thousand dollars ($500,000), or both.

(4) Any criminal penalty imposed on a person who commits any act prohibited by section 54-1758, Idaho Code, is in addition to, and not in lieu of, any other civil or administrative penalty or sanction authorized by law.

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.

Approved March 30, 2007.

CHAPTER 320
(S.B. No. 1185)

AN ACT

RELATING TO THE UNIFORM INTERSTATE FAMILY SUPPORT ACT; AMENDING SECTION 7-1026, IDAHO CODE, TO REVISE THE INFORMATION REQUIRED TO BE PROVIDED WITH CERTAIN PETITIONS; AND AMENDING SECTION 7-1044, IDAHO CODE, TO REVISE THE INFORMATION SENT TO THE DISTRICT COURT TO REGISTER CERTAIN ORDERS OF ANOTHER STATE.

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

SECTION 1. That Section 7-1026, Idaho Code, be, and the same is hereby amended to read as follows:

7-1026. PLEADINGS AND ACCOMPANYING DOCUMENTS. (1) In a proceeding under this chapter, a petitioner seeking to establish a support order, to determine parentage, or to register and modify a support order of another state must file a petition. Unless otherwise ordered under section 7-1027, Idaho Code, the petition or accompanying documents must provide, so far as known, the name, ~~and~~ residential address and social security number of the obligor and the obligee or the parent and alleged parent, and the name, sex, residential address, social security number and date of birth of each child for whose benefit support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a copy of any support order known to have been issued by another tribunal. The petition may include any other information that may assist in locating or identifying the respondent.

(2) The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency.

SECTION 2. That Section 7-1044, Idaho Code, be, and the same is hereby amended to read as follows:

7-1044. PROCEDURE TO REGISTER ORDER FOR ENFORCEMENT. (1) A support order or income-withholding order of another state may be registered in this state by sending the following records and information to the district court in this state:

(a) A letter of transmittal to the tribunal requesting registration and enforcement;

(b) Two (2) copies, including one (1) certified copy, of the order to be registered, including any modification of the order;

(c) A sworn statement by the person requesting registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(d) The name of the obligor and, if known:

(i) The obligor's address and social security number;

(ii) The name and address of the obligor's employer and any other source of income of the obligor; and

(iii) A description and the location of property of the obligor in this state not exempt from execution; and

(e) Except as otherwise provided in section 7-1027, Idaho Code, the name and address of the obligee and, if applicable, the person to whom support payments are to be remitted.

(2) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one (1) copy of the documents and information, regardless of their form.

(3) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this state may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

(4) If two (2) or more orders are in effect, the person requesting registration shall:

(a) Furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this section;

(b) Specify the order alleged to be the controlling order, if any; and

(c) Specify the amount of consolidated arrears, if any.

(5) A request for determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination.

Approved March 30, 2007.

CHAPTER 321
(S.B. No. 1205)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE NORTHERN IDAHO ADJUDICATION.

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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
I. MANAGEMENT AND SUPPORT SERVICES:						
FROM:						
General Fund	$ 979,800	$ 748,400	$ 77,900			$ 1,806,100
Indirect Cost Recovery Fund	300,700	139,500				440,200
Water Administration Fund	43,900	21,900				65,800
TOTAL	$ 1,324,400	$ 909,800	$ 77,900			$ 2,312,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	FOR LUMP SUM	TOTAL
II. PLANNING AND TECHNICAL SERVICES:						
FROM:						
General Fund	$ 2,214,500	$ 669,200	$ 41,900	$911,800		$ 3,837,400
Indirect Cost Recovery Fund	68,200	16,400				84,600
Miscellaneous Revenue Fund		381,600				381,600
Federal Grant Fund	381,800	2,088,400				2,470,200
TOTAL	$ 2,664,500	$ 3,155,600	$ 41,900	$911,800		$ 6,773,800
III. ENERGY RESOURCES:						
FROM:						
General Fund	$ 37,400	$ 2,900				$ 40,300
Indirect Cost Recovery Fund	52,000	174,800				226,800
Miscellaneous Revenue Fund	139,500	545,300				684,800
Petroleum Price Violation Fund	605,200	1,560,400	$ 6,000			2,171,600
Federal Grant Fund	314,700	557,700	6,000			878,400
TOTAL	$ 1,148,800	$ 2,841,100	$ 12,000			$ 4,001,900
IV. SNAKE RIVER BASIN ADJUDICATION:						
FROM:						
General Fund	$ 997,600	$ 1,161,600				$ 2,159,200
V. WATER MANAGEMENT:						
FROM:						
General Fund	$ 4,235,700	$ 963,600	$170,000			$ 5,369,300
Indirect Cost Recovery Fund	52,800	6,700				59,500
Water Administration Fund	1,131,000	991,800				2,122,800
Miscellaneous Revenue Fund	680,300	246,800				927,100
Federal Grant Fund	262,300	195,100				457,400
TOTAL	$ 6,362,100	$ 2,404,000	$170,000			$ 8,936,100
VI. NORTHERN IDAHO ADJUDICATION:						
FROM:						
General Fund					$1,355,500	$1,355,500
GRAND TOTAL	$12,497,400	$10,472,100	$301,800	$911,800	$1,355,500	$25,538,600

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Water Resources is authorized no more than one hundred eighty-nine (189) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. SALARY DISTRIBUTION. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. SALARY SAVINGS. 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.

SECTION 5. It is legislative intent that work on the Northern Idaho Adjudication be limited in this fiscal year to the Rathdrum Prairie water rights and to Idaho-Washington cross-border water issues.

Approved March 30, 2007.

CHAPTER 322
(S.B. No. 1214)

AN ACT

APPROPRIATING MONEYS TO THE STATE CONTROLLER FOR FISCAL YEAR 2008; PROVIDING FOR THE RECOVERY OF STATE CONTROLLER SERVICES COSTS TO THE GENERAL FUND; REQUIRING CERTAIN PURCHASES BE SUBJECT TO CERTAIN CON-

DITIONS; REAPPROPRIATING UNEXPENDED AND UNENCUMBERED BALANCES OF MONEYS; SETTING FORTH THE CONDITIONS FOR THE REAPPROPRIATION; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. ADMINISTRATION:				
FROM:				
General Fund	$ 429,400	$ 59,200	$ 7,400	$ 496,000
II. STATEWIDE ACCOUNTING:				
FROM:				
General Fund	$1,538,700	$1,978,500	$ 12,000	$ 3,529,200
III. STATEWIDE PAYROLL:				
FROM:				
General Fund	$1,284,500	$1,693,300	$ 10,000	$ 2,987,800
IV. COMPUTER CENTER:				
FROM:				
Data Processing Services Fund	$3,999,600	$2,356,600	$110,900	$ 6,467,100
GRAND TOTAL	$7,252,200	$6,087,600	$140,300	$13,480,100

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, 2008, 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, 2007, through June 30, 2008, 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 2007, to be used for nonrecurring expenditures only for the period July 1, 2007, through June 30, 2008.

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, 2007, 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, 2007, 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 (99) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 8. 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, 2007.

CHAPTER 323
(S.B. No. 1215)

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVA-

LENT POSITIONS; DIRECTING THE ENCUMBRANCE OF CERTAIN MONEYS AND PROVIDING LEGISLATIVE INTENT; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	$ 950,800	$805,100	$1,524,000	$3,279,900
Miscellaneous Revenue Fund	939,200	10,000		949,200
TOTAL	$1,890,000	$815,100	$1,524,000	$4,229,100

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, 2007, through June 30, 2008, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. Any unspent moneys appropriated for digital equipment upgrades for the period July 1, 2006, through June 30, 2007, shall be encumbered for the purposes of completing the digital equipment upgrade projects for which the moneys were appropriated for the period July 1, 2007, through June 30, 2008. This appropriation acknowledges that additional non-state grant funds may become available to support digital equipment upgrades during the period July 1, 2007, through June 30, 2008. It is legislative intent that Idaho Public Television seek such funds to replace General Fund moneys appropriated for digital equipment upgrades by this act, and that any General Fund moneys so replaced shall be utilized for replacement items requested, but not funded, during the period July 1, 2007, through June 30, 2008.

SECTION 4. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 5. 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 March 30, 2007.

CHAPTER 324
(S.B. No. 1216)

AN ACT

APPROPRIATING MONEYS FOR THE IDAHO SCHOOL FOR THE DEAF AND THE BLIND FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AUTHORIZING FUND DEPOSITS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND DIRECTING THAT THE SCHOOL ONLY OPERATE THE NECESSARY NUMBER OF COTTAGES.

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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. CAMPUS OPERATIONS:				
FROM:				
General Fund	$4,852,500	$ 719,300	$ 20,000	$5,591,800
Idaho School for the Deaf and the Blind Income Fund		78,700		78,700
Federal Grant Fund	37,700	113,800		151,500
Miscellaneous Revenue Fund	4,100	91,800		95,900
TOTAL	$4,894,300	$1,003,600	$ 20,000	$5,917,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
II. OUTREACH SERVICES:				
FROM:				
General Fund	$2,176,600	$ 234,900	$102,000	$2,513,500
GRAND TOTAL	$7,070,900	$1,238,500	$122,000	$8,431,400

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 nineteen and fifty-two hundredths (119.52) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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 403, Laws of 2006, in a contingency reserve fund created pursuant to Section 33-3409, Idaho Code.

SECTION 4. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 5. 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 6. 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.

Approved March 30, 2007.

CHAPTER 325
(S.B. No. 1217)

AN ACT

RELATING TO THE APPROPRIATION FOR THE PUBLIC SCHOOLS DIVISION OF OPERATIONS; APPROPRIATING MONEYS FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS FOR FISCAL YEAR 2007; DIRECTING THAT MONEYS BE DISTRIBUTED TO REPLACE CERTAIN LEVIES; DIRECTING DISTRIBUTION OF CERTAIN AMOUNTS FOR REPLACEMENT OF SCHOOL MAINTENANCE AND OPERATION LEVY FUNDS; AND STATING LEGISLATIVE FINDINGS AND EXPRESSING LEGISLATIVE INTENT WITH REGARDS TO FUTURE DISTRIBUTIONS OF REPLACEMENT FUNDING PROVIDED IN LIEU OF PERSONAL PROPERTY TAXES ON AGRICULTURAL EQUIPMENT.

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

SECTION 1. Any other provision of law notwithstanding, 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:

Public Education Stabilization Fund $3,892,600

SECTION 2. In addition to the appropriation made in Section 3, Chapter 418, Laws of 2006 and Section 23, House Bill No. 1, as enacted by the First Extraordinary Session of the Fifty-eighth Idaho Legislature, there is hereby appropriated to the Educational Support Program/Division of Operations the following amount for the period July 1, 2006, through June 30, 2007:

FROM:

Public School Income Fund $3,892,600

SECTION 3. The Superintendent of Public Instruction shall distribute $121,300 of the moneys appropriated in Section 2 of this act to school districts in the amount of any unequalized school maintenance and operation levy funds that would have been used to calculate such levies for tax year 2006, under the laws of the state of Idaho as they existed prior to the First Extraordinary Session of the Fifty-eighth Idaho Legislature, provided that the school district did not levy a budget stabilization levy for tax year 2006.

SECTION 4. The Superintendent of Public Instruction shall distribute $3,771,300 of the moneys appropriated in Section 2 of this act to school districts, in like amounts as the moneys distributed in fiscal year 2006, pursuant to Section 63-3638(10), Idaho Code, for the replacement of school maintenance and operation levy funds.

SECTION 5. It is the finding of the Legislature that House Bill No. 1, enacted by the First Extraordinary Session of the Fifty-eighth Idaho Legislature, exposed the previously unrecognized lack of equalization of moneys provided to school districts for the replacement of school maintenance and operation levies on agricultural equipment. Prior to House Bill No. 1, school districts received such unequalized funds, in highly varied amounts based, not on the size or needs of the school district, but on the amount of agricultural equipment contained therein. As was constitutionally appropriate, House Bill No. 1 dealt solely with the state replacement of equalized funds.

However, many school districts, particularly those in which the local economy is based on agriculture, have grown dependent on these extra, unequalized funds. In addition, school districts had already set fiscal year 2007 budgets based on the assumption of receiving these funds, prior to the passage of House Bill No. 1. The immediate removal of such moneys would have a negative and destabilzing effect on many school district budgets. Since House Bill No. 1 provided an additional $100,000,000 to the Public Education Stabilization Fund for the express purpose of providing stability in public school budgets, it is legislative intent to provide for the schedule of distributions, pursuant to this section, with appropriations from the Public Education Stabilization Fund.

Pursuant to the Legislature's responsibility to maintain a constitutionally uniform system of public school funding, it is legislative intent that the school maintenance and operation levy-related portion of state replacement funding provided in lieu of personal property taxes on agricultural equipment be phased out according to the following schedule:

FY2007:	100% of replacement provided
FY2008:	80% of replacement provided
FY2009:	60% of replacement provided
FY2010:	40% of replacement provided
FY2011:	20% of replacement provided
FY2012 and thereafter:	0% of replacement provided

Approved March 30, 2007.

CHAPTER 326
(S.B. No. 1218)

AN ACT

APPROPRIATING MONEYS TO THE CATASTROPHIC HEALTH CARE COST FUND FOR FISCAL YEAR 2008.

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

SECTION 1. There is hereby appropriated $20,768,400 from the General Fund to be deposited in the Catastrophic Health Care Cost Fund for the period July 1, 2007, through June 30, 2008.

Approved March 30, 2007.

CHAPTER 327
(S.B. No. 1219)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDEPENDENT COUNCILS FOR FISCAL YEAR 2008; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE INDEPENDENT COUNCILS; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. DOMESTIC VIOLENCE COUNCIL:				
FROM:				
General Fund	$ 13,100			$ 13,100
Domestic Violence Project Fund	176,100	$138,200	$ 171,800	486,100
Cooperative Welfare Fund (Federal)	76,700	126,900	3,065,400	3,269,000
Cooperative Welfare Fund (Dedicated)		40,000		40,000
TOTAL	$265,900	$305,100	$3,237,200	$3,808,200
B. DEVELOPMENTAL DISABILITIES COUNCIL:				
FROM:				
General Fund	$ 95,800	$ 16,000	$ 600	$ 112,400
Cooperative Welfare Fund (Federal)	301,900	195,900	31,600	529,400
Cooperative Welfare Fund (Dedicated)		15,000		15,000
TOTAL	$397,700	$226,900	$ 32,200	$ 656,800
C. COUNCIL ON THE DEAF AND HARD OF HEARING:				
FROM:				
General Fund	$127,500	$ 23,600		$ 151,100

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Cooperative Welfare Fund (Federal)	34,500	86,400		120,900
Cooperative Welfare Fund (Dedicated)		3,000	$ 4,500	7,500
TOTAL	$162,000	$113,000	$ 4,500	$ 279,500
GRAND TOTAL	$825,600	$645,000	$3,273,900	$4,744,500

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, 2007, through June 30, 2008. 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. Notwithstanding the provisions of Section 67-3511, Idaho Code, funds budgeted in the trustee and benefit payments expenditure object code shall not be transferred to any other objects within the program budget during fiscal year 2008.

SECTION 5. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services

Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 6. 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 30, 2007.

CHAPTER 328
(S.B. No. 1220)

AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. RENAL DISEASE SERVICES:					
General Fund	$ 72,700	$ 54,600		$ 522,400	$ 649,700
II. EPILEPSY SERVICES:					
General Fund				$ 70,300	$ 70,300
III. COMMUNITY SUPPORTED EMPLOYMENT:					
General Fund	$ 118,200	$ 25,500		$ 4,093,400	$ 4,237,100
IV. VOCATIONAL REHABILITATION:					
General Fund	$1,501,400	$ 295,100	$ 69,000	$ 1,530,400	$ 3,395,900
Rehabilitation Revenue and Refunds Fund				621,700	621,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Miscellaneous Revenue Fund				900,000	900,000
Federal Grant Fund	6,619,000	1,261,000	255,300	6,665,300	14,800,600
TOTAL	$8,120,400	$1,556,100	$324,300	$ 9,717,400	$19,718,200
GRAND TOTAL	$8,311,300	$1,636,200	$324,300	$14,403,500	$24,675,300

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, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. 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 March 30, 2007.

CHAPTER 329
(S.B. No. 1221)

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 2008; 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; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; AND REQUIRING THAT CERTAIN MONEYS BE EXPENDED FOR BANK SERVICE FEES.

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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	$ 985,600	$685,100	$24,700	$1,695,400
State Treasurer LGIP Fund	219,300	106,200	5,100	330,600
Treasurer's Office - Professional Services Fund	207,900	124,100	3,400	335,400
TOTAL	$1,412,800	$915,400	$33,200	$2,361,400

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, 2008, 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 2007, to be used for nonrecurring expenditures only for the period July 1, 2007, through June 30, 2008. Provided however, that if said reappropriation exceeds the unencumbered cash balance in the State Treasurer LGIP Fund as of June 30, 2007, 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, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 6. 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.

SECTION 7. Of the amount appropriated for operating expenditures in Section 1 of this act, $571,000, or so much thereof as is necessary, is to be used solely and only for the payment of bank service fees for the period July 1, 2007, through June 30, 2008.

Approved March 30, 2007.

CHAPTER 330
(S.B. No. 1222)

AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

I. ADMINISTRATION:	
FOR:	
Personnel Costs	$1,811,700
Operating Expenditures	397,900
Capital Outlay	225,600
TOTAL	$2,435,200
FROM:	
General Fund	$2,435,200
II. COMMISSION ON UNIFORM LAWS:	
FOR:	
Operating Expenditures	$ 34,000
FROM:	
General Fund	$ 34,000
GRAND TOTAL	$2,469,200

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, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. 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, 2007.

CHAPTER 331
(S.B. No. 1223)

AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; APPROPRIATING ADDITIONAL MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 2007; 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 $154,500 to the Lieutenant Governor from the General Fund for the period July 1, 2007, through June 30, 2008.

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Office of the Lieutenant Governor is authorized no more than three (3) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. 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.

SECTION 5. In addition to the moneys appropriated in Section 1, Chapter 275, Laws of 2006, there is hereby appropriated $15,000 to the Lieutenant Governor from the General Fund, for the period July 1, 2006, through June 30, 2007.

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

Approved March 30, 2007.

CHAPTER 332
(S.B. No. 1224)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO BOND PAYMENTS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF ADMINISTRATION FOR THE DIVISION OF PUBLIC WORKS; DIRECTING THE TRANSFER OF MONEYS ON OR AFTER JULY 1, 2007; DIRECTING THE TRANSFER OF MONEYS ON OR AFTER JANUARY 1, 2008; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING ALLOCATION OF SALARY SAVINGS; AND DIRECTING THE COVERAGE OF INCREASED PREMIUM COSTS AND THE INSTITUTION OF AN ADDITIONAL INSURANCE PLAN.

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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. DIRECTOR'S OFFICE:				
FROM:				
General Fund	$ 222,400	$ 62,600		$ 285,000
Industrial Special Indemnity Fund	187,100	109,700		296,800
Indirect Cost Recovery Fund	570,100	268,000		838,100
Administration and Accounting Services Fund	27,000			27,000
TOTAL	$ 1,006,600	$ 440,300		$ 1,446,900

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
II. INFORMATION TECHNOLOGY & COMMUNICATIONS:				
FROM:				
General Fund	$ 598,900	$ 429,100	$ 28,500	$ 1,056,500
Indirect Cost Recovery Fund	374,300	107,400		481,700
Administration and Accounting Services Fund	1,867,600	1,123,100	145,600	3,136,300
TOTAL	$ 2,840,800	$ 1,659,600	$ 174,100	$ 4,674,500
III. PUBLIC WORKS:				
FROM:				
General Fund		$ 338,300		$ 338,300
Permanent Building Fund	$ 1,869,000	755,900	$ 8,500	2,633,400
Administration and Accounting Services Fund	1,620,100	6,735,400	95,000	8,450,500
TOTAL	$ 3,489,100	$ 7,829,600	$ 103,500	$11,422,200
IV. PURCHASING:				
FROM:				
General Fund	$ 849,700	$ 184,600		$ 1,034,300
Federal Surplus Property Revolving Fund	185,200	257,300	$ 18,400	460,900
Administration and Accounting Services Fund	757,900	1,092,100	128,000	1,978,000
TOTAL	$ 1,792,800	$ 1,534,000	$ 146,400	$ 3,473,200
V. ADMINISTRATIVE RULES:				
FROM:				
Administrative Code Fund	$ 221,900	$ 332,800		$ 554,700
VI. INFORMATION TECHNOLOGY RESOURCE MANAGEMENT COUNCIL:				
FROM:				
General Fund	$ 69,600			$ 69,600
Administration and Accounting Services Fund	330,300	$ 327,800		658,100
TOTAL	$ 399,900	$ 327,800		$ 727,700
VII. OFFICE OF INSURANCE MANAGEMENT:				
FROM:				
Employee Group Insurance Fund	$ 291,600	$ 451,400		$ 743,000
Retained Risk Fund	478,400	510,900		989,300
TOTAL	$ 770,000	$ 962,300		$ 1,732,300

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
VIII. BOND PAYMENT:				
FROM:				
General Fund		$ 3,281,400	$2,890,000	$ 6,171,400
Permanent Building Fund		4,942,600	4,776,800	9,719,400
Administration and Accounting Services Fund		422,200	233,000	655,200
TOTAL		$ 8,646,200	$7,899,800	$16,546,000
GRAND TOTAL	$10,521,100	$21,732,600	$8,323,800	$40,577,500

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Administration is authorized no more than one hundred seventy-six and one tenth (176.1) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. There is hereby reappropriated to the Department of Administration, the unexpended and unencumbered balance of the Permanent Building Fund appropriated for Public Works in Sections 4 and 6, Chapter 455, Laws of 2006, to be used for the period July 1, 2007, through June 30, 2008.

SECTION 5. The State Controller is hereby directed to transfer on July 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 State Controller is hereby directed to transfer on January 1, 2008, 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 7. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 8. 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.

SECTION 9. The Department of Administration is directed to cover increased premiums costs from the reserve balance in excess of the actuarially required reserve amount. The Department of Administration is further directed to institute an additional insurance plan option in order to provide state employees a choice that better meets the employee's individual needs and benefit coverage desires. The Department of Administration is therefore directed to maintain the current insurance plans with benefits consistent within current benefits coverage and an optional plan with premiums consistent with current 2007 premiums for both the employer and the employee.

Approved March 30, 2007.

CHAPTER 333
(S.B. No. 1226)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE IDAHO STATE CAPITOL COMMISSION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
IDAHO STATE CAPITOL COMMISSION:			
FROM:			
Capitol Endowment Income Fund	$ 100	$327,200	$327,300
Permanent Building Fund	120,000	56,100	176,100
TOTAL	$120,100	$383,300	$503,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho State Capitol Commission is authorized no more than two (2) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. There is hereby reappropriated to the Department of Administration for the Idaho State Capitol Commission the unexpended and unencumbered balance of any funds appropriated by Sections 4 and 5, Chapter 455, Laws of 2006, to be used for the period July 1, 2007, through June 30, 2008.

SECTION 4. SALARY DISTRIBUTION. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 5. SALARY SAVINGS. The Idaho State Capitol 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 30, 2007.

CHAPTER 334
(S.B. No. 1227)

AN ACT
RELATING TO APPROPRIATIONS; PROVIDING A TRANSFER OF MONEYS FROM THE GENERAL FUND TO THE PUBLIC SCHOOL PERMANENT ENDOWMENT FUND.

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

SECTION 1. There is hereby appropriated and the State Controller shall transfer, on July 2, 2007, or as soon thereafter as is practicable, $351,500 from the General Fund to the Public School Permanent Endowment Fund. Such moneys shall be used to replace the moneys transferred between 1996 and 2007 from the Unclaimed Property Account to the General Fund that should have been transferred to the Public School Permanent Endowment Fund pursuant to the escheat provision of Section 4, Article IX, of the Constitution of the State of Idaho.

Approved March 30, 2007.

CHAPTER 335
(S.B. No. 1202)

AN ACT
RELATING TO MEETINGS OF THE BOARD OF EXAMINERS; AMENDING SECTION 67-2002, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EXAMINERS SHALL HAVE REGULAR MEETINGS NOT LESS FREQUENTLY THAN MONTHLY, AND MAY HOLD SUCH ADJOURNED OR SPECIAL MEETINGS AS THE CHAIRMAN MAY DIRECT AND MAY MEET AT ANY TIME ON CALL OF THE CHAIRMAN OR A MAJORITY OF THE BOARD.

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

SECTION 1. That Section 67-2002, Idaho Code, be, and the same is hereby amended to read as follows:

67-2002. ~~SESSIONS~~ MEETINGS OF BOARD -- CLAIMS. ~~Regular sessions--of the state board of examiners shall be held on the second Tuesday of each month.--Other sessions may be held at such time and place, and upon such notice, as the board may by resolution--prescribe~~ The state board of examiners shall have regular meetings not less frequently than monthly, and may hold such adjourned or special meetings as the chairman may direct and may meet at any time on call of the chairman or a majority of the board. No claim shall be examined and passed upon by any member unless a majority of the board is present.

Approved April 2, 2007.

CHAPTER 336
(S.B. No. 1213)

AN ACT

RELATING TO THE IDAHO SECURITY MEDICAL PROGRAM; AMENDING THE CHAPTER HEADING FOR CHAPTER 13, TITLE 66, IDAHO CODE; AMENDING SECTION 66-1301, IDAHO CODE, TO REVISE DESCRIPTIVE LANGUAGE AND TO REVISE PROVISIONS APPLICABLE TO ESTABLISHMENT OF THE PROGRAM; AMENDING SECTION 66-1302, IDAHO CODE, TO REFERENCE THE IDAHO SECURITY MEDICAL PROGRAM; AMENDING SECTION 66-1303, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ADMINISTRATOR'S DUTIES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 66-1304, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SOURCES OF RESIDENTS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 66-1305, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 66-1306, IDAHO CODE, TO REFERENCE ADMISSION OR DISCHARGE OF PATIENTS TO THE PROGRAM; AMENDING SECTION 66-1307, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO THE RETURN OF A PATIENT; AMENDING SECTION 66-1308, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO TRANSPORTATION OF PATIENTS; AMENDING SECTION 66-1312, IDAHO CODE, TO REVISE PROVISIONS RELATING TO STANDARDS FOR TREATMENT; AMENDING SECTION 66-1313, IDAHO CODE, TO REVISE TERMINOLOGY AND TO REFERENCE ANY FACILITY; AMENDING SECTION 66-1315, IDAHO CODE, TO REVISE THE SHORT TITLE; AND AMENDING SECTION 66-1317, IDAHO CODE, TO REVISE PROVISIONS APPLICABLE TO REVIEW OF INVOLUNTARY TREATMENT.

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

SECTION 1. That the Heading for Chapter 13, Title 66, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 13
IDAHO SECURITY MEDICAL ~~FACILITY~~ PROGRAM

SECTION 2. That Section 66-1301, Idaho Code, be, and the same is hereby amended to read as follows:

66-1301. ~~INSTITUTION~~ PROGRAM ESTABLISHED. The state board of correction shall establish, operate and maintain ~~an institution~~ a program for persons displaying evidence of mental illness or psychosocial disorders and requiring diagnostic services and treatment in a maximum security setting, and for other criminal commitments as determined by the board of correction or its designee. The ~~institution~~ program shall be identifiably separate and apart from those functions~~,~~ and other programs ~~and facilities~~ maintained by the board for the ordinary prison population. ~~but shall be located adjacent to the Idaho state correctional facility, and shall be known as the Idaho security medical facility.~~

SECTION 3. That Section 66-1302, Idaho Code, be, and the same is hereby amended to read as follows:

66-1302. ADMINISTRATOR. An administrator of the Idaho security medical ~~facility~~ program shall be appointed by the board of correction or its designee. The administrator shall be a reputable and qualified per-

son experienced in the administration of programs for the care and treatment of persons afflicted with mental disorders and with such other qualifications as the board deems necessary.

SECTION 4. That Section 66-1303, Idaho Code, be, and the same is hereby amended to read as follows:

66-1303. ADMINISTRATOR'S DUTIES. The administrator shall:

(~~a~~1) Perform all duties required by law and by the board of correction not inconsistent with this chapter.

(~~b~~2) Maintain cognizance of and secure the professional care and treatment of each patient.

(~~c~~3) Maintain a complete record on the condition of each patient.

(~~d~~4) Retain custody of all patients in such manner as deemed necessary and in the best interest of the patients subject to the ~~regulations~~ rules of the board of correction.

(~~e~~5) Advise and consult with the director of the department of correction regarding the admissions and releases of patients to and from the program within any facility.

(~~f~~6) To have care and custody over inmates assigned to the ~~facility~~ program under the provisions of section 66-1301, Idaho Code.

SECTION 5. That Section 66-1304, Idaho Code, be, and the same is hereby amended to read as follows:

66-1304. SOURCES OF RESIDENTS. (1) Patients admitted to the ~~facility~~ program may originate from the following sources:

(a) Commitments by the courts as unfit to proceed pursuant to section 18-212, Idaho Code.

(b) Commitments by the courts of persons acquitted of a crime on the grounds of mental illness or defect pursuant to section 18-214, Idaho Code.

(c) Referrals by the courts for psychosocial diagnosis and recommendations as part of the pretrial or presentence procedure or determination of mental competency to stand trial.

(d) Mentally ill adult prisoners from city, county and state correctional institutions for diagnosis, evaluation or treatment.

(e) Commitments by the courts pursuant to section 66-329, Idaho Code.

(f) Criminal commitments of the Idaho department of correction requiring some form of specialized program not otherwise available.

(2) Residents coming to the ~~facility~~ program in the circumstances of ~~subparagraphs~~ subsection (1)(a), (b) and (e) of this section must first be found to be both dangerous and mentally ill, as defined in section 66-1305, Idaho Code, in judicial proceedings conducted in accordance with section 66-329, Idaho Code.

SECTION 6. That Section 66-1305, Idaho Code, be, and the same is hereby amended to read as follows:

66-1305. DANGEROUS AND MENTALLY ILL PERSONS DEFINED. For purposes of this chapter persons found to be both dangerous and mentally ill shall mean persons found by a court of competent jurisdiction pursuant to any lawful proceeding:

(~~a~~1) To be in such mental condition that they are in need of supervision, evaluation, treatment and care; and

(~~b~~2) To present a substantial risk of physical harm to other persons as manifested by evidence of homicidal or other violent behavior or evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them; and

(~~c~~3) To be dangerous to such a degree that a maximum security treatment ~~facility~~ setting is required.

SECTION 7. That Section 66-1306, Idaho Code, be, and the same is hereby amended to read as follows:

66-1306. FINAL DECISION. The final decision regarding the admission or discharge of patients to the program shall rest with the director of the department of correction, after consultation with the administrator.

SECTION 8. That Section 66-1307, Idaho Code, be, and the same is hereby amended to read as follows:

66-1307. RETURN OF PATIENT. When a patient transferred ~~to--the facility~~ under the program from any other correctional institution or admitted by order of any court no longer requires special treatment in the maximum security setting, the patient shall be returned to the source from which received. The correctional institution or court that referred the patient ~~for--hospitalization~~ to the program shall retain constructive jurisdiction over the patient.

SECTION 9. That Section 66-1308, Idaho Code, be, and the same is hereby amended to read as follows:

66-1308. TRANSPORTATION OF PATIENTS. When a patient is admitted to the ~~facility~~ program from a state institution or by order of any court, the expenses and responsibility for transportation of such patients from and to the facility where the patient will be admitted into the program shall be borne by the original institution or the county of the court ordering such admission.

SECTION 10. That Section 66-1312, Idaho Code, be, and the same is hereby amended to read as follows:

66-1312. STANDARDS FOR TREATMENT. The department of correction and the department of health and welfare shall jointly develop appropriate standards for treatment of patients committed ~~to~~ under this ~~facility~~ program. It shall be the responsibility of the administrator of the ~~facility~~ program to implement those standards.

SECTION 11. That Section 66-1313, Idaho Code, be, and the same is hereby amended to read as follows:

66-1313. MECHANICAL RESTRAINTS. Mechanical restraints shall not be applied to a patient unless it is determined that such is necessary for either his safety or the safety of other persons at the facility. Every use of a mechanical restraint and the reasons therefor shall be made a part of the clinical record of the patient under the signature of the

administrator of the ~~facility~~ program, except that mechanical restraints may be used without such recording during transportation of residents from or to ~~the~~ any facility.

SECTION 12. That Section 66-1315, Idaho Code, be, and the same is hereby amended to read as follows:

66-1315. SHORT TITLE. This chapter may be referred to as and cited as the "Idaho Security Medical ~~Facility~~ Program Act."

SECTION 13. That Section 66-1317, Idaho Code, be, and the same is hereby amended to read as follows:

66-1317. REVIEW OF INVOLUNTARY TREATMENT. The state board of correction shall adopt procedures ensuring that treatment plans are developed for patients ~~at the facility~~ in the program for whom the ~~sentencing~~ court has authorized treatment, that the relative risks and benefits of specific modes of treatment contained in such plans are explained, to the extent possible, to each patient; that when treatment is given over the objection of a patient, there is a review of the decision to provide treatment independent of the treating professional and that a statement explaining the reasons for giving treatment over objection of the patient shall be entered in the patient's treatment record over the signature of the ~~facility~~ program administrator.

Approved April 2, 2007.

CHAPTER 337
(S.B. No. 1232)

AN ACT

APPROPRIATING MONEYS FOR THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 Office of the Governor for the Division of Financial Management 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
I. DIVISION OF FINANCIAL MANAGEMENT:			
FROM:			
General Fund	$1,498,600	$212,100	$1,710,700
Miscellaneous Revenue Fund	32,600	7,100	39,700
TOTAL	$1,531,200	$219,200	$1,750,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Division of Financial Management is authorized no more than nineteen (19) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. The Division of Financial Management 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 2, 2007.

CHAPTER 338
(S.B. No. 1233)

AN ACT

APPROPRIATING ADDITIONAL MONEYS FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 2008; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE USE OF THE FUNDS.

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 Board of Education for the Idaho State Historical Society 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, 2007, through June 30, 2008:

HISTORIC PRESERVATION AND EDUCATION:

FOR:

Operating Expenditures	$10,000

FROM:

General Fund	$10,000

SECTION 2. It is legislative intent that the moneys appropriated in Section 1 of this act shall be used as seed money for the Idaho Abraham Lincoln Bicentennial Commission established pursuant to Executive Order No. 2006-17.

Approved April 2, 2007.

CHAPTER 339
(H.B. No. 42, As Amended in the Senate)

AN ACT

RELATING TO THE RURAL ECONOMIC DEVELOPMENT AND FREIGHT TRANSPORTATION PROGRAM; AMENDING SECTION 49-2901, IDAHO CODE, TO AUTHORIZE THE IDAHO DEPARTMENT OF AGRICULTURE TO ADMINISTER THE RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM AND TO REVISE SPENDING PROVISIONS; AMENDING SECTION 49-2902, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INTERAGENCY WORKING GROUP; AMENDING SECTION 49-2903, IDAHO CODE, TO REVISE DUTIES OF THE INTERAGENCY WORKING GROUP; AMENDING SECTION 49-2904, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION REVOLVING LOAN FUND AND TO PROVIDE CERTAIN GRANTS FOR PLANNING AND DEVELOPMENT OF INTERMODAL COMMERCE AUTHORITIES; AND AMENDING SECTION 49-2905, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN.

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

SECTION 1. That Section 49-2901, Idaho Code, be, and the same is hereby amended to read as follows:

49-2901. RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM. (1) The Idaho rural economic development and integrated freight transportation program is hereby established. The Idaho department of ~~commerce--and-labor~~ agriculture is designated and authorized to administer the rural economic development and integrated freight transportation program.

(2) State funding for rural freight transportation service 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 proj-

ects 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 department of ~~commerce and labor~~ agriculture shall seek federal, local and private funding and participation to the greatest extent possible. Whenever possible, the department shall seek to assist a private sector solution for the implementation of this chapter.

SECTION 2. That Section 49-2902, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) The interagency working group shall be composed of ~~seven~~ eight (~~7~~8) members:

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

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

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

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

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

(~~e~~f) The interagency working group shall meet at such times as nec-

essary 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~~ agriculture shall determine and provide ~~such amounts as are necessary~~ for amounts appropriated to the fund, a one-time amount not to exceed three percent (3%) for planning and operating expenses and staff assistance and support from the department of agriculture and the Idaho transportation department in order to administer the program, and to administer the fund established in section 49-2904, Idaho Code.

Section 3. That Section 49-2903, Idaho Code, be, and the same is hereby amended to read as follows:

49-2903. DUTIES OF THE INTERAGENCY WORKING GROUP. (1) The interagency working group shall provide recommendations to the department of ~~commerce and labor~~ agriculture in order for that department to establish criteria for evaluating 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~~ agriculture.

(2) The interagency working group shall provide recommendations to the department of ~~commerce and labor~~ agriculture in order for the department to develop criteria for prioritizing freight rail and intermodal projects that meet the minimum eligibility requirements for state 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.

(3) The 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 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 4. That Section 49-2904, Idaho Code, be, and the same is hereby amended to read as follows:

49-2904. RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION REVOLVING LOAN FUND. (1) The rural economic development and integrated freight transportation revolving loan fund is hereby created in the state treasury. The department of ~~commerce and labor~~ agriculture is authorized to administer the rural economic development and integrated freight transportation revolving loan fund. Moneys in the fund shall be used only for the purposes specified in this 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 for loans or grants for qualified rural projects for the development and preservation of intermodal rail and truck services and facilities upon terms and conditions to be determined by the department of ~~commerce and labor~~ agriculture with the assistance and advice of the interagency working group as appropriate, for the purpose of:

(a) 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 and commerce, and to improve shipping service; or

(d) 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 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 department of ~~commerce and labor~~ agriculture from loan payments or other revenues shall be redeposited in the rural economic development and integrated freight transportation fund. Repayment of loans made under this chapter shall occur within a period as set by the department, but no repayment which exceeds fifteen (15) years shall be allowed. The repayment schedule and rate of interest shall be determined before the moneys are distributed.

(6) Moneys distributed under the provisions of this chapter shall be provided as loans to qualified lines or shippers.

(7) As funds allow, one (1) matching grant per year not to exceed twenty-five thousand dollars ($25,000) for planning and development of intermodal commerce authorities as provided in chapter 22, title 70, Idaho Code, upon conditions established in subsection (3) of this section.

SECTION 5. That Section 49-2905, Idaho Code, be, and the same is hereby amended to read as follows:

49-2905. STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN. (1) The Idaho transportation 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) ~~Establish~~ Whenever possible provide 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~~ agriculture. The priorities should include:
(i) The 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 proposed project;
(iii) Establishment of an intermodal facility, if indicated;
(iv) The likelihood the qualified line receiving funding can meet operating costs from freight charges, surcharges on rail traffic and other funds; and
(v) The impact of abandonment or capacity constraints 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~~ agriculture 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.

(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 2, 2007.

CHAPTER 340
(H.B. No. 123, As Amended in the Senate)

AN ACT

RELATING TO EMERGENCY COMMUNICATIONS; AMENDING SECTION 31-4801, IDAHO CODE, TO PROVIDE A LEGISLATIVE FINDING AND A LEGISLATIVE INTENT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 31-4802, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 31-4804, IDAHO CODE, TO PROVIDE FOR A FEE AND TO PROVIDE FOR THE IMPOSITION OF THE FEE; AND AMENDING SECTION 31-4813, IDAHO CODE, TO PROVIDE THAT PREPAID WIRELINE, WIRELESS AND VoIP PHONES WITH A SERVICE ADDRESS OR PLACE OF PRIMARY USE WITHIN IDAHO ARE NOT CONSIDERED PREPAID CALLING CARDS.

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

SECTION 1. That Section 31-4801, Idaho Code, be, and the same is hereby amended to read as follows:

31-4801. PURPOSE. The legislature recognizes that providing consolidated emergency communications systems is vital in enhancing the public health, safety, and welfare of the residents of the state of Idaho. The legislature further finds that there is an obvious need for providing a means to finance the initiation, maintenance, operation, enhancement and governance of consolidated emergency communications systems.

(1) The legislature of the state of Idaho finds that:

(a) Since the original enactment of the emergency communications act in 1988, many of Idaho's communities have found that they are lacking in the resources to fully fund emergency communications systems at the local level;

(b) Changes in technology and the rapid growth of communications media have demonstrated that financing such systems solely by a line charge on subscribers to ~~wire-line~~ wireline services does not reflect utilization of emergency communications systems by subscribers to wireless and other forms of communications systems;

(c) There is a need to enhance funding for the initiation and enhancement of consolidated emergency communications systems throughout the state;

(d) Utilization of cellular telephones and voice over internet protocol (VoIP) communications to access emergency communications systems has substantially increased citizen access to emergency services while at the same time increasing demands upon the emergency response system;

(e) In order to protect and promote the public health and safety,

and to keep pace with advances in telecommunications technology and the various choices of telecommunications technology available to the public, there is a need to plan and develop a statewide coordinated policy and program to ensure that enhanced 911 services are available to all citizens of the state and in all areas of the state.

(2) Therefore, it is hereby declared that the intent and purpose of the provisions of this act are to:

(a) Provide authority to counties and 911 service areas to impose an emergency communications fee on the use of ~~both~~ telephone lines, ~~and~~ wireless,VoIP or other communications ~~systems~~ services that connect an individual dialing 911 to an established public safety answering point;

(b) Provide that the emergency communications fee shall be exclusively utilized by the counties or 911 service areas electing to impose it to finance the initiation, maintenance, operation, enhancement and governance of consolidated emergency systems as well as enhanced consolidated emergency systems;

(c) Provide for the agreed-to reimbursement to telecommunications providers for their implementation of enhanced consolidated emergency communications systems by counties or 911 service areas that have implemented enhanced consolidated emergency communications systems.

SECTION 2. That Section 31-4802, Idaho Code, be, and the same is hereby amended to read as follows:

31-4802. DEFINITIONS. As used in this chapter:

(1) "Access line" means any telephone line, trunk line, network access register, dedicated radio signal, or equivalent that provides switched telecommunications access to a consolidated emergency communications system from either a service address or a place of primary use within this state. In the case of wireless technology, each active dedicated telephone number shall be considered a single access line.

(2) "Administrator" means the person, officer or agency designated to operate a consolidated emergency communications system, and to receive funds for such an operation.

(3) "Basic consolidated emergency system" means consolidated emergency systems that are not enhanced.

(4) "Consolidated emergency communications system" means facilities, equipment and dispatching services directly related to establishing, maintaining, or enhancing a 911 emergency communications service.

(5) "Emergency communications fee" means the fee provided for in section 31-4803, Idaho Code.

(6) "Enhanced consolidated emergency system" means consolidated emergency systems that provide enhanced wireless 911 service and include, but are not limited to, the technological capability to provide call back numbers, cell site locations, and the location of calls by latitude and longitude and made through the systems of wireless carriers.

(7) "Governing board" means the joint powers board, if the 911 service area is a multicounty area, or the board of county commissioners of the county or the city council if the 911 service area is a city, or both the board of county commissioners and the city council if the 911

service area includes both city and county residents but not the entire county.

(8) "Interconnected" means the ability of the user to receive calls from and terminate calls to the public switched telephone network (PSTN), including commercial mobile radio service (CMRS) networks.

(9) "Interconnected VoIP service" means a service bearing the following characteristics:

(a) The service enables real-time, two-way voice communications;

(b) The service requires a broadband connection from the user's location;

(c) The service requires IP-compatible customer premises equipment; and

(d) The service permits users to receive calls that originate on the public switched telephone network (PSTN) and to terminate calls on the PSTN.

(10) "Interconnected VoIP service line" means an interconnected VoIP service that offers an active telephone number, or successor dialing protocol assigned by a VoIP provider to a VoIP service customer number that has an outbound calling capability of directly accessing a public safety answering point.

(11) "911 service area" means a regional, multicounty, county or area other than a whole county in which area the residents have voted to establish a consolidated emergency communications system.

(~~9~~12) "Place of primary use" means the residential street address or the primary business street address in Idaho where the customer's use of the wireless or VoIP service primarily occurs. For the purposes of 911 fees imposed upon interconnected VoIP service lines, the place of primary use shall be the customer's registered location on the date the customer is billed.

(1~~0~~3) "Telecommunications provider" means any person providing:

(a) E~~e~~xchange telephone service to a service address within this state; or

(b) A~~a~~ny wireless carrier providing telecommunications service to any customer having a place of primary use within this state; or

(c) Interconnected VoIP service to any customer having a place of primary use within this state; or

(d) A provider of any other communications service that connects an individual having either a service address or a place of primary use within this state to an established public safety answering point by dialing 911.

(14) "VoIP service provider" means any person providing interconnected voice over internet protocol (VoIP) service.

(1~~4~~5) "Wireless carrier" means a cellular licensee, a personal communications service licensee, and certain specialized mobile radio providers designated as covered carriers by the federal communications commission in 47 CFR 20.18 and any successor to such rule.

SECTION 3. That Section 31-4804, Idaho Code, be, and the same is hereby amended to read as follows:

31-4804. EMERGENCY COMMUNICATIONS FEE. (1) The emergency communications fee provided pursuant to the provisions of this chapter shall be a uniform amount not to exceed one dollar ($1.00) per month per access or interconnected VoIP service line, and such fee shall be used exclusively

to finance the initiation, maintenance, operation, enhancement and governance of a consolidated emergency communications system and provide for the reimbursement of telecommunications providers for implementing enhanced consolidated emergency systems as provided for in section 31-4804A, Idaho Code. All emergency communications fees collected and expended pursuant to this section shall be audited by an independent, third party auditor ordinarily retained by the governing board for auditing purposes. The purpose of the audit as related to emergency communications systems is to verify the accuracy and completeness of fees collected and costs expended.

(2) The fee shall be imposed upon and collected from ~~customers~~ purchasers of access lines or interconnected VoIP service lines with a service address or place of primary use within the county or 911 service area on a monthly basis by all telecommunications providers ~~that--make available--access--lines--to--persons--within-the-county,-or-911-service area,-and~~ of such services. The fee may be listed as a separate item on customers' monthly bills.

(3) The telecommunications providers shall remit such fee to the county treasurer's office or the administrator for the 911 service area based upon the 911 service area from which the fees were collected. In the event the telecommunications provider remits such fees based upon the emergency communications fee billed to the customer, a deduction shall be allowed for uncollected amounts when such amounts are treated as bad debt for financial reporting purposes.

(4) From every remittance to the governing body made on or before the date when the same becomes due, the telecommunications provider required to remit the same shall be entitled to deduct and retain one percent (1%) of the collected amount as the cost of administration for collecting the charge. Telecommunications providers will be allowed to list the surcharge as a separate item on the telephone subscriber's bill, and shall have no obligation to take any legal action to enforce the collection of any charge, nor be held liable for such uncollected amounts.

(5) Use of fees. The emergency communications fee provided hereunder shall be used only to pay for the lease, purchase or maintenance of emergency communications equipment for basic and enhanced consolidated emergency systems, including necessary computer hardware, software, database provisioning, training, salaries directly related to such systems, costs of establishing such systems, management, maintenance and operation of hardware and software applications and agreed-to reimbursement costs of telecommunications providers related to the operation of such systems. All other expenditures necessary to operate such systems and other normal and necessary safety or law enforcement functions including, but not limited to, those expenditures related to overhead, staffing, dispatching, administrative and other day to day operational expenditures, shall continue to be paid through the general funding of the respective governing boards; provided however, that any governing body using the emergency communication fee to pay the salaries of dispatchers as of March 1, 2006, may continue to do so until the beginning of such governing body's 2007 fiscal year.

SECTION 4. That Section 31-4813, Idaho Code, be, and the same is hereby amended to read as follows:

31-4813. PREPAID CALLING CARDS. The imposition of the emergency communications fee shall not apply to the prepaid calling cards for all forms of access fees. Prepaid wireline, wireless and VoIP phones with a service address or place of primary use within Idaho are not considered prepaid calling cards.

Approved April 2, 2007.

CHAPTER 341
(H.B. No. 166, As Amended, As Amended in the Senate)

AN ACT

RELATING TO MEDICAID; AMENDING SECTION 15-8-103, IDAHO CODE, TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-209h, IDAHO CODE, TO DEFINE A TERM, TO PROVIDE FOR A MEDICAID FRAUD PROGRAM IN THE DEPARTMENT OF HEALTH AND WELFARE AND THE SCOPE OF SUCH PROGRAM, TO REMOVE A TIME REQUIREMENT, TO PROVIDE FOR ACTION UPON REFERRAL, TO PROVIDE REFERRAL AND COMPLIANCE REQUIREMENTS, TO PROVIDE FOR A MINIMUM FOR COST RECOVERY AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 56-209o AND 56-226, IDAHO CODE, TO PROVIDE FOR RECORD RETENTION REQUIREMENTS, TO PROVIDE FOR CRIMINAL PENALTIES, TO ESTABLISH IN THE OFFICE OF THE ATTORNEY GENERAL THE MEDICAID FRAUD CONTROL UNIT, TO PROVIDE THE DUTIES, AUTHORITY AND RESPONSIBILITIES OF THE UNIT, TO PROVIDE EXCLUSIVE CONTROL OF THE UNIT AND TO DEFINE TERMS; AMENDING SECTION 56-227, IDAHO CODE, TO REMOVE A REQUIREMENT FOR THE DEPARTMENT OF HEALTH AND WELFARE TO ESTABLISH AND OPERATE A FRAUD CONTROL PROGRAM; AMENDING SECTION 56-227B, IDAHO CODE, TO PROVIDE FOR THE RIGHT OF THE ATTORNEY GENERAL TO CAUSE CERTAIN LEGAL ACTION TO BE UNDERTAKEN, TO PROVIDE FOR COSTS AND REASONABLE ATTORNEY'S FEES TO BE AWARDED TO THE PREVAILING PARTY, TO PROVIDE FOR THE DISPOSITION OF COSTS AND ATTORNEY'S FEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-227C, IDAHO CODE, TO REQUIRE PERSONS ASKING TO BE EXCUSED FROM ATTENDING, PRODUCING OR TESTIFYING ON THE GROUNDS OF SELF-INCRIMINATION TO COMPLY WITH THE REQUEST, TO PROVIDE FOR THE USE OF INFORMATION PROVIDED BY PERSONS PRIVILEGED TO WITHHOLD INFORMATION, TO PROVIDE AUTHORITY TO THE ATTORNEY GENERAL AND ANY PROSECUTING ATTORNEY TO ISSUE SUBPOENAS AND COMPEL TESTIMONY FROM CUSTODIANS, TO PROVIDE SUBPOENA REQUIREMENTS, TO PROVIDE PROCEDURE AND GROUNDS FOR MODIFYING OR QUASHING A SUBPOENA AND TO PROVIDE PEACE OFFICER STATUS TO INVESTIGATORS EMPLOYED BY THE ATTORNEY GENERAL; AMENDING SECTION 56-227D, IDAHO CODE, TO PROVIDE ENFORCEMENT AUTHORITY TO THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE, TO PROVIDE THAT SUCH ENFORCEMENT IS NOT THE RESPONSIBILITY OF THE MEDICAID FRAUD UNIT AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-227E, IDAHO CODE, TO PROVIDE A DESCRIPTION OF OBSTRUCTION OF INVESTIGATION AND TO PROVIDE CRIMINAL PENALTIES; AND AMENDING SECTION 67-1401, IDAHO CODE, TO REVISE DUTIES OF THE ATTORNEY GENERAL AND TO MAKE TECHNICAL CORRECTIONS.

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

SECTION 1. That Section 15-8-103, Idaho Code, be, and the same is hereby amended to read as follows:

15-8-103. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Matter" includes any issue, question or dispute involving:

(a) The determination of any class of creditors, devisees, legatees, heirs, next of kin, or other persons interested in an estate, trust, nonprobate asset, or with respect to any other asset or property interest passing at death;

(b) The direction of a personal representative or trustee to do or to abstain from doing any act in a fiduciary capacity;

(c) The determination of any question arising in the administration of an estate or trust, or with respect to any nonprobate asset, or with respect to any other asset or property interest passing at death, that may include, without limitation, questions relating to:

(i) The construction of wills, trusts, devolution agreements, and other writings;

(ii) A change of personal representative or trustee;

(iii) A change of the situs of a trust;

(iv) An accounting from a personal representative or trustee; or

(v) The determination of fees for a personal representative or trustee;

(d) The grant to a personal representative or trustee of any necessary or desirable power not otherwise granted in the governing instrument or given by law;

(e) The amendment, reformation, or conformation of a will or a trust instrument to comply with statutes and regulations of the United States internal revenue service in order to more efficiently allocate exemptions or to achieve qualification for deductions, elections, and other tax requirements including, but not limited to, the qualification of any gift thereunder for the benefit of a surviving spouse who is not a citizen of the United States for the estate tax marital deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a qualified domestic trust under section 2056A of the Internal Revenue Code, the qualification of any gift thereunder as a qualified conservation easement as permitted by federal law, or the qualification of any gift for the charitable estate tax deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a charitable remainder trust; and

(f) With respect to any nonprobate asset, or with respect to any other asset or property interest passing at death, including actual joint tenancy property, property subject to a devolution agreement, or assets subject to a pay on death or transfer on death designation:

(i) The ascertaining of any class of creditors or others for purposes of section 15-6-107, Idaho Code;

(ii) The ordering of a custodian of any of the decedent's records relating to a nonprobate asset to do or abstain from doing any particular act with respect to those records;

(iii) The determination of any question arising in the administration of a nonprobate asset under section 15-6-107, Idaho Code;

(iv) The determination of any questions relating to the abatement, rights of creditors, or other matter relating to the administration, settlement, or final disposition of a nonprobate asset under title 15, Idaho Code; and

(v) The resolution of any matter referencing this chapter, including a determination of any questions relating to the ownership or distribution of an individual retirement account on the death of the spouse of the account holder as contemplated by section 11-604A(6), Idaho Code;

(g) The resolution of any other matter that could affect the nonprobate asset.

(2) "Nonprobate assets" means assets that are covered by chapter 6, title 15, Idaho Code.

(3) "Party" or "parties" means each of the following persons who has an interest in the subject of the particular proceeding and whose name and address are known to, or are reasonably ascertainable by, the petitioner:

(a) The trustor if living;

(b) The trustee;

(c) The personal representative;

(d) An heir;

(e) A beneficiary, including devisees, legatees, and trust beneficiaries;

(f) The surviving spouse of a decedent with respect to his or her interest in the decedent's property;

(g) A guardian ad litem;

(h) A creditor;

(i) Any other person who has an interest in the subject of the particular proceeding;

(j) The attorney general if required under section 67-1401(5~~.~~), Idaho Code;

(k) Any duly appointed and acting legal representative of a party such as a guardian, conservator, special representative, or attorney in fact;

(l) Where applicable, the virtual representative of any person described in this subsection (3), the giving of notice to whom would meet notice requirements as provided in section 15-8-204, Idaho Code; and

(m) The owner or the personal representative of the estate of the deceased owner of the nonprobate asset that is the subject of the particular proceeding, if the subject of the particular proceeding relates to the beneficiary's liability to a decedent's estate or creditors under section 15-6-107, Idaho Code.

(4) "Persons interested in the estate or trust" means the trustor, if living, all persons beneficially interested in the estate or trust, persons holding powers over the trust or estate assets, the attorney general in the case of any charitable trust where the attorney general would be a necessary party to judicial proceedings concerning the trust, and any personal representative or trustee of the estate or trust.

(5) "Representative" and other similar terms refer to a person who virtually represents another person under section 15-8-205, Idaho Code.

(6) "Trustee" means any acting and qualified trustee of the trust.

SECTION 2. That Section 56-209h, Idaho Code, be, and the same is hereby amended to read as follows:

56-209h. ADMINISTRATIVE REMEDIES. (1) Definitions. For purposes of this section:

(a) "Abuse" or "abusive" means provider practices that are inconsistent with sound fiscal, business, or medical practices, and result in an unnecessary cost to the medical assistance program, in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care, or in physical harm, pain or mental anguish to a medical assistance recipient.

(b) "Claim" means any request or demand for payment of items or services under the state's medical assistance program, whether under a contract or otherwise.

(c) "Fraud" or "F<u>f</u>raudulent" means an intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or some other person.

(d) "Knowingly," "known" or "with knowledge" means that a person, with respect to information or an action:

(i) Has actual knowledge of the information or action; or

(ii) Acts in deliberate ignorance of the truth or falsity of the information or the correctness or incorrectness of the action; or

(iii) Acts in reckless disregard of the truth or falsity of the information or the correctness or incorrectness of the action.

(e) "Managing employee" means a general manager, business manager, administrator, director or other individual who exercises operational or managerial control over, or who directly or indirectly conducts the day-to-day operation of, an institution, organization or agency.

(f) <u>"Medicaid fraud control unit" means that medicaid fraud control unit as provided for in section 56-226, Idaho Code.</u>

<u>(g)</u> "Ownership or control interest" means a person or entity that:

(i) Has an ownership ~~interest~~ totaling twenty-five percent (25%) or more in an entity; or

(ii) Is an officer or director of an entity that is organized as a corporation; or

(iii) Is a partner in an entity that is organized as a partnership; or

(iv) Is a managing member in an entity that is organized as a limited liability company.

(2) <u>The department shall establish and operate an administrative fraud control program to enforce violations of the provisions of this chapter and of the state plan pursuant to subchapters XIX and XXI, chapter 7, title 42, U.S.C., that are outside the scope of the duties of the medicaid fraud control unit and to render and receive referrals from and to said unit.</u>

<u>(3) Review of d</u>~~D~~<u>ocumentation</u> of services. All claims submitted by providers for payment are subject to prepayment and postpayment review as designated by rule. Except as otherwise provided by rule, providers

shall generate documentation at the time of service sufficient to support each claim. ~~and--shall-retain-the-documentation-for-a-minimum-of five-(5)-years-from-the-date-the--item--or--service--was--provided.~~ The department or authorized agent shall be given immediate access to such documentation upon written request.

(~~3~~4) Immediate action. In the event that the department identifies a suspected case of fraud or abuse and the department has reason to believe that payments made during the investigation may be difficult or impractical to recover, the department may suspend or withhold payments to the provider pending investigation. In the event that the department identifies a suspected case of fraud or abuse and it determines that it is necessary to prevent or avoid immediate danger to the public health or safety, the department may summarily suspend a provider agreement pending investigation. When payments have been suspended or withheld or a provider agreement suspended pending investigation, the department shall provide for a hearing within thirty (30) days of receipt of any duly filed notice of appeal.

(~~4~~5) Recovery of payments. Upon referral of a matter from the medicaid fraud control unit, or ~~if~~ it is determined by the department that any condition of payment contained in rule, regulation, statute, or provider agreement was not met, the department may initiate administrative proceedings to recover any payments made for items or services. Interest shall accrue on overpayments at the statutory rate set forth in section 28-22-104, Idaho Code, from the date of final determination of the amount owed for items or services until the date of recovery.

(~~5~~6) Provider status. The department may terminate the provider agreement or otherwise deny provider status to any individual or entity who:

(a) Submits a claim with knowledge that the claim is incorrect, including reporting costs as allowable which were known to be disallowed in a previous audit, unless the provider clearly indicates that the item is being claimed to establish the basis for an appeal and each disputed item and amount is specifically identified; or

(b) Submits a fraudulent claim; or

(c) Knowingly makes a false statement or representation of material fact in any document required to be maintained or submitted to the department; or

(d) Submits a claim for an item or service known to be medically unnecessary; or

(e) Fails to provide, upon written request by the department, immediate access to documentation required to be maintained; or

(f) Fails repeatedly or substantially to comply with the rules and regulations governing medical assistance payments; or

(g) Knowingly violates any material term or condition of its provider agreement; or

(h) Has failed to repay, or was a "managing employee" or had an "ownership or control interest" in any entity that has failed to repay, any overpayments or claims previously found to have been obtained contrary to statute, rule, regulation or provider agreement; or

(i) Has been found, or was a "managing employee" in any entity which has been found, to have engaged in fraudulent conduct or abusive conduct in connection with the delivery of health care items or services; or

(j) Fails to meet the qualifications specifically required by rule or by any applicable licensing board.

Any individual or entity denied provider status under this section may be precluded from participating as a provider in the medical assistance program for up to five (5) years from the date the department's action becomes final.

(7) The department must refer all cases of suspected fraud to the medicaid fraud control unit and shall promptly comply with any request from the medicaid fraud control unit for access to and free copies of any records or information kept by the department or its contractors, computerized data stored by the department or its contractors, and any information kept by providers to which the department is authorized access by law.

(~~6~~8) Civil monetary penalties. The department may also assess civil monetary penalties against a provider and any officer, director, owner, and/or managing employee of a provider for conduct identified in subsections (~~5~~6)(a) through (~~5~~6)(i) of this section. The amount of the penalties shall be up to one thousand dollars ($1,000) for each item or service improperly claimed, except that in the case of multiple penalties the department may reduce the penalties to not less than twenty-five percent (25%) of the amount of each item or service improperly claimed if an amount can be readily determined. Each line item of a claim, or cost on a cost report is considered a separate claim. These penalties are intended to be remedial, recovering at a minimum costs of investigation and administrative review, and placing the costs associated with noncompliance on the offending provider.

(~~7~~9) Exclusion. Any individual or entity convicted of a criminal offense related to the delivery of an item or service under any state or federal program shall be excluded from program participation for a period of not less than ten (10) years. Unless otherwise provided in this section or required by federal law, the department may exclude any individual or entity for a period of not less than one (1) year for any conduct for which the secretary of the department of health and human services or designee could exclude an individual or entity.

(~~8~~10) Adoption of rules. The department shall promulgate such rules as are necessary to carry out the policies and purposes of this section.

SECTION 3. 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 56-209o, Idaho Code, and to read as follows:

56-209o. FAILURE TO RETAIN RECORDS. (1) Whoever receives payment for treatment, services or goods under the provisions of this chapter or under the state plan pursuant to subchapter XIX or XXI, chapter 7, title 42, U.S.C., shall retain for a period of at least five (5) years all records required to be maintained by rule of the department for administration of the medicaid program.

(2) It shall be unlawful with an intent to evade or avoid the provisions of this act: to fail to retain the records specified in subsection (1) of this section for a period of at least five (5) years from the date payment was claimed or received, whichever is later; or to knowingly destroy or cause the records specified in subsection (1) of this section to be destroyed within five (5) years from the date payment was claimed or received, whichever is later. Any person who, with an

intent to evade or avoid the provisions of this act, fails to retain records or destroys records or causes records to be destroyed as provided in this subsection (2), with an intent to evade or avoid the provisions of this act, shall be subject to the following criminal sanctions:

(a) If the treatment, services or goods for which records were not retained or for which records were destroyed amount to not more than one thousand dollars ($1,000), the person shall be guilty of a misdemeanor and shall be sentenced pursuant to section 18-113, Idaho Code.

(b) If the value of the treatment, services or goods for which records were not retained or for which records were destroyed is more than one thousand dollars ($1,000), the person shall be guilty of a felony and shall be sentenced pursuant to section 18-112, Idaho Code.

(c) If the records not retained or destroyed were used in whole or in part to determine a rate of payment under the program, the person shall be guilty of a misdemeanor and shall be sentenced pursuant to section 18-113, Idaho Code.

SECTION 4. 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 56-226, Idaho Code, and to read as follows:

56-226. MEDICAID FRAUD CONTROL UNIT. (1) There is hereby established in the office of the attorney general the medicaid fraud control unit which shall have the authority and responsibilities as set forth in this section.

(2) Notwithstanding the authority and responsibility granted to the director of the department to provide for fraud control in other aspects of public assistance and public health programs, the medicaid fraud control unit shall have the authority and responsibility to conduct a statewide program for the investigation and prosecution of violations of all applicable Idaho laws pertaining to fraud in the administration of the medicaid program, the provision of medical assistance and in the activities of providers of medical assistance and services under the state plan. Further, upon approval of the inspector general of the relevant federal agency, the office of the attorney general shall have the authority and responsibility to investigate and to prosecute violations of any aspect of the provision of health care services and activities of providers of such services under any federal health care program as defined in 42 U.S.C. section 1320(a)-7b(f)1, if the suspected fraud or violation of law in such investigation or prosecution is substantially related to the state plan. The medicaid fraud control unit shall be under the exclusive control of the attorney general and be separate and distinct from the department. No official from the department shall have authority to review or override the prosecutorial decisions made by the medicaid fraud control unit.

(3) The medicaid fraud control unit shall also:

(a) Review complaints of abuse or neglect of medicaid recipients in health care facilities which receive payment pursuant to the state plan and may review complaints of the misappropriation of patients' private funds in such facilities; and

(b) Review complaints of abuse or neglect of medicaid recipients residing in a board and care facility.

(4) The medicaid fraud control unit shall attempt to collect or refer to the department for collection overpayments that are made to providers of facilities under the state plan or under any federal health care program to health care facilities that are the result of fraudulent acts and that are discovered by the medicaid fraud control unit in carrying out its responsibilities under this section. Notwithstanding any other provision of Idaho Code, all funds collected by the medicaid fraud control unit in accordance with this subsection (4) shall be deposited into the state general fund.

(5) The office of the attorney general shall employ such auditors, attorneys, investigators and other personnel as are necessary to carry out the responsibilities of the medicaid fraud control unit as set forth under this section.

(6) The office of the attorney general shall submit to the secretary of the federal department of health and human services applications and reports containing such information as is determined by the secretary by regulation to be necessary to meet the requirements of subchapter XIX, chapter 7, title 42, U.S.C.

(7) In carrying out its duties and responsibilities under this section, the medicaid fraud control unit may:

(a) Request and receive the assistance of any prosecutor or law enforcement agency in the investigation and prosecution of any violation of any applicable Idaho laws pertaining to fraud in the administration of the medicaid program, the provision of medical assistance and in the activities of providers of medical assistance and services under the state plan;

(b) Enter upon the premises of any provider participating in the medicaid program to:

(i) Examine all accounts and records that are relevant in determining the existence of fraud in the medicaid program;

(ii) Investigate alleged abuse or neglect of medicaid recipients; or

(iii) Investigate alleged misappropriation of patients' private funds. The accounts or records of a nonmedicaid recipient may not be reviewed by, or turned over to the medicaid fraud control unit without the patient's written consent or a court order; and

(c) Notwithstanding any other provision of law, upon written request have full access to all records held by a medicaid provider, or by any other person on his or her behalf, that are relevant to the determination of the:

(i) Existence of civil violations or criminal offenses under this chapter or related offenses;

(ii) Existence of medicaid recipient abuse, mistreatment or neglect; or

(iii) Theft of medicaid recipient funds.

No person holding such records shall refuse to provide the medicaid fraud control unit access to such records for the purposes described in this section on the basis that release would violate the medicaid recipient's right of privacy or privilege against disclosure or use or any professional or other privilege or right.

(8) The medicaid fraud control unit shall safeguard the privacy

rights of medicaid recipients to avoid unnecessary disclosure of personal information concerning named medicaid recipients. The medicaid fraud control unit may transmit such information that it deems appropriate to the department and to other agencies concerned with the regulation of health care facilities or health professionals.

(9) The attorney general shall have the authority to adopt rules necessary to implement the duties and responsibilities assigned to the medicaid fraud control unit under this section.

(10) As used in this section:

(a) "Board and care facility" means a provider of medicaid services in a residential setting which receives payment from or on behalf of two (2) or more unrelated adults who reside in such facility, and for whom one (1) or more of the following is provided:

(i) Nursing care services provided by, or under the supervision of, a registered nurse, licensed practical nurse or certified nurses aide; or

(ii) A substantial amount of personal care services that assist residents with the activities of daily living, including personal hygiene, dressing, bathing, eating, toileting, ambulation, transfer of positions, self-medication, body care, travel to medical services, essential shopping, meal preparation, laundry and housework.

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

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

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

(e) "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.

(f) "Recipient" means an individual determined eligible by the director for the services provided in the state plan for medicaid.

(g) "State plan" means the Idaho state plan pursuant to subchapter XIX, chapter 7, title 42 U.S.C.

SECTION 5. That Section 56-227, Idaho Code, be, and the same is hereby amended to read as follows:

56-227. FRAUDULENT ACTS -- PENALTY. (a) Whoever knowingly obtains, or attempts to obtain, or aids or abets any person in obtaining, by means of a willfully false statement or representation, material omission, or fraudulent devices, public assistance, relief or federal-aid assistance to which he is not entitled, or in an amount greater than that to which he is justly entitled, shall be punished in the same manner and to the same extent as for larceny or theft of the money or value of the public assistance so obtained or attempted to be so obtained.

(b) Whoever sells, conveys, mortgages or otherwise disposes of his property, real or personal, or conceals his income or resources, for the purpose of rendering him eligible for any form of assistance, theretofore or thereafter applied for, to which he would not otherwise be entitled, shall be punished in the same manner and to the same extent as for larceny or theft of the money or value of the assistance so obtained or so attempted to be obtained.

(c) Every person who knowingly aids or abets any person in selling, conveying, mortgaging or otherwise disposing of his property, real or personal, or in concealing his income or resources for the purpose of rendering him eligible for any form of public assistance or relief, theretofore or thereafter applied for and received, to which he would not otherwise be entitled, shall be punished in the same manner and to the same extent as for larceny or theft of the money or value of the public assistance or relief so obtained or attempted to be obtained.

(d) For the purpose of this section federal-aid assistance shall include the specific categories of assistance for which provision is made in any federal law existing or hereafter enacted by the congress of the United States by which payments are made from the federal government to the state in aid or in respect to payment by the state for welfare purposes to any category of needy person and any other program of assistance for which provision for federal funds for aid may from time to time be made.

~~(e) The state department of health and welfare shall establish and operate a fraud control program as permitted by section 416 of the social security act as now or hereafter amended.~~

SECTION 6. That Section 56-227B, Idaho Code, be, and the same is hereby amended to read as follows:

56-227B. PROVIDER FRAUD -- DAMAGES. Any provider who knowingly with intent to defraud by means of false statement or representation, obtains compensation from public funds greater than that to which he is legally entitled for services or supplies furnished or purportedly furnished shall be liable for civil damages equal to three (3) times the amount by which any figure is falsely overstated. The director of the department of health and welfare or the attorney general shall have the right to cause legal action to be taken for the recovery of such damages when persuaded that a reimbursement claim for payment is falsely overstated. The burden of proof for such recovery action shall be that which is used in other civil actions for the recovery of damages. The remedy provided by this section shall be in addition to any other remedy provided by law.

If any provider of services or supplies is required to refund or repay all or part of any payment received by said provider under the provisions of this section, said refund or repayment shall bear interest from the date payment was made to such provider to the date of said refund or repayment. Interest shall accrue at the rate of ten ~~per cent~~ percent (10%) per annum. ~~If, as a result of such~~ The prevailing party in an action, ~~the provider of services or supplies is not required to refund or repay any payment received by said provider~~ under ~~the terms of~~ this section~~,~~ shall be awarded costs and reasonable attorney's fees ~~shall be allowed the provider~~ incurred in bringing or defending the action. Notwithstanding any other provision of the Idaho Code, all costs and attorney's fees awarded to the department of health and welfare or the attorney general pursuant to this section shall be deposited into the state general fund.

SECTION 7. That Section 56-227C, Idaho Code, be, and the same is hereby amended to read as follows:

56-227C. SUBPOENA POWER. (1) The director, or his authorized representative, and the director of the Idaho state police~~,~~ or his authorized representative, ~~and any prosecuting attorney of any county,~~ for the purposes contemplated by this act, have power to issue subpoenas, compel the attendance of witnesses, administer oaths, certify to official acts, take depositions within and without the state of Idaho, as now provided by law, compel the production of pertinent books, payrolls, accounts, papers, records, documents and testimony. If a person in attendance before such director or his authorized representative ~~or prosecuting attorney~~ refuses, without reasonable cause, to be examined or to answer a legal and pertinent question, or to produce a book or paper or other evidence when ordered so to do by the director or his authorized representative, ~~or prosecuting attorney,~~ said director or his authorized representative ~~or prosecuting attorney~~ may apply to the judge of the district court of the county where such person is in attendance, upon affidavit for an order returnable in not less than two (2) or more than five (5) days, directing such person to show cause before such judge, or any other judge of such district, why he should not be punished for contempt; upon the hearing of such order, if the judge shall determine that such person has refused, without reasonable cause or legal excuse, to be examined or to answer a legal or pertinent question, or to produce a book or paper which he was ordered to bring or produce, he may forthwith punish the offender as for contempt of court.

(a) ~~No~~ If any person ~~shall~~ asks to be excused from attending or testifying or from producing any books, ~~or~~ payrolls, accounts, papers, records, ~~or~~ documents or other evidence in connection with any investigation or inquiry ~~by~~ or upon any hearing before any officer so authorized ~~upon~~ pursuant to this subsection (1), or in any proceeding or action before any court upon a charge or violation of this subsection (1), on the ground that the testimony or evidence~~, books, papers or documents~~ required of him may tend to incriminate him or subject him to penalty or forfeiture~~; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he is compelled, after claiming his privileges against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying~~, and if such person, notwithstanding such request, is directed to give such testimony or produce such evidence, the person must, if so directed by the director or his authorized representative, comply with such direction.

(b) After complying, and if, but for this subsection (1), the person would have been privileged to withhold the answer given or the evidence produced by him, then the answer, the evidence and any information directly or indirectly derived from the answer or evidence, may not be used against the compelled person in any manner in a criminal case, except that the person may nevertheless be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt committed in answering or failing to answer or in producing or failing to produce evidence in accordance with the order. Such evidence may be used in the refusal, suspension or revocation of any license, permission or authority conferred, or to be conferred, pursuant to Idaho Code.

(2) The attorney general or any prosecuting attorney or the designated agent of either shall have the authority to issue subpoenas to an enrolled or formerly enrolled provider of services pursuant to the medicaid program to compel production of any books, payrolls, accounts, papers, records or documents that are required to be maintained under the medicaid provider agreement executed by such provider or formerly enrolled provider as may be relevant to an investigation of fraud or other crime directly related to the use of medicaid program funds or services provided through the medicaid program that are not already in the possession of the director of the department of health and welfare or his designated agent. The attorney general or any prosecuting attorney or the designated agent of either may also compel testimony by the custodian of the items subpoenaed concerning the production and authenticity of those items. Subpoenas for records or information which are not required to be maintained under a provider agreement shall only be issued through subpoena powers in judicial proceedings. A subpoena under this subsection (2) shall describe the items required to be produced with particularity and prescribe a return date of a reasonable period of time within which the items can be assembled and made available to the attorney general or any prosecuting attorney or the designated agent of either.

(3) Subpoenas issued pursuant to this section shall be served and witness fees and mileage paid as allowed in civil cases in the district courts of this state.

(4) ~~Inspectors--and--i~~Investigators employed by the ~~Idaho-state police~~ attorney general for the ~~enforcement-of--this--act~~ investigation and prosecution of providers of services pursuant to the medicaid program shall have all the authority given by statute to peace officers of the state of Idaho, including, but not limited to, authority to obtain, serve and execute warrants of arrest and warrants of search and seizure.

SECTION 8. That Section 56-227D, Idaho Code, be, and the same is hereby amended to read as follows:

56-227D. FEDERAL FOOD STAMPS -- UNAUTHORIZED USE -- EXCEPTION -- DEFINITION. (~~a~~1) It is a misdemeanor for any person to buy, receive, sell, give away, dispose of, exchange or barter any federal food stamps of a value of one hundred fifty dollars ($150) or less, except for the eligible foods for which they are issued.

(~~b~~2) It is a felony for any person to buy, receive, sell, give away, dispose of, exchange or barter any federal food stamps of a value exceeding one hundred fifty dollars ($150), except for the eligible foods for which they are issued.

(~~c~~3) This section does not apply to any person buying, receiving, selling, giving away, disposing of, exchanging or bartering any federal food stamps subsequent to the redemption of such stamps in the manner provided by state or federal law.

(~~d~~4) As used in this section, federal food stamps refers to stamps issued for food by the United States department of agriculture or its duly authorized agent.

(5) This section shall be enforced by the director of the department of health and welfare in cooperation with local law enforcement and prosecuting agencies. Such enforcement shall not be the responsibility of the medicaid fraud control unit as provided in section 56-226, Idaho Code.

SECTION 9. 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 56-227E, Idaho Code, and to read as follows:

56-227E. OBSTRUCTION OF INVESTIGATION. (1) An obstruction of investigation consists of knowingly:

(a) Providing false information to, or knowingly withholding information from, any person requesting such information if that person is authorized to investigate a violation of this chapter or to enforce the criminal or civil remedies of this chapter where that information is properly requested and is material to the investigation or enforcement; or

(b) Altering any document or record required to be retained pursuant to this chapter or any rule issued by the department of health and welfare, when the alteration is intended to mislead an investigation and concerns information material to that investigation.

(2) Whoever commits an obstruction of investigation shall be guilty of a felony and shall be sentenced pursuant to the provisions of section 18-112, Idaho Code.

SECTION 10. That Section 67-1401, Idaho Code, be, and the same is hereby amended to read as follows:

67-1401. DUTIES OF ATTORNEY GENERAL. Except as otherwise provided in this chapter, it is the duty of the attorney general:

(1~~.~~) To perform all legal services for the state and to represent the state and all departments, agencies, offices, officers, boards, commissions, institutions and other state entities, in all courts and before all administrative tribunals or bodies of any nature. Representation shall be provided to those entities exempted pursuant to the provisions of section 67-1406, Idaho Code. Whenever required to attend upon any court or administrative tribunal the attorney general shall be allowed necessary and actual expenses, all claims for which shall be audited by the state board of examiners.

(2~~.~~) To advise all departments, agencies, offices, officers, boards, commissions, institutions and other state entities in all matters involving questions of law.

(3~~.~~) After judgment in any of the causes referred to in the first subdivision, to direct the issuing of such process as may be necessary to carry the same into execution.

(4~~.~~) To account for and pay over to the proper officer all moneys received which belong to the state.

(5~~.~~) To supervise nonprofit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust and to enforce whenever necessary any noncompliance or departure from the general purpose of such trust and, in order to accomplish such purpose, said nonprofit corporations, corporations, charitable or benevolent societies, person or persons holding

property subject to any public or charitable trust are subject at all times to examination by the attorney general, on behalf of the state, to ascertain the condition of its affairs and to what extent, if at all, said trustee or trustees may have failed to comply with trusts said trustee or trustees have assumed or may have departed from the general purpose for which it was formed. In case of any such failure or departure, the attorney general shall institute, in the name of the state, any proceeding necessary to enforce compliance with the terms of the trust or any departure therefrom.

(6~~.~~) To give an opinion in writing, without fee, to the legislature or either house thereof, or any senator or representative, and to the governor, secretary of state, treasurer, state controller, and the superintendent of public instruction, when requested, upon any question of law relating to their respective offices. The attorney general shall keep a record of all written opinions rendered by the office and such opinions shall be compiled annually and made available for public inspection. All costs incurred in the preparation of said opinions shall be borne by the office of the attorney general. A copy of the opinions shall be furnished to the supreme court and to the state librarian.

(7~~.~~) When required by the public service, to repair to any county in the state and assist the prosecuting attorney thereof in the discharge of duties.

(8~~.~~) To bid upon and purchase, when necessary, in the name of the state, and under the direction of the state controller, any property offered for sale under execution issued upon judgments in favor of or for the use of the state, and to enter satisfaction in whole or in part of such judgments as the consideration for such purchases.

(9~~.~~) Whenever the property of a judgment debtor in any judgment mentioned in the preceding subdivision has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance, taking precedence of the judgment in favor of the state, under the direction of the state controller, to redeem such property from such prior judgment, lien, or encumbrance; and all sums of money necessary for such redemption must, upon the order of the board of examiners, be paid out of any money appropriated for such purposes.

(10~~.~~) When necessary for the collection or enforcement of any judgment hereinbefore mentioned, to institute and prosecute, in behalf of the state, such suits or other proceedings as may be necessary to set aside and annul all conveyances fraudulently made by such judgment debtors; the cost necessary to the prosecution must, when allowed by the board of examiners, be paid out of any appropriations for the prosecution of delinquents.

(11~~.~~) To exercise all the common law power and authority usually appertaining to the office and to discharge the other duties prescribed by law.

(12~~.~~) To report to the governor, at the time required by this code, the condition of the affairs of the attorney general's office and of the reports received from prosecuting attorneys.

(13~~.~~) To appoint deputy attorneys general and special deputy attorneys general and other necessary staff to assist in the performance of the duties of the office. Such deputies and staff shall be nonclassified employees within the meaning of section 67-5302, Idaho Code.

(14) To establish a medicaid fraud control unit pursuant to the provisions of section 56-226, Idaho Code, and to exercise concurrent

investigative and prosecutorial authority and responsibility with county prosecutors to prosecute persons for the violation of the criminal provisions of chapter 2, title 56, Idaho Code, and for criminal offenses that are not defined in said chapter 2, title 56, Idaho Code, but that involve or are directly related to the use of medicaid program funds or services provided through the medicaid program.

Approved April 2, 2007.

CHAPTER 342
(H.B. No. 253, As Amended in the Senate)

AN ACT

RELATING TO THE IDAHO BOND BANK AUTHORITY; AMENDING CHAPTER 87, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-8729, IDAHO CODE, TO CREATE THE IDAHO BOND BANK ADMINISTRATIVE FUND AND TO PROVIDE FOR DEPOSITS TO THE FUND, APPROPRIATIONS FROM THE FUND AND USES OF THE FUND.

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

SECTION 1. That Chapter 87, 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 67-8729, Idaho Code, and to read as follows:

67-8729. IDAHO BOND BANK ADMINISTRATIVE FUND. (1) There is hereby created in the state treasury the "Idaho Bond Bank Administrative Fund" to which shall be credited:

(a) Fees collected from municipalities or other potential sellers of municipal bonds in connection with application for and receipt of financing under this chapter, and interest and other charges on or in connection with municipal bonds purchased as it may deem necessary or appropriate to cover all costs and expenses of the authority and its operations;

(b) Fees and charges collected to cover costs associated with the powers and duties of the authority as required in section 67-8705, Idaho Code;

(c) Interest earned on the investment of idle moneys in the fund, which shall be paid to the fund; and

(d) All other moneys as may be provided by law.

(2) Moneys in the fund shall be continuously appropriated to the treasurer of the state of Idaho, and any moneys remaining in the fund at the end of each fiscal year shall not be appropriated to any other fund.

(3) Moneys in the fund shall only be used to effect the purposes of chapter 87, title 67, Idaho Code, pursuant to the provisions as prescribed therein; provided however, the Idaho bond bank administrative fund is authorized to retain a portion of the moneys not to exceed one-half of one percent (0.5%) of the fund's annual revenues to defray costs associated with the implementation, administration and oversight of the Idaho bond bank authority.

Approved April 2, 2007.

CHAPTER 343
(H.B. No. 295, As Amended in the Senate)

AN ACT

RELATING TO THE ROBERT R. LEE PROMISE SCHOLARSHIP PROGRAM; AMENDING SECTION 33-4304, IDAHO CODE, TO REVISE THE PUBLIC POLICY STATEMENT TO INCLUDE REFERENCE TO ALL OF IDAHO'S STUDENTS; AMENDING SECTION 33-4306, IDAHO CODE, TO REVISE THE DEFINITIONS OF "ELIGIBLE CATEGORY A STUDENT," "HIGH SCHOOL RECORD" FOR CATEGORY A STUDENTS AND "HIGH SCHOOL RECORD" FOR CATEGORY B STUDENTS; AND AMENDING SECTION 33-4307, 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 33-4304, Idaho Code, be, and the same is hereby amended to read as follows:

33-4304. PUBLIC POLICY. The legislature hereby recognizes and declares that substantial economic and social benefits accrue to the state because of an educated citizenry, and that the encouragement of the state's most talented Idaho ~~secondary school graduates~~ students to enroll in Idaho postsecondary educational institutions is an important element for assuring the future leadership for the state.

SECTION 2. That Section 33-4306, Idaho Code, be, and the same is hereby amended to read as follows:

33-4306. DEFINITIONS. As used in this act, unless the context otherwise requires:

(1) "Eligible postsecondary institution" means a public postsecondary organization governed or supervised by the state board of education, the board of regents of the university of Idaho, a board of trustees of a community college established pursuant to the provisions of section 33-2106, Idaho Code, or the state board for professional-technical education or any educational organization which is operated privately and not for profit under the control of an independent board and not directly controlled or administered by a public or political subdivision. A public or private educational organization becomes eligible to participate in category B grant awards if the organization agrees to match awards granted to each eligible category B student. If an institution declines to match awards, an eligible student will receive the state portion of the award to that institution.

(2) "Educational costs" means student costs for tuition, fees, room and board, or expenses related to reasonable commuting, books and such other expenses reasonably related to attendance at a postsecondary educational institution.

(3) "Student" means an individual resident student as defined in section 33-3717B or 33-2110B, Idaho Code, enrolled full time and carrying a sufficient number of credit hours, or their equivalent, to secure an individual's first degree, certificate, diploma or less, toward which the individual is working, in no more than the number of semesters, or equivalent, normally required by the eligible postsecondary institution

in the program in which the individual is enrolled and provided that the baccalaureate degree, certificate, diploma or lesser program requires at least six (6) months or equivalent of consecutive attendance. A student engaged in a four (4) year baccalaureate program shall not be terminated from this scholarship program by having earned an intermediate degree, certificate or diploma.

(4) "Enrollment" means the establishment and maintenance of an individual's status as a student in an eligible postsecondary institution, regardless of the term used at the institution to describe such status.

(5) "Eligible category A student" means any individual who declares his intention to matriculate in an eligible postsecondary institution in the state of Idaho during the educational year immediately following:

(a) The individual's ~~graduation--from-an-accredited~~ completion of secondary school or its equivalent in the state of Idaho; or

(b) The individual's graduation from an accredited secondary school, or completion of secondary school or its equivalent, outside of the United States, provided that the individual graduated from such school or successfully completed all requirements, and the individual and a parent of the individual were residents of the state of Idaho, within one (1) year of leaving the state due to the military status or job relocation of a parent.

(6) "Eligible category B student" means any student, having completed secondary school or its equivalent in the state of Idaho, or outside of the United States if within one (1) year of leaving the state due to the military status or job relocation of a parent (a) the student completed such secondary school or its equivalent, and (b) the student and a parent of the student were residents of the state of Idaho, and who enrolls as a student in an eligible postsecondary institution in the state of Idaho prior to reaching twenty-two (22) years of age. To maintain eligibility a student must achieve and maintain a 2.5 cumulative grade point average while enrolled in an eligible postsecondary institution. Students meeting the requirements of this subsection who were not eligible for a grant in the first term of postsecondary education and who achieve and maintain a 2.5 cumulative grade point average based on a 4.0 system in an eligible postsecondary institution will become eligible for grant payments in subsequent school terms.

(7) "Grant" means an award to an eligible student for matriculation in an eligible postsecondary institution in the state of Idaho.

(8) "Educational year" means the period from July 1 of a year through June 30 of the succeeding year.

(9) "Competitive examination" means standardized examination(s) measuring achievement administered annually on a voluntary basis on a specified date and at specified locations announced publicly.

(10) "High school record," for category A students, ~~will~~ shall be defined by the state board of education and the board of regents of the university of Idaho and ~~may~~ shall include, but need not be limited to, an individual's ~~rank-in-his-secondary--school--class,~~ cumulative grade point average~~,~~ and such other measure that demonstrates difficulty of course load taken ~~as~~ and extraordinary academic performance, and which for Idaho secondary school graduates is certified by an official of such secondary school~~,--and--the-individual's-secondary-school-deportment-as evaluated-by-at-least-two-(2)-officials-of-such-secondary-school~~.

(11) "High school record," for category B students, shall be defined

by the state board of education and the board of regents of the university of Idaho and ~~may~~ shall include, but need not be limited to, an individual's secondary school cumulative grade point average or a composite score on the American college test (ACT).

(12) "Cumulative grade point average" is defined as a student's cumulative grade point average for all courses taken in grades nine (9) through twelve (12) and calculated on a grade of A equals 4.0 points, a grade of B equals 3.0 points, a grade of C equals 2.0 points, a grade of D equals 1.0 point and a grade of F equals 0.0 points.

SECTION 3. That Section 33-4307, Idaho Code, be, and the same is hereby amended to read as follows:

33-4307. ELIGIBILITY -- MAXIMUM AMOUNTS -- CONDITIONS. A grant may be awarded to an eligible student for matriculation at an eligible postsecondary educational institution in the state of Idaho if:

(1) The individual is accepted for enrollment as a full-time undergraduate or professional-technical student, as follows:

(a) In the case of an individual beginning his first year or freshman year of postsecondary education, he has satisfied the requirements for admission and has enrolled in an eligible postsecondary institution.

(b) In the case of an individual enrolled in an eligible postsecondary institution following the successful completion of the first term, he continues to meet the requirements of this act and has maintained such high standards of performance as may be required. Provided that high academic standards are maintained in accordance with requirements of this chapter, a student continues to be eligible when transferring from one (1) major program to another.

(c) In the case of an individual transferring from one (1) eligible postsecondary institution in Idaho to another eligible postsecondary institution in Idaho, he continues to meet the requirements of this act, is accepted and enrolled at the eligible postsecondary institution to which he is transferring, and has maintained such high standards of performance as may be required.

(2) The grant for category A students is as follows:

(a) The grant payment to an individual per educational year for attendance on a full-time basis is not in excess of an amount determined annually by the state board of education or in excess of the total educational costs as certified by an official of the eligible postsecondary institution to be attended by the individual receiving the grant, whichever is less.

(b) The total grant payments over a period of six (6) years to an individual may not exceed four (4) annual grants or the total educational costs for four (4) educational years completed as certified by an official of the eligible postsecondary institution or institutions attended by the individual receiving the grant, whichever is less.

(c) The individual receiving such a grant signs an affidavit stating that the grant will be used for educational costs only.

(d) The grant is awarded on the basis of extraordinary performance in standardized, unweighted competitive examination and high school record.

(e) The individual receiving the grant is not precluded from

receiving other financial aid, awards, or scholarships, provided the total of the grant and such other financial aids, awards or scholarships does not exceed the total educational costs for attendance at an eligible postsecondary institution as certified by an official of the eligible postsecondary institution to be attended by the individual receiving the grant.

(f) Grant payments shall correspond to academic terms, semesters, quarters or equivalent time periods at an eligible postsecondary institution; in no instance may the entire amount of a grant for an educational year, as defined in section 33-4306(~~10~~8), Idaho Code, be paid to or on behalf of such student in advance.

(g) The individual has complied with such rules as may be necessary for the administration of this act.

(3) The grant for category B students is as follows:

(a) The grant payment to an individual per educational year for attendance on a full-time basis is not in excess of an amount determined annually by the state board of education and the board of regents of the university of Idaho and not to exceed one thousand two hundred dollars ($1,200) per year including the required match.

(b) The total grant payments over a period of four (4) years to an individual may not exceed two (2) annual grants.

(c) The individual receiving such a grant signs an affidavit stating that the grant will be used for educational costs only.

(d) The grant is awarded on the basis of a high school record of a 3.0 grade point average or an ACT composite score of 20 or better and other criteria as may be established by the state board of education and the board of regents of the university of Idaho.

(e) The individual receiving the grant is not precluded from receiving other financial aid, awards or scholarships except that category A student award recipients are not eligible for category B awards.

(f) Grant payments shall correspond to academic terms, semesters, quarters or equivalent time periods at an eligible postsecondary institution; in no instance may the entire amount of a grant for an educational year, as defined in section 33-4306(8), Idaho Code, be paid to or on behalf of such student in advance. The first grant payments pursuant to this section for category B students shall be made in the fall of 2001 or in the first fall academic term following an appropriation and when moneys are available to implement the category B scholarship program, whichever date is later.

(g) The individual has complied with such rules as may be necessary for the administration of this chapter.

(h) All eligible postsecondary institutions will report annually to the state board of education and the board of regents of the university of Idaho the number of students for each term receiving a grant award and the number of awards that were matched by the institution.

Approved April 2, 2007.

CHAPTER 344
(H.B. No. 325)

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; EXPRESSING LEGISLATIVE INTENT CONCERNING THE APPROPRIATION FOR THE CENTER FOR LIVESTOCK AND ENVIRONMENTAL STUDIES; PROVIDING FOR NONSEVERABILITY OF THIS ACT; AND DECLARING AN EMERGENCY FOR SPECIFIED SECTIONS 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:	$ 69,558,900
(1) Alterations and Repairs	
(2) Asbestos Abatement	
(3) Statewide ADA Compliance	
(4) Capitol Mall Maintenance	
B. IDAHO STATE POLICE:	
(1) Combined Office Space for Agency Functions, Coeur d'Alene	$ 12,019,500
C. OFFICE OF THE GOVERNOR--MILITARY DIVISION:	
(1) Armory Renovation--Idaho Falls	$ 750,000
D. DEPARTMENT OF FISH AND GAME:	
(1) Office Addition, Pocatello	$ 770,000
E. DEPARTMENT OF CORRECTION:	
(1) South Idaho Correctional Institution--Laundry Facility	$ 1,000,000
(2) Planning for Idaho Security Medical Facility	3,000,000
(3) ICC: 300-Bed Expansion	1,300,000
TOTAL	$ 5,300,000
F. DEPARTMENT OF HEALTH AND WELFARE:	
(1) State Hospital South--Renovate Utility Building	$ 1,414,000
(2) BSL-3 Laboratory	900,000
TOTAL	$ 2,314,000

G. STATE BOARD OF EDUCATION:	
(1) University of Idaho	
(a) Center for Livestock and Environmental Studies	$ 10,000,000
(b) Fish Culture Experiment Station	150,000
SUBTOTAL	$ 10,150,000
(2) College of Southern Idaho—Health Sciences and Human Services Building	$ 21,111,600
(3) Lewis Clark State College—Health Sciences Building	16,000,000
TOTAL	$ 47,261,600
GRAND TOTAL	$137,974,000

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 the effective date of this section or as soon thereafter as is practicable, $98,363,600 from the General Fund to the Permanent Building Fund.

SECTION 6. It is legislative intent that the $10 million appropriated in this act for the Center for Livestock and Environmental Studies (CLES) is contingent upon amendment of the federal Morrill Act (7 U.S.C. 301 et seq.) for the purpose of allowing the State Board of Land Commissioners to sell or exchange Agricultural College Endowment lands, and use the equity in those lands for the acquisition of land and the construction of buildings and other real estate improvements necessary for the construction of the CLES facilities.

Upon amendment of the Morrill Act, the University of Idaho College of Agricultural and Life Sciences shall seek final recommendation from

the Governor, and final authorization and approval from the State Board of Education and the Board of Regents of the University of Idaho and the Joint Finance-Appropriations Committee prior to the release of the $10 million appropriated in this act.

After the initial build-out and start-up of the CLES full-scale operating dairy platform, no further funds from the state of Idaho, University of Idaho, or state agency shall be expended on the operation or maintenance of the operating dairy platform.

In the event the Morrill Act is not amended within twenty-four (24) months of the enactment of this act, the $10 million appropriated in this act shall remain in the Permanent Building Fund for future allocation to statewide alterations and repairs.

SECTION 7. NONSEVERABILITY. The provisions of this act are hereby declared to be nonseverable and if any provision of this act is declared invalid for any reason, such declaration shall affect the validity of the remaining portions of this act and the remaining portions of this act shall be null, void and of no force and effect.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, Section 5 and funding for the project in subsection E.(3) of Section 1 of this act shall be in full force and effect on and after passage and approval.

Approved April 2, 2007.

CHAPTER 345
(H.B. No. 326)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2008; INCREASING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2008; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR MEDICAL ASSISTANCE SERVICES FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2007; INCREASING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS FOR THE OFFICE OF THE ATTORNEY GENERAL FOR FISCAL YEAR 2007; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED FUND BALANCES; AND DECLARING AN EMERGENCY FOR SECTIONS 4, 5 AND 6 OF THIS ACT.

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 Office of the Attorney General for the State and Legal Services Program the following amounts to be expended according to the designated expense classes from the listed funds for the period July 1, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Fund	$186,500	$ 27,800	$ 5,100	$219,400
Federal Grant Fund	416,300	103,000	45,800	565,100
TOTAL	$602,800	$130,800	$50,900	$784,500

SECTION 2. In addition to any other authorization provided by law, the Office of the Attorney General is hereby authorized six (6) full-time equivalent positions for the period July 1, 2007, through June 30, 2008.

SECTION 3. Notwithstanding any other provision of law to the contrary, the appropriation of moneys made in Section 1, House Bill No. 322, as enacted by the First Regular Session of the Fifty-ninth Idaho Legislature, to the Department of Health and Welfare for Medical Assistance Services is hereby reduced by the following amounts from the designated programs according to the designated expense class from the listed fund for the period July 1, 2007, through June 30, 2008:

II. DUAL ELIGIBLE INDIVIDUALS:	
FOR:	
Trustee and Benefit Payments	$ 36,200
FROM:	
General Fund	$ 36,200
III. INDIVIDUALS WITH DISABILITIES:	
FOR:	
Trustee and Benefit Payments	$ 99,200
FROM:	
General Fund	$ 99,200
IV. LOW-INCOME CHILDREN AND WORKING-AGE ADULTS:	
FOR:	
Trustee and Benefit Payments	$ 84,000
FROM:	
General Fund	$ 84,000
GRAND TOTAL	$219,400

SECTION 4. In addition to the appropriation made in Section 1, Chapter 295, Laws of 2006, there is hereby appropriated to the Office of the Attorney General 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 CAPITAL OUTLAY	TOTAL
FROM:			
General Fund	$35,100	$ 60,000	$ 95,100
Permanent Building Fund		50,000	50,000
TOTAL	$35,100	$110,000	$145,100

SECTION 5. In addition to the authorization made in Section 2, Chapter 295, Laws of 2006, there is hereby authorized to the Office of the Attorney General two (2) full-time equivalent positions for the period July 1, 2006, through June 30, 2007.

SECTION 6. There is hereby reappropriated to the Office of the Attorney General for the State and Legal Services Program the unexpended and unencumbered balance of moneys as appropriated in Section 4 of this act for the State and Legal Services Program to be used for the period July 1, 2007, through June 30, 2008.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, Sections 4, 5 and 6 of this act shall be in full force and effect on and after passage and approval.

Approved April 2, 2007.

CHAPTER 346
(H.B. No. 327)

AN ACT

RELATING TO THE PUBLIC SAFETY COMMUNICATIONS PROGRAM AND THE EMERGENCY COMMUNICATIONS COMMISSION; APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE MILITARY DIVISION FOR FISCAL YEAR 2008; REDUCING THE APPROPRIATION FOR THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 2008; AND AUTHORIZING ADDITIONAL FULL-TIME EQUIVALENT POSITIONS FOR THE MILITARY DIVISION AND REDUCING FULL-TIME EQUIVALENT POSITIONS FOR THE DEPARTMENT OF ADMINISTRATION.

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 Office of the Governor for the Military Division 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, 2007, through June 30, 2008:

I. BUREAU OF HOMELAND SECURITY:

FOR:	
Personnel Costs	$1,439,100
Operating Expenditures	855,300
Capital Outlay	145,600
TOTAL	$2,440,000
FROM:	
Administration and Accounting Services Fund	$2,440,000

SECTION 2. Notwithstanding any other provision of law, the appropriation to the Department of Administration is hereby reduced by the following amounts from the designated program according to the designated expense classes from the listed fund for the period July 1, 2007, through June 30, 2008:

I. INFORMATION TECHNOLOGY AND COMMUNICATIONS:

FOR:	
Personnel Costs	$1,439,100
Operating Expenditures	855,300
Capital Outlay	145,600
TOTAL	$2,440,000
FROM:	
Administration and Accounting Services Fund	$2,440,000

SECTION 3. Notwithstanding any other provision of law, the following full-time equivalent positions are authorized during the period July 1, 2007, through June 30, 2008: for the Military Division, twenty-three (23) full-time equivalent positions. Notwithstanding any other provision of law, the following full-time equivalent positions are reduced during the period July 1, 2007, through June 30, 2008: for the Department of Administration, twenty-three (23) full-time equivalent positions.

Approved April 2, 2007.

CHAPTER 347
(H.B. No. 328)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE LOTTERY FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; EXPRESSING LEGISLATIVE INTENT TO CLARIFY THE SCOPE OF THE APPROPRIATION; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

FOR:	
Personnel Costs	$ 2,689,800
Operating Expenditures	8,279,100
Capital Outlay	108,900
TOTAL	$11,077,800
FROM:	
State Lottery Fund	$11,077,800

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho State Lottery is authorized no more than forty-seven (47) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 5. The Idaho State Lottery 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 2, 2007.

CHAPTER 348
(H.B. No. 329)

AN ACT

APPROPRIATING ADDITIONAL ONE-TIME MONEYS TO THE STATE BOARD OF EDUCATION FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2008; APPROPRIATING ADDITIONAL ONGOING MONEYS TO THE STATE BOARD OF EDUCATION FOR SPECIAL PROGRAMS FOR FISCAL YEAR 2008; PROVIDING FOR THE USE OF FUNDS; APPROPRIATING ADDITIONAL MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2008; AND EXPRESSING LEGISLATIVE INTENT REGARDING USE OF FUNDS.

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 Board of Education for Special Programs for Scholarships and Grants, $10,000,000, one-time, for trustee

and benefit payments from the General Fund for the period July 1, 2007, through June 30, 2008. These moneys shall be deposited into the Opportunity Scholarship Program Account as established in House Bill No. 217, as enacted by the First Regular Session of the Fifty-ninth Idaho Legislature, for the purpose of creating the corpus of said account. Earnings therefrom shall be distributed annually as prescribed by law and subject to the conditions set forth in Section 3 of this act.

SECTION 2. In addition to any other appropriation provided by law, there is hereby appropriated to the State Board of Education for Special Programs for Scholarships and Grants, $1,925,000, ongoing, for trustee and benefit payments from the General Fund for the period July 1, 2007, through June 30, 2008. These moneys shall be used for the Idaho Opportunity Scholarship subject to the conditions set forth in Section 3 of this act.

SECTION 3. When awarding the Idaho Opportunity Scholarship, the State Board of Education shall give first priority to all eligible students attending eligible public postsecondary institutions. Any remaining scholarship funds may be made available to other eligible students attending eligible private, not-for-profit, postsecondary institutions.

SECTION 4. In addition to any other appropriation provided by law, there is hereby appropriated to the Office of the State Board of Education the following amount to be expended according to the designated expense classes from the listed fund for the period July 1, 2007, through June 30, 2008:

FOR:	
Personnel Costs	$20,000
Operating Expenditures	55,000
TOTAL	$75,000
FROM:	
General Fund	$75,000

SECTION 5. It is legislative intent that the moneys appropriated in Section 4 of this act may be used by the Office of the State Board of Education for administrative costs related to the start-up and implementation of the Idaho Opportunity Scholarship.

Approved April 2, 2007.

CHAPTER 349
(S.B. No. 1231)

AN ACT

APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING THE ALLOCATION OF SALARY SAVINGS; APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2007; AND DECLARING AN EMERGENCY FOR SECTION 5.

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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
STATE DEPARTMENT OF EDUCATION:				
FROM:				
General Fund	$3,296,300	$ 1,339,100	$ 986,100	$ 5,621,500
Driver's Education Fund	157,700	151,000	2,113,300	2,422,000
Public Instruction Fund	601,700	758,000	11,400	1,371,100
Student Tuition Recovery Fund		5,300	49,600	54,900
Federal Grant Fund	3,649,700	11,989,400		15,639,100
Indirect Cost Recovery Fund	570,200	228,100		798,300
Data Processing Services Fund		38,900		38,900
Miscellaneous Revenue Fund	162,700	40,500		203,200
TOTAL	$8,438,300	$14,550,300	$3,160,400	$26,149,000

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, 2007, through June 30, 2008, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution

plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. 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.

SECTION 5. In addition to the moneys appropriated in Section 1, Chapter 427, Laws of 2006, 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	TOTAL
STATE DEPARTMENT OF EDUCATION:				
FROM:				
Public Instruction Fund	$100,000			$100,000
Miscellaneous Revenue Fund		$201,000	$20,000	221,000
TOTAL	$100,000	$201,000	$20,000	$321,000

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

Approved April 2, 2007.

CHAPTER 350
(S.B. No. 1234)

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 2008; 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 2008; EXPRESSING LEGISLATIVE INTENT THAT CERTAIN STATE FUNDED BENEFITS BE PAID; AMENDING SECTION 33-1004E, IDAHO CODE, TO INCREASE BASE SALARIES FOR ADMINISTRATIVE STAFF;

AMENDING SECTION 33-1009, IDAHO CODE, TO REVISE PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND; AND AMENDING SECTION 33-5208, IDAHO CODE, TO REVISE PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT.

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, 2007, through June 30, 2008:

FROM:

General Fund	$83,089,900
Federal Grant Fund	2,150,300
TOTAL	$85,240,200

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2007, through June 30, 2008:

FROM:

General Fund	$83,089,900

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, 2007, through June 30, 2008:

FROM:

Public School Income Fund	$83,089,900
Federal Grant Fund	2,150,300
TOTAL	$85,240,200

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 $23,906. 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 $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 ~~$34,773~~35,816. 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 $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 6. That Section 33-1009, Idaho Code, be, and the same is hereby amended to read as follows:

33-1009. PAYMENTS FROM THE PUBLIC SCHOOL INCOME FUND.

1. a. Payments of the state general account appropriation for public school support shall be made each year by the state board of education to the public school districts of the state in five (5) payments. Payments to the districts shall be made not later than the fifteenth day of August, the first day of October, the fifteenth day of November, the fifteenth day of February, and the fifteenth day of May each year. ~~Each~~ The first two payments by the state board of education shall be approximately ~~twenty~~ thirty percent (~~2~~30%) of the total general account appropriation for the fiscal year, while the third, fourth and fifth payments shall be approximately twenty per-

cent (20%), ten percent (10%) and ten percent (10%), respectively. Amounts apportioned due to a special transfer to the public school income fund to restore or reduce a deficiency in the prior year's transfer pursuant to subsection 4. of this section shall not be subject to this limitation.

b. Payments of moneys, other than the state general account appropriation, that accrue to the public school income fund shall be made by the state board of education to the school districts of the state on the fifteenth day of November, February, May and July each year. The total amount of such payments shall be determined by the state department of education and shall not exceed the amount of moneys available and on deposit in the public school income fund at the time such payment is made.

c. Amounts apportioned due to a special transfer to the public school income fund to restore or reduce a deficiency in the prior year's transfer pursuant to subsection 4. of this section shall not be subject to the limitation imposed by paragraphs a. and b.

2. Payments made to the school districts in August, October and November are advance payments for the current year and will be based upon payments from the public school income fund for the preceding school year. Each school district shall receive its proportionate share of the advance payments in the same ratio that its total payment for the preceding year was to the total payments to all school districts for the preceding year.

3. No later than the fifteenth day of February in each year, the state department of education shall compute the state distribution factor based on the total average daily attendance through the first Friday in November. The factor will be used in payments of state funds in February and May. Attendance shall be reported in a format and at a time specified by the state department of education.

As of the thirtieth day of June of each year the state department of education shall determine final payments to be made on July fifteenth next succeeding to the several school districts from the public school income fund for the school year ended June 30. The July payments shall take into consideration:

a. the average daily attendance of the several school districts for the twenty-eight (28) best weeks of the school year completed not later than the thirtieth of June,

b. all funds available in the public school income fund for the fiscal year ending on the thirtieth of June,

c. all payments distributed for the current fiscal year to the several school districts,

d. the adjustment based on the actual amount of discretionary funds per support unit required by the provisions of section 33-1018, Idaho Code,

e. payments made or due for the transportation support program and the exceptional education support program. The state department of education shall apportion and direct the payment to the several school districts the moneys in the public school income fund in each year, taking into account the advance made under subsection 2. of this section, in such amounts as will provide in full for each district its support program, and not more than therefor required, and no school district shall receive less than fifty dollars ($50.00).

4. If the full amount appropriated to the public school income fund

from the general account by the legislature is not transferred to the public school income fund by the end of the fiscal year, the deficiency resulting therefrom shall either be restored or reduced through a special transfer from the general account in the first sixty (60) days of the following fiscal year, or shall be calculated in computing district levies, and any additional levy shall be certified by the state superintendent of public instruction to the board of county commissioners and added to the district's maintenance and operation levy. If the deficiency is restored or reduced by special transfer, the amount so transferred shall be in addition to the amount appropriated to be transferred in such following fiscal year, and shall be apportioned to each school district in the same amount as each would have received had the transfer been made in the year the deficiency occurred. The state department of education shall distribute to the school district the full amount of the special transfer as soon as practical after such transfer is made. In making the levy computations required by this subsection the state department of education shall take into account and consider the full amount of money receipted into the public school income fund from all sources for the given fiscal year. Deficits in the transfer of the appropriated amount of general account revenue to the public school income fund shall be reduced by the amount, if any, that the total amount receipted from other sources into the public school income fund exceeds the official estimated amount from those sources. The official estimate of receipts from other sources shall be the total amount stated by the legislature in the appropriation bill. The provisions of this subsection shall not apply to any transfers to or from the public education stabilization fund.

5. Any apportionments in any year, made to any school district, which may within the succeeding three (3) year period be found to have been in error either of computation or transmittal, may be corrected during the three (3) year period by reduction of apportionments to any school district to which over-apportionments may have been made or received, and corresponding additions to apportionments to any school district to which under-apportionments may have been made or received.

SECTION 7. That Section 33-5208, Idaho Code, be, and the same is hereby amended to read as follows:

33-5208. PUBLIC CHARTER SCHOOL FINANCIAL SUPPORT. Except as provided in subsection (8) of this section, from the state educational support program the state department of education shall make the following apportionment to each public charter school for each fiscal year based on attendance figures submitted in a manner and time as required by the department of education:

(1) Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of twelve (12) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than ~~twenty~~ thirty (~~2~~30). Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code.

Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.

(2) Special education. For each student enrolled in the public charter school who is entitled to special education services, the state and federal funds from the exceptional child education program for that student that would have been apportioned for that student to the school district in which the public charter school is located.

(3) Alternative school support. Public charter schools may qualify under the provisions of sections 33-1002 and 33-1002C, Idaho Code, provided the public charter school meets the necessary statutory requirements, and students qualify for attendance at an alternative school as provided by rule of the state board of education.

(4) Transportation support. Support shall be paid to the public charter school as provided in chapter 15, title 33, Idaho Code, and section 33-1006, Idaho Code. Each public charter school shall furnish the department with an enrollment count as of the first Friday in November, of public charter school students living more than one and one-half (1 1/2) miles from the school. For charter schools in the initial year of operation, the petition shall include a proposal for transportation services with an estimated first year cost. The state department of education is authorized to include in the annual appropriation to the charter school eighty percent (80%) of the estimated transportation cost. The final appropriation payment in July shall reflect eighty-five percent (85%) of the actual cost.

(5) Payment schedule. The state department of education is authorized to make an advance payment of twenty-five percent (25%) of a public charter school's estimated annual apportionment for its first year of operation, and each year thereafter, provided the public charter school has an increase of student population in any given year of twenty (20) students or more, to assist the school with initial start-up costs or payroll obligations.

(a) For a state public charter school to receive the advance payment, the school shall submit its anticipated fall membership for each grade level to the state department of education by June 1.

(b) Using the figures provided by the public charter school, the state department of education shall determine an estimated annual apportionment from which the amount of the advance payment shall be calculated. Advance payment shall be made to the school on or after July 1 but no later than July 31.

(c) All subsequent payments, taking into account the one-time advance payment made for the first year of operation, shall be made to the public charter school in the same manner as other traditional public schools in accordance with the provisions of section 33-1009, Idaho Code.

A public charter school shall comply with all applicable fiscal requirements of law, except that the following provisions shall not be applicable to public charter schools: section 33-1003B, Idaho Code, relating to guaranteed minimum support; that portion of section 33-1004, Idaho Code, relating to reduction of the administrative and instructional staff allowance when there is a discrepancy between the number allowed and the

number actually employed; and section 33-1004E, Idaho Code, for calculation of district staff indices.

(6) Nothing in this chapter shall be construed to prohibit any private person or organization from providing funding or other financial assistance to the establishment or operation of a public charter school.

(7) Nothing in this chapter shall prevent a public charter school from applying for federal grant moneys.

(8) (a) For the period July 1, 2003, through June 30, 2005, all public virtual schools shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no higher than the median divisor shown for each respective category of pupils, among the possible divisors listed, for each respective category of pupils that contains more than one (1) divisor. If there is an even number of possible divisors listed for a particular category of pupils, then the lesser of the two (2) median divisors shall be used. For the period July 1, 2005, through June 30, 2007, all public virtual schools shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no higher than the second highest divisor shown, among the possible divisors listed, for each respective category of pupils that contains more than one (1) divisor. The divisor provisions contained herein shall only be applicable to the number of pupils in average daily attendance in such public virtual schools for the period July 1, 2003, through June 30, 2004. If the number of pupils in average daily attendance in any particular category of pupils increases, during the period July 1, 2004, through June 30, 2005, to a number above that which existed in the prior fiscal year, then those additional pupils in average daily attendance shall be assigned the divisor, pursuant to section 33-1002, Idaho Code, that would have otherwise been assigned to the school district or public charter school had this section not been in force.

(b) Each student in attendance at a public virtual school shall be funded based upon either the actual hours of attendance in the public virtual school on a flexible schedule, or the percentage of coursework completed, whichever is more advantageous to the school, up to the maximum of one (1) full-time equivalent student.

(c) All federal educational funds shall be administered and distributed to public charter schools, including public virtual schools, that have been designated by the state board of education as a local education agency (LEA), as provided in section 33-5203(7), Idaho Code.

(9) Nothing in this section prohibits separate face-to-face learning activities or services.

Approved April 2, 2007.

CHAPTER 351
(S.B. No. 1235)

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 SUP-

PORT PROGRAM/DIVISION OF TEACHERS FOR FISCAL YEAR 2008; PROVIDING MONEYS FOR THE UNEMPLOYMENT INSURANCE PROGRAM; DIRECTING THAT AN AMOUNT BE DISTRIBUTED FOR MASTER TEACHER AWARD PAYMENTS; DIRECTING THE DISTRIBUTION OF $1,000,000 BETWEEN TRAINING TO SERVE THE NEEDS OF GIFTED AND TALENTED STUDENTS AND TRAINING TEACHERS TO PROVIDE ADDITIONAL ADVANCED LEARNING OPPORTUNITIES FOR STUDENTS; DIRECTING THAT $5,180,000 BE DISTRIBUTED FOR CLASSROOM SUPPLIES; 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.

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, 2007, through June 30, 2008:

FROM:

General Fund	$721,720,900
Federal Grant Fund	70,693,800
TOTAL	$792,414,700

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2007, through June 30, 2008:

FROM:

General Fund	$721,720,900

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, 2007, through June 30, 2008:

FROM:

Public School Income Fund	$721,720,900
Federal Grant Fund	70,693,800
TOTAL	$792,414,700

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, 2007, through June 30, 2008.

SECTION 5. Of the moneys appropriated in Section 3 of this act, the amount necessary shall be awarded to those instructional staff members who have been recognized as master teachers by the National Board for Professional Teaching Standards, according to the provisions of Section 33-1004E, Idaho Code.

SECTION 6. Of the moneys appropriated in Section 3 of this act, $1,000,000 shall be distributed as follows:

(1) $500,000 shall be distributed to train general education teachers, gifted/talented (G/T) facilitators, administrators and/or parents to better meet the needs of gifted/talented students. One-half (1/2) of these funds shall be allocated pro rata based on each district's prior year total student enrollment compared to the prior year total statewide

enrollment. One-half (1/2) of these funds shall be allocated based on the number of gifted/talented students identified and served as indicated on the prior year's December 1 child count. The number of gifted/talented students identified for purposes of this section shall not exceed seven percent (7%) of the district's total student enrollment. No district shall receive less than $500. Funds shall be distributed upon submission and approval of an application submitted to the State Department of Education demonstrating how in-service training will establish or improve identification and service of gifted/talented students in the five (5) mandated talent areas. The Superintendent of Public Instruction may reallocate any gifted/talented funds that are left unrequested by school districts to all other school districts that have requested gifted/talented funds, according to the distribution formula outlined in this section.

(2) Pursuant to the fiscal impact statement for State Board of Education rule, IDAPA 08.02.03, Docket Number 08-0203-0605, $500,000 shall be distributed to train teachers to provide advanced learning opportunities for students. The allocation and utilization of such funds shall be determined jointly by the State Board of Education and the Superintendent of Public Instruction, under the administration of the State Department of Education, provided that the funds not be used for state personnel costs.

SECTION 7. Of the moneys appropriated in Section 3 of this act, $5,180,000 shall be distributed for the purchase of classroom supplies. The Superintendent of Public Instruction shall determine the formulas and methodologies by which such funds are distributed, and the permissible uses.

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 ~~$23,906~~24,623. 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 $~~30,000~~31,000. 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 $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 $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.

Approved April 2, 2007.

CHAPTER 352
(S.B. No. 1236)

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 2008; 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 2008; DIRECTING THAT $9,800,000 BE EXPENDED FOR TECHNOLOGY PROGRAMS; DIRECTING THAT $3,017,000 BE DISTRIBUTED FOR THE REPLACEMENT OF CERTAIN LEVY FUNDS; DIRECTING THAT $9,950,000 BE DISTRIBUTED FOR TEXTBOOK MATERIAL PURCHASES AND PROVIDING THAT EXPENDITURES BE MATCHED BY LOCAL FUNDS; DIRECTING THAT $100,000 BE ALLOCATED TO STUDY AND DEVELOP PLANS THAT ADDRESS CHALLENGES FACING RURAL SCHOOLS; PROVIDING AN ESTIMATE OF DISCRETIONARY FUNDS PER SUPPORT UNIT; PROVIDING LEGISLATIVE FINDINGS REGARDING ACTUAL DISCRETIONARY

FUNDS AVAILABLE PER SUPPORT UNIT AT THE LOCAL LEVEL; AMENDING SECTION 33-1004E, IDAHO CODE, TO PROVIDE FOR A BASE SALARY INCREASE FOR CLASSIFIED STAFF; AND AMENDING SECTION 33-1006, IDAHO CODE, TO REVISE THE STATE'S SHARE OF THE TRANSPORTATION SUPPORT PROGRAM.

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, 2007, through June 30, 2008:

FROM:

General Fund	$525,558,000
Public School Endowment Earnings Reserve Fund Transfer	26,995,000
Federal Mineral Royalties	1,500,000
Public Education Stabilization Fund	3,017,000
Liquor Control Fund	1,200,000
Miscellaneous Receipts/Balances	2,300,000
Federal Grant Fund	7,232,800
TOTAL	$567,802,800

SECTION 2. Notwithstanding the provisions of Sections 33-907, 33-1018, 33-1018A and 33-1018B, Idaho Code, there is hereby appropriated the following amounts to be transferred to the Public School Income Fund for the period July 1, 2007, through June 30, 2008:

FROM:

General Fund	$525,558,000
Public Education Stabilization Fund	3,017,000
TOTAL	$528,575,000

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, 2007, through June 30, 2008:

FROM:

Public School Income Fund	$560,570,000
Federal Grant Fund	7,232,800
TOTAL	$567,802,800

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 for the purchase of technology equipment and software.

SECTION 5. Of the moneys appropriated in Section 3 of this act, the Superintendent of Public Instruction shall distribute $3,017,000 to school districts, allocated according to the same proportions as the moneys distributed in fiscal year 2006, pursuant to Section 63-3638(10), Idaho Code, for the replacement of school maintenance and operations levy funds.

SECTION 6. Of the moneys appropriated in Section 3 of this act, $9,950,000 shall be distributed for the purchase of instructional software and textbooks, whether physical or electronic. In order to be eligible to receive such funds, the school district or public charter school shall expand at least one dollar ($1.00) in discretionary funds on such purchases for every three dollars ($3.00) in funds provided by this section. The Superintendent of Public Instruction shall determine the formulas and methodologies by which such funds are distributed, within the framework of an average daily attendance (ADA) based distribution.

SECTION 7. Of the moneys appropriated in Section 3 of this act, up to $100,000 may be expended by the Superintendent of Public Instruction to conduct a study and develop plans that address the challenges of rural schools including, but not limited to, the issues of declining enrollment, inefficiencies in administration and service delivery, and recruitment of qualified teachers.

SECTION 8. Pursuant to the provisions of Section 33-1018, Idaho Code, it is estimated that the appropriation of state funds to the Educational Support Program/Division of Operations will result in total discretionary funds of $25,442 per support unit. The Legislature recognizes that this figure does not reflect additional discretionary funds that will be made available through interest earnings at the local level as a result of this appropriation and the state's replacement of maintenance and operations levy funds. On a statewide basis, the maintenance and operations levy replacement will result in approximately $4.2 million in additional interest earnings, while the amendment of Section 33-1009, Idaho Code, will result in approximately $6.75 million in additional interest earnings, for a total of $10.95 million. This represents an additional 3.1% increase in the amount of discretionary funds per support unit that will actually be available at the local level.

In addition, this appropriation provides $20.13 million in new line item funding for classroom supplies, textbooks and remedial education. For school districts and public charter schools that currently expend discretionary funds for these items, which were not previously funded by the state, those moneys may now be freed up for other uses. In cases where the new state funds fully supplant existing local discretionary efforts, this will result in an additional 5.8% increase in the amount

of discretionary funds per support unit that will actually be available at the local level, for a total increase of 8.9%, when added to the additional interest earnings.

It is the intent of the Legislature that the Superintendent of Public Instruction and the Legislature understand the uses of and demands for discretionary funds. Inasmuch as significant discretionary funds were previously used for classroom supplies, textbooks and remediation, school districts and public charter schools are hereby requested to report to the Superintendent of Public Instruction the actual uses of discretionary funds for fiscal year 2007, and the budgeted uses for fiscal year 2008.

SECTION 9. That Section 33-1004E, Idaho Code, be, and the same is hereby amended to read as follows:

33-1004E. DISTRICT'S SALARY-BASED APPORTIONMENT. Each district shall be entitled to a salary-based apportionment calculated as provided in this section.

1. To determine the apportionment for instructional staff, first determine the district average experience and education index by placing all eligible district certificated instructional employees on the statewide index provided in section 33-1004A, Idaho Code. The resulting average is the district index. Districts with an index above the state average index shall receive their actual index but not more than the state average plus .03 for the 1994-95 school year, and shall receive their actual index but not more than the state average plus .06 for the 1995-96 school year, and thereafter shall receive their actual district index. The district instructional staff index shall be multiplied by the instructional base salary of $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 $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 $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 ~~$19,207~~19,783 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 10. That Section 33-1006, Idaho Code, be, and the same is hereby amended to read as follows:

33-1006. TRANSPORTATION SUPPORT PROGRAM. (1) The state board of education shall determine what costs of transporting pupils, including maintenance, operation and depreciation of basic vehicles, insurance, payments under contract with other public transportation providers whose vehicles used to transport pupils comply with federal transit administration regulations, "bus testing," 49 C.F.R. part 665, and any revision thereto, as provided in subsection (4)(d) of this section, or other state department of education approved private transportation providers, salaries of drivers, and any other costs, shall be allowable in computing the transportation support program of school districts.

(2) Any costs associated with the addition of vehicle features that are not part of the basic vehicle shall not be allowable in computing the transportation support program of school districts. A basic vehicle is hereby defined as the cost of the vehicle without optional features, plus the addition of essential safety features and features necessary for the transportation of pupils with disabilities.

(3) Each school district shall maintain records and make reports as are required for the purposes of this section.

(4) The transportation support program of a school district shall be based upon the allowable costs of:

(a) Transporting public school pupils one and one-half (1 1/2) miles or more to school;

(b) Transporting pupils less than one and one-half (1 1/2) miles as provided in section 33-1501, Idaho Code, when approved by the state board of education;

(c) The costs of payments when transportation is not furnished, as provided in section 33-1503, Idaho Code;

(d) The transportation program for grades six (6) through twelve (12), upon the costs of payments pursuant to a contract with other public or private transportation providers entered into as provided in section 33-1510, Idaho Code, if the school district establishes that the reimbursable costs of transportation under the contract are equal to or less than the costs for school buses;

(e) The costs of providing transportation to and from approved school activities as may be approved by rules of the state board of education;

(f) The employer's share of contributions to the public employee retirement system and to social security.

(5) The state's share of the transportation support program shall be eighty-five percent (85%) of reimbursable transportation costs of the district incurred during the immediately preceding state fiscal year, provided the reimbursable costs do not exceed one hundred three percent (103%) of the statewide average reimbursable cost per mile or the state average reimbursable cost per student rider, whichever is more advantageous to the school district. If a school district's costs exceed the one hundred three percent (103%) limit when computed by the more advantageous of the two (2) methods, that school district shall be reimbursed at eighty-five percent (85%) of the maximum limit for whichever method is more favorable to the school district. A school district may appeal the application of the one hundred three percent (103%) limit on reimbursable costs to the state board of education, which may establish for that district a new percentile limit for reimbursable costs compared to the statewide average, which is higher than one hundred three percent (103%). In doing so, the state board of education may set a new limit that is greater than one hundred three percent (103%), but is less than the percentile limit requested by the school district. However, the percentage increase in the one hundred three percent (103%) cap shall not exceed the percentage of the district's bus runs that qualify as a hardship bus run, pursuant to this subsection. Any costs above the new level established by the state board of education shall not be reimbursed. Such a change shall only be granted by the state board of education ~~if the application can be justified based on uniquely difficult geographic circumstances, or extraordinary one (1) time circumstances outside the district's foresight and control. An application granted based on extraordinary one (1) time circumstances shall be effective for one (1) year only. An application based on uniquely difficult geographic circumstances shall be reviewed by the state board of education for continued validity at least every five (5) years~~ for hardship bus runs. To qualify as a hardship bus run, such bus run shall display uniquely difficult geographic circumstances and meet at least two (2) of the following criteria:

(a) The number of student riders per mile is less than fifty percent (50%) of the statewide average number of student riders per mile;

(b) Less than a majority of the miles on the bus run are by paved surface, concrete or asphalt, road;

(c) Over ten percent (10%) of the miles driven on the bus run are a five percent (5%) slope or greater.

The legislative audits section of the legislative services office shall review cap increases granted by the state board of education pursuant to this section, and shall include findings in the board's regular audit report for any instances in which such increases failed to meet the standards set forth in this subsection.

(6) School districts that are unable to absorb the impact of the limitation on reimbursable expenses, through either efficiencies or the utilization of fund balances, may apply to the state board of education to receive a loan of moneys, not to exceed the amount of state funds

lost through the application of the limitation on reimbursable expenses, from the public education stabilization fund. Any school district receiving such a loan shall cause its reimbursement of state transportation moneys to be reduced by a like amount in the subsequent fiscal year, and the moneys so reduced shall be deposited in the public education stabilization fund.

(7) Beginning on July 1, 2005, any eligible home-based public virtual school may claim transportation reimbursement for the prior fiscal year's cost of providing educational services to students. In order to be eligible, such a school shall have at least one (1) average daily attendance divisor, pursuant to section 33-1002, Idaho Code, that is greater than the median divisor shown for any category of pupils, among the actual divisors listed. For the purposes of paragraphs (a), (b) and (c) of this subsection (7), "education provider" means the home-based public virtual school or an entity that has legally contracted with the home-based public virtual school to supply education services. Reimbursable costs shall be limited to the costs of:

(a) Providing an internet connection service between the student and the education provider, not including the cost of telephone service;

(b) Providing electronic and computer equipment used by the student to transmit educational material between the student and the education provider;

(c) Providing a toll-free telephone service for students to communicate with the education provider;

(d) Providing education-related, face-to-face visits by representatives of the home-based public virtual school, with such reimbursements limited to the mileage costs set for state employee travel by the state board of examiners; and

(e) Any actual pupil transportation costs that would be reimbursable if claimed by a school district.

The total reimbursement for such home-based public virtual schools shall be exempt from the statewide average cost per mile limitations of this section. The state's share of reimbursable costs shall be eighty-five percent (85%), subject to the statewide cost per student rider provisions of this section. For the purposes of such home-based public virtual school, the number of student riders shall be the same as the number of pupils in average daily attendance.

Approved April 2, 2007.

CHAPTER 353
(S.B. No. 1237)

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 2008; DIRECTING THAT $7,000,000 OF THE MONEYS ACCRUING PURSUANT TO SECTIONS 63-2506 AND 63-2552A, IDAHO CODE, AND SUCH OTHER MONEYS WHICH

MAY BECOME AVAILABLE PURSUANT TO SECTION 63-7439, IDAHO CODE, BE EXPENDED FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THE DISTRIBUTION OF FUNDS FOR THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO FEATURES OF THE IDAHO SAFE AND DRUG-FREE SCHOOLS PROGRAM; DIRECTING THAT $2,800,000 BE USED FOR THE LITERACY PROGRAMS AND EXPRESSING LEGISLATIVE INTENT THAT THE STATE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF EDUCATION COORDINATE CERTAIN PROGRAMS; DIRECTING THAT $350,000 BE ALLOCATED TO DEVELOP AN EARLY MATH EDUCATION PROGRAM; DIRECTING THAT $6,040,000 BE ALLOCATED FOR PROGRAMS FOR STUDENTS WITH NON-ENGLISH OR LIMITED-ENGLISH PROFICIENCY; DIRECTING THAT $5,000,000 BE DISTRIBUTED TO PROVIDE REMEDIAL EDUCATION FOR CERTAIN STUDENTS AND REQUIRING A LOCAL EXPENDITURE MATCH; AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE FOR DISTRIBUTIONS TO THE IDAHO DIGITAL LEARNING ACADEMY; AMENDING CHAPTER 10, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1020, IDAHO CODE, TO PROVIDE A FUNDING FORMULA FOR THE IDAHO DIGITAL LEARNING ACADEMY; AMENDING SECTION 33-5508, IDAHO CODE, TO REVISE FUNDING FOR THE IDAHO DIGITAL LEARNING ACADEMY; DIRECTING THE IDAHO DIGITAL LEARNING ACADEMY TO UTILIZE STATE FUNDS TO ACHIEVE CERTAIN GOALS; 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, 2007, through June 30, 2008:

FROM:

General Fund	$ 24,545,000
Cigarette/Tobacco and Lottery Income Taxes	7,000,000
Federal Grant Fund	134,923,100
TOTAL	$166,468,100

SECTION 2. There is hereby appropriated the following amount to be transferred to the Public School Income Fund for the period July 1, 2007, through June 30, 2008:

FROM:

General Fund	$24,545,000

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, 2007, through June 30, 2008:

FROM:

Public School Income Fund	$ 31,545,000
Federal Grant Fund	134,923,100
TOTAL	$166,468,100

SECTION 4. Of the moneys appropriated in Section 3 of this act, $7,000,000 shall be expended by the Superintendent of Public Instruction for the Idaho Safe and Drug-Free Schools Program, from funds determined by available revenues accruing pursuant to Sections 63-2506 and 63-2552A, Idaho Code, and other such moneys which may become available pursuant to Section 67-7439, Idaho Code, for the period July 1, 2007, through June 30, 2008.

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, $350,000 shall be utilized by the Superintendent of Public Instruction to develop an early math education program, similar in approach to the literacy programs described in Section 7 of this act. The program developed shall be presented to the State Board of Education, the Governor, and the Legislature by no later than February 1, 2008.

SECTION 9. Of the moneys appropriated in Section 3 of this act, $6,040,000 shall be distributed for support of programs for students with non-English or limited-English proficiency, as follows:

(1) The State Department of Education shall distribute $5,290,000 to school districts pro rata, based upon the population of limited-English proficient students under criteria established by the department.

(2) The State Department of Education shall 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, 2008, on the program design, uses of funds, and effectiveness of the program.

SECTION 10. Of the moneys appropriated in Section 3 of this act, $5,000,000 shall be distributed to provide remedial coursework for students failing to achieve proficiency in the Idaho Standards Achievement Test. The Superintendent of Public Instruction shall determine the formulas and methodologies by which such funds are distributed, and the permissible uses, provided however, that the distribution of such funds shall be conditioned on a match of at least one dollar ($1.00) in local expenditures for every two dollars ($2.00) in distributed funds.

SECTION 11. 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 distributions to the Idaho digital learning academy as provided in section 33-1020, Idaho Code;

(k) 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~~l) 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 total educational support distribution funds.

(3) 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.

(4) 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	23...grades 4,5 & 6....	15
	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.

(5) 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.

(6) District Support Units. The number of support units for each school district in the state shall be determined as follows:

(a) (i) 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.

(ii) 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.

(iii) The total number of support units of the district shall be the sum of the total support units for regular students, subsection (6)(a)(i) of this section, and the support units allowance for the approved exceptional child program, subsection (6)(a)(ii) of this section.

(b) 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.

(c) District Share. The district's share of state apportionment is the amount of the total district allowance, subsection (6)(b) of this section.

(d) Adjustment of District Share. The contract salary of every noncertificated teacher shall be subtracted from the district's share as calculated from the provisions of subsection (6)(c) of this section.

(7) Property Tax Computation Ratio. In order to receive state funds pursuant to this section a charter district shall utilize a school maintenance and operation property tax computation ratio for the purpose of calculating its maintenance and operation levy, that is no greater than that which it utilized in tax year 1994, less four-tenths of one percent (.4%). As used herein, the term "property tax computation ratio" shall

mean a ratio determined by dividing the district's certified property tax maintenance and operation budget by the actual or adjusted market value for assessment purposes as such values existed on December 31, 1993. Such maintenance and operation levy shall be based on the property tax computation ratio multiplied by the actual or adjusted market value for assessment purposes as such values existed on December 31 of the prior calendar year.

SECTION 12. 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 33-1020, Idaho Code, and to read as follows:

33-1020. IDAHO DIGITAL LEARNING ACADEMY FUNDING. Of the moneys appropriated for the educational support program, an amount shall be distributed to support the Idaho digital learning academy, created pursuant to chapter 55, title 33, Idaho Code. For the purposes of this section, an "enrollment" shall be counted each time an Idaho school age child enrolls in an Idaho digital learning academy class. A single child enrolled in multiple classes shall count as multiple enrollments. Summer enrollments shall be included in the fiscal year that begins that summer. The amount distributed shall be calculated as follows:

(1) A fixed base amount shall be distributed, equal to the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, multiplied by seven (7).

(2) A variable base amount shall be distributed each time the number of enrollments meets or exceeds an increment of five thousand (5,000). The amount so distributed shall be equal to the number of such increments, multiplied by the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, multiplied by four and thirty-three hundredths (4.33).

(3) A variable amount shall be distributed, equal to the number of enrollments multiplied by the current fiscal year's statewide average salary-based apportionment funding per midterm support unit, divided by one hundred forty-three (143).

The state department of education shall make an estimated distribution of funds to the Idaho digital learning academy by no later than July 31 of each fiscal year, consisting of eighty percent (80%) of the estimated funding for the fiscal year. The balance of all remaining funds to be distributed, pursuant to the calculations in this section, shall be distributed by no later than May 15 of the same fiscal year.

SECTION 13. That Section 33-5508, Idaho Code, be, and the same is hereby amended to read as follows:

33-5508. FUNDING. (1) Funding for the infrastructure of the program shall be provided ~~from an annual budget request to the legislature--from the--superintendent--of--public instruction~~ pursuant to section 33-1020, Idaho Code. The superintendent shall disburse the funds to the Idaho digital learning academy board of directors who shall use the moneys to develop courses and maintain operations of the academy.

(2) Additional funding for course offerings through the Idaho digital learning academy shall be added to the Idaho digital learning academy budget by charging fees to the school districts for student participation. These fees shall be established annually by the Idaho digital

learning academy board of directors and shall reflect the various types of course offerings available. Fees for summer school and professional development offerings to students and adults shall also be established by the Idaho digital learning academy board of directors.

SECTION 14. The Idaho Digital Learning Academy (IDLA), created pursuant to Chapter 55, Title 33, Idaho Code, shall utilize state funds to achieve the following:

(1) No increase in tuition charged by IDLA to Idaho students.

(2) Provide remedial coursework for students failing to achieve proficiency in one (1) or more areas of the Idaho Standards Achievement Test.

(3) Pursuant to State Board of Education rule, IDAPA 08.02.03.106, provide advanced learning opportunities for students.

(4) Pursuant to State Board of Education rule, IDAPA 08.02.03.106, work with institutions of higher education to provide dual credit coursework.

The preceding list shall not be construed as excluding other instruction and training that may be provided by the Idaho Digital Learning Academy.

SECTION 15. 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 2, 2007.

CHAPTER 354
(S.B. No. 1238)

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 2008; TRANSFERRING AND APPROPRIATING CERTAIN FUNDS TO THE BOND LEVY EQUALIZATION FUND; LIMITING THE AMOUNT OF CIGARETTE AND TOBACCO PRODUCTS TAX REVENUE DEPOSITED IN THE GENERAL FUND FOR BOND LEVY EQUALIZATION; DIRECTING THAT UP TO $150,000 MAY BE EXPENDED FOR A SCHOOL SAFETY AND SECURITY STUDY; AMENDING SECTION 33-906, IDAHO CODE, TO ALLOW FOR REFINANCING BONDS TO QUALIFY FOR BOND LEVY EQUALIZATION FUNDS UNDER CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 33-1019, IDAHO CODE, TO INCREASE THE MULTIPLIER FOR THE REPLACEMENT VALUE OF SCHOOL BUILDINGS.

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, 2007, through June 30, 2008:

FROM:

School District Building Account	$20,322,600
General Fund	12,450,000
TOTAL	$32,772,600

SECTION 2. Of the General Fund 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 General Fund to the Bond Levy Equalization Fund.

SECTION 3. The provisions of subsection (4) of Section 63-2520, Idaho Code, notwithstanding, the amount of revenue distributed to the General Fund, pursuant to subsection (4) of Section 63-2520, Idaho Code, shall not exceed $6,535,000 for the period July 1, 2007, through June 30, 2008.

SECTION 4. Of the General Fund moneys appropriated in Section 1 of this act, up to $150,000 may be expended by the Superintendent of Public Instruction to conduct a study and develop plans that address the issue of school safety and security. Such plans shall include, but not be limited to, compiling an inventory of security features currently in place in Idaho public schools, the development of security standards for future school buildings built in Idaho, and the development of cost-effective measures for improving school security in existing buildings.

SECTION 5. 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).

(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, unless the existing debt being refinanced is a bond passed on or after September 15, 2002; 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 6. That Section 33-1019, Idaho Code, be, and the same is hereby amended 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-one dollars and forty-five cents ($80.01.45). The joint finance-appropriations committee shall annually 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.

Approved April 2, 2007.

CHAPTER 355
(S.B. No. 1242)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR THE GENERAL BOARDS FOR FISCAL YEAR 2007; 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 394, Laws of 2006, there is hereby appropriated to the Department of Self-Governing Agencies for the general boards 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:

BOARD OF EXAMINERS:

FOR:	
Trustee and Benefit Payments	$14,500
FROM:	
General Fund	$14,500

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 2, 2007.

CHAPTER 356
(S.B. No. 1230)

AN ACT

APPROPRIATING MONEYS TO THE DIVISION OF HUMAN RESOURCES FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE COLLECTION OF FEES BY THE DIVISION OF HUMAN RESOURCES AND DIRECTING THE EXPENDITURE OF FUNDS FOR PERSONNEL COSTS; LIMITING THE BUDGET FOR THE DIVISION OF HUMAN RESOURCES; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
DIVISION OF HUMAN RESOURCES:			
FROM:			
Division of Human Resources Fund	$2,311,000	$574,000	$2,885,000
Seminars and Publications Fund		130,000	130,000
TOTAL	$2,311,000	$704,000	$3,015,000

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, 2007, through June 30, 2008, 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 shall collect the full amount of fees that are included in the personnel costs for participating agencies in accordance with the methodology provided in Section 67-5314(2), Idaho Code, for fiscal year 2008. No agency or institution may spend any funds provided for personnel costs from their respective appropriation for purposes other than those provided for in Section 67-5314, Idaho Code. Any funds paid back to agencies or institutions through interagency billings shall be considered state funds and as such are subject to appropriation in accordance with Section 67-5316(3)(b), Idaho Code.

SECTION 4. Notwithstanding the provisions of Section 67-5314, Idaho Code, which provides that all moneys in the Division of Human Resources Fund are hereby perpetually appropriated, such funds must be spent in accordance with the appropriation as provided in Section 1 of this act. Section 1 of this act is the authorized budget of the Division of Human Resources as provided in Section 67-5314, Idaho Code. In addition, the Joint Finance-Appropriations Committee is authorized to appropriate to any agency operating under a continuous appropriation in accordance with Section 67-3514, Idaho Code.

SECTION 5. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained

herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 6. 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 April 3, 2007.

CHAPTER 357
(H.B. No. 184, As Amended)

AN ACT
RELATING TO MINIMUM WAGE; AMENDING SECTION 44-1502, IDAHO CODE, TO REVISE MINIMUM WAGE PROVISIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 44-1502, Idaho Code, be, and the same is hereby amended to read as follows:

44-1502. MINIMUM WAGES. (1) Except as hereinafter otherwise provided, no employer shall pay to any of his employees any wages computed at a rate of less than four dollars and seventy-five cents ($4.75) commencing April 1, 1997, and five dollars and fifteen cents ($5.15) commencing September 1, 1997, per hour for employment. The amount of the minimum wage shall conform to, and track with, the federal minimum wage.

(2) In determining the wage of a tipped employee, the amount of direct wages paid ~~such employee~~ by an employer to the employee shall be deemed to be increased on account of tips actually received by the employee; ~~but not by an amount in excess of thirty-three percent (33%) of the applicable minimum wage, beginning April 1, 1997, and until August 31, 1997, and thirty-five percent (35%) on and after September 1, 1997, as set forth in subsection (1) of this section~~ provided however, the direct wages paid to the employee by the employer shall not be in an amount less than three dollars and thirty-five cents ($3.35) an hour. If the tips actually received by the employee combined with the direct wages paid by the employer do not at least equal the minimum wage, the employer must make up the difference. In the event a dispute arises between the employee and the employer with respect to the amount of tips actually received by the employee, it shall be the employer's burden to demonstrate the amount of tips actually received by the employee. Any portion of tips paid to an employee, which is shared with other employ-

ees under a tip pooling or similar arrangement, shall not be deemed, for the purpose of this section, to be tips actually received by the employee.

(3) In lieu of the rate prescribed by subsection (1) of this section, an employer may pay an employee who has not attained twenty (20) years of age a wage which is not less than four dollars and twenty-five cents ($4.25) an hour during the first ninety (90) consecutive calendar days after such employee is initially employed. No employer may take any action to displace employees (including partial displacements such as reduction in hours, wages or employment benefits) for purposes of hiring individuals at the wage authorized in this subsection.

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.

Law Without Signature.

CHAPTER 358
(H.B. No. 210, As Amended, As Amended)

AN ACT

RELATING TO PROPERTY TAX ELECTIONS; AMENDING SECTION 33-1103, IDAHO CODE, TO PROVIDE THAT ALL PROPERTY EXEMPT FROM TAXATION PURSUANT TO SECTION 63-602G, IDAHO CODE, BE INCLUDED WITHIN THE DEFINITION OF "MARKET VALUE FOR ASSESSMENT PURPOSES" AND TO MAKE TECHNICAL CORRECTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1103, Idaho Code, be, and the same is hereby amended to read as follows:

33-1103. DEFINITIONS -- BONDS -- LIMITATION ON AMOUNT -- ELECTIONS TO AUTHORIZE ISSUANCE. (1) For the purposes of this chapter the following definitions shall have the meanings specified: "Market value for assessment purposes" means the amount of the last preceding equalized assessment of all taxable property and all property exempt from taxation pursuant to section 63-602G, Idaho Code, within the school district on the tax rolls completed and available as of the date of approval by the electorate in the school bond election. "Aggregate outstanding indebtedness" means the total sum of unredeemed outstanding bonds, minus all moneys in the bond interest and redemption fund or funds accumulated for the redemption of such outstanding bonds, and minus the sum of all taxes levied for the redemption of such bonds, with the exception of that portion of such tax levies required for the payment of interest on bonds, which taxes remain uncollected. "Issue," "issued," or "issuance" means a formal delivery of bonds to any purchaser thereof and payment therefor to the school district.

(2) The board of trustees of any school district, upon approval of a majority thereof, may submit to the qualified school district electors of the district the question as to whether the board shall be empowered

to issue negotiable coupon bonds of the district in an amount and for a period of time to be named in the notice of election.

(3) An elementary school district which employs not less than six (6) teachers, or a school district operating an elementary school or schools, and a secondary school or schools, or issuing bonds for the acquisition of a secondary school or schools, may issue bonds in an amount not to exceed five percent (5%) of the market value for assessment purposes thereof, less the aggregate outstanding indebtedness; and no other school district shall issue bonds in an amount to exceed at any time two percent (2%) of the market value for assessment purposes thereof less the aggregate outstanding indebtedness. The market value for assessment purposes, the aggregate outstanding indebtedness and the unexhausted debt-incurring power of the district shall each be determined as of the date of approval by the electors in the school bond election.

(4) Notice of the bond election shall be given, the election shall be conducted and the returns thereof canvassed, and the qualifications of electors voting or offering to vote shall be, as provided in sections 33-401 through 33-406, Idaho Code.

(5) The question shall be approved only if the percentage of votes cast at such election were cast in favor thereof is that which now, or may hereafter be, set by the constitution of the state of Idaho. Upon such approval of the issuance of bonds, the same may be issued at any time after the date of such election.

SECTION 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 4, 2007.

CHAPTER 359
(H.B. No. 330)

AN ACT

RELATING TO APPROPRIATIONS FOR STATE GOVERNMENT; STATING FINDINGS OF THE LEGISLATURE REGARDING ECONOMIC ISSUES; STATING FINDINGS OF THE LEGISLATURE REGARDING CORRECTIONAL ISSUES; STATING FINDINGS OF THE LEGISLATURE REGARDING THE PASSAGE OF THE FEDERAL CRAIG-WYDEN BILL; DIRECTING THE TRANSFER OF MONEYS TO THE ECONOMIC RECOVERY RESERVE FUND; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF COMMERCE; PROVIDING CONTINGENT SPENDING AUTHORITY OF THE AMOUNT APPROPRIATED TO THE DEPARTMENT OF COMMERCE; APPROPRIATING ADDITIONAL MONEYS TO THE EDUCATIONAL SUPPORT PROGRAM/DIVISION OF OPERATIONS TO REPLACE FEDERAL SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT FUNDS; AND DIRECTING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO DISTRIBUTE FUNDS WHEN CERTAIN CONDITIONS ARE MET.

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

SECTION 1. It is the finding of the Legislature that it is prudent to earmark resources for immediate access to address any economic issues that may arise before the Legislature convenes in January 2008.

SECTION 2. It is the finding of the Legislature that as a result of offender population growth there is not sufficient capacity for current housing and programmatic needs of inmates without resorting to out-of-state placements. In addition, it is a recommendation of the Legislative Mental Health and Substance Abuse Interim Committee to endorse state planning for a secure mental health facility under the jurisdiction of the Board of Correction. In consideration of these circumstances the Legislature is setting aside funds that may be available in the next budget cycle for the Governor and the Legislature to address the needs of targeted correctional populations.

SECTION 3. It is the finding of the Legislature that there remains uncertainty in the reauthorization of the federal Secure Rural Schools and Community Self-Determination Act, or the Craig-Wyden bill, by the Congress of the United States. If the Craig-Wyden bill is not reauthorized, it will have a devastating effect on Idaho school districts and in this case the Legislature is prepared to mitigate the impact on Idaho's school districts for state fiscal year 2008.

SECTION 4. On July 1, 2007, or as soon thereafter as possible, the State Controller shall transfer the sum of $60,000,000 from the General Fund to the Economic Recovery Reserve Fund.

SECTION 5. In addition to any other appropriation provided by law, there is hereby appropriated $15,000,000 from the Economic Recovery Reserve Fund to the Department of Commerce for the period July 1, 2007, through December 31, 2007.

SECTION 6. Funds appropriated in Section 5 of this act shall be available contingent upon a joint request from the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Finance Committee, and the Chairman of the House Appropriations Committee to the Governor of the State of Idaho, and upon the Governor's concurrence therein that an expenditure of funds is essential to maintain the economic stability of the state or the delivery of necessary state services.

SECTION 7. In addition to any other appropriation provided by law, and notwithstanding any other provision of law relating to the uses of the Public Education Stabilization Fund, there is hereby appropriated $3,500,000 to the Educational Support Program/Division of Operations from the Public Education Stabilization Fund to offset the loss of federal funds previously authorized under the Secure Rural Schools and Community Self-Determination Act for the period July 1, 2007, through June 30, 2008.

SECTION 8. If the Superintendent of Public Instruction determines that the federal government has reauthorized the Secure Rural Schools and Community Self-Determination Act, or substantially similar legislation, by February 10, 2008, then the appropriation made in Section 7 of this act shall be null and void, and of no further force and effect. Otherwise, the Superintendent of Public Instruction shall distribute such moneys to school districts as part of the February 15, 2008, distribution of state moneys, based on the same proportion of the total

that each school district received during state fiscal year 2007, pursuant to the Secure Rural Schools and Community Self-Determination Act. If the Superintendent of Public Instruction determines that the federal government has reauthorized the Secure Rural Schools and Community Self-Determination Act, or substantially similar legislation, after February 10, 2008, and that the first payment to school districts shall take place on or prior to July 15, 2008, then each school district shall return all state moneys distributed pursuant to this section to the Public Education Stabilization Fund, up to a maximum of the amount of federal money so received.

Law Without Signature.

CHAPTER 360
(H.B. No. 222)

AN ACT

RELATING TO COMMERCE AND LABOR; AMENDING THE CHAPTER HEADING OF CHAPTER 47, TITLE 67, IDAHO CODE; AMENDING SECTION 67-4701, IDAHO CODE, TO PROVIDE FOR THE DEPARTMENT OF COMMERCE; AMENDING SECTION 67-4702, IDAHO CODE, TO PROVIDE FOR THE AUTHORITY AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF COMMERCE; AMENDING SECTION 67-4703, IDAHO CODE, TO PROVIDE FOR THE POWERS AND DUTIES OF THE DEPARTMENT OF COMMERCE; AMENDING SECTION 67-4711, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 67-4726, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF COMMERCE RELATING TO THE SCIENCE AND TECHNOLOGY ADVISORY COUNCIL; AMENDING SECTION 72-1318, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING CHAPTER 13, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-1333, IDAHO CODE, TO PROVIDE FOR THE AUTHORITY AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF LABOR; AMENDING SECTION 72-1347A, IDAHO CODE, TO PROVIDE FOR THE DEPARTMENT OF LABOR SPECIAL ADMINISTRATION FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 72-1347B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO APPROVAL OF EXPENDITURES FROM THE WORKFORCE DEVELOPMENT TRAINING FUND AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 9-340C, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF LABOR RELATING TO SPECIFIED EXEMPTIONS FROM DISCLOSURE; AMENDING SECTION 23-950, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF LABOR RELATING TO RESTRICTIONS AGAINST THE TRANSFER OF CERTAIN LICENSES; AMENDING SECTION 39-3018, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE CONDUCT OF STUDIES CONCERNING NUCLEAR ENERGY DEVELOPMENT; AMENDING SECTION 49-416C, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF COMMERCE RELATING TO SCIENCE AND TECHNOLOGY LICENSE PLATES; AMENDING SECTION 49-2901, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF COMMERCE RELATING TO THE RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM; AMENDING SECTION 49-2902, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF COMMERCE RELATING TO THE INTERAGENCY WORKING GROUP; AMENDING SECTION 49-2903, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF COMMERCE RELATING TO THE DUTIES OF THE INTERAGENCY WORKING GROUP; AMENDING SECTION 49-2904, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF COMMERCE RELATING TO THE RURAL ECONOMIC DEVELOPMENT

AND INTEGRATED FREIGHT TRANSPORTATION REVOLVING LOAN FUND; AMENDING SECTION 49-2905, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF COMMERCE RELATING TO THE STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN; AMENDING SECTION 59-904, IDAHO CODE, TO PROVIDE FOR VACANCIES IN OFFICES OF THE DIRECTOR OF THE DEPARTMENT OF COMMERCE AND THE DIRECTOR OF THE DEPARTMENT OF LABOR; AMENDING SECTION 63-2902, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 63-3029J, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF LABOR RELATING TO THE INCENTIVE INCOME TAX INVESTMENT CREDIT; AMENDING SECTION 63-3077A, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF LABOR RELATING TO AGREEMENTS FOR THE EXCHANGE OF CERTAIN INFORMATION WITH THE STATE TAX COMMISSION; AMENDING SECTION 63-3622TT, IDAHO CODE, TO PROVIDE REFERENCE TO THE DEPARTMENT OF COMMERCE RELATING TO MEDIA PRODUCTION TAX REBATES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 63-4402, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 67-2402, IDAHO CODE, TO PROVIDE THAT THE STRUCTURE OF THE EXECUTIVE BRANCH OF IDAHO STATE GOVERNMENT SHALL INCLUDE THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF LABOR; AND AMENDING SECTION 67-2406, IDAHO CODE, TO PROVIDE FOR THE CREATION OF THE DIRECTOR OF THE DEPARTMENT OF COMMERCE AND THE DIRECTOR OF THE DEPARTMENT OF LABOR.

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

SECTION 1. That the Heading of Chapter 47, Title 67, Idaho Code, be, and the same is hereby amended to read as follows:

CHAPTER 47
DEPARTMENT OF COMMERCE ~~AND LABOR~~

SECTION 2. That Section 67-4701, Idaho Code, be, and the same is hereby amended to read as follows:

67-4701. DEPARTMENT OF COMMERCE ~~AND LABOR~~ CREATED. There is hereby created in the executive branch of the government, a department of commerce, ~~and labor,~~ hereinafter referred to as the department, which shall have the duties, powers and authorities hereinafter provided.

Whenever in Idaho Code or elsewhere, reference is made to a predecessor department or agency of the department of commerce, ~~or~~ other than the department of commerce and labor, ~~or their predecessor departments or agencies,~~ it shall mean and hereafter be the department of commerce. ~~and labor.~~

SECTION 3. That Section 67-4702, Idaho Code, be, and the same is hereby amended to read as follows:

67-4702. AUTHORITY AND DUTIES OF THE DIRECTOR. (1) The director of the department of commerce, ~~and labor,~~ hereafter the director, shall administer the provisions of this chapter~~, the employment security law, chapter 13, title 72, Idaho Code, the minimum wage law, chapter 15, title 44, Idaho Code, the provisions of chapter 6, title 45, Idaho Code, relating to claims for wages, the provisions of section 44-1812, Idaho Code, relating to minimum medical and health standards for paid firefighters,~~ and ~~to~~ perform such other duties relating to commerce~~, labor~~

~~and--workforce-development~~ as may be imposed upon him by law. ~~The-director-shall-be-the-successor-in-law-to-the-office-enumerated-in-section-1, article-XIII,-of-the-constitution-of-the-state-of--Idaho.~~ The director shall have the authority to employ individuals, make expenditures, require reports, make investigations, perform travel and take other actions deemed necessary. The director shall organize the department which shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of the state government. The director shall have an official seal which shall be judicially noticed.

(2) The director shall have the authority pursuant to chapter 52, title 67, Idaho Code, to adopt, amend, or rescind rules as he deems necessary for the proper performance of all duties imposed upon him by law.

(3) Subject to the provisions of chapter 53, title 67, Idaho Code, the director is authorized and directed to provide for a merit system for the department covering all persons, except the director, ~~two--(2) deputy--directors,~~ the division administrators, and ~~five~~ two (~~5~~2) exempt positions to serve at the pleasure of the director.

(4) The director shall make recommendations for amendments to ~~the employment--security-law-and-other~~ laws he is charged to implement as he deems proper.

(5) The director shall have all the powers and duties as may have been or could have been exercised by his predecessors in law, except those powers and duties granted and reserved to the director of the department of labor in titles 44, 45, 63 and 72, Idaho Code, and he shall be the successor in law to all contractual obligations entered into by his predecessors in law, except for those contracts of the department of labor, or contracts pertaining to any power or duty granted and reserved to the director of the department of labor in titles 44, 45, 63 and 72, Idaho Code.

SECTION 4. That Section 67-4703, Idaho Code, be, and the same is hereby amended to read as follows:

67-4703. POWERS AND DUTIES. The department of commerce ~~and-labor~~ shall have the power and it shall be its duty to engage in advertising the state of Idaho, its resources, both developed and undeveloped, its tourist resources and attractions, its agricultural, mining, lumbering and manufacturing resources, its health conditions and advantages, its scenic beauty and its other attractions and advantages; and in general either directly, indirectly or by contract do anything and take any action which will promote and advertise the resources and products of the state of Idaho, develop its resources and industries, promote tourist travel to and within the state of Idaho, and further the welfare and prosperity of its citizens.

The department shall also have the following duties when it deals with promoting economic development and tourism within the state:

(1) Survey and investigate the social, economic and physical resources of the state, including land, water, minerals, facilities for power, transportation, communications, recreation, health, education and other resources and facilities; endeavor to aid the legislature and the citizens of the state of Idaho in formulating a program for the development and utilization of these resources and facilities, and for balancing our agricultural, timber and mining economy with industrial capac-

ity. It shall cooperate with local and regional agencies within the state. It shall cooperate with like agencies of other states, with agencies maintained by private persons or corporations, and with agencies established or employed by the United States to promote the development of the country and the welfare of its people.

(2) To develop and promote a comprehensive international marketing plan for Idaho's products.

(3) To collect and compile reliable data for general dissemination which will tend to the development of the state of Idaho by inducing people and capital to come within our borders.

(4) Keep accurate records and preserve all data collected by it, and from time to time prepare and submit to the governor and the legislature, reports, programs, recommendations and plans for the comprehensive, long-range development, conservation and use of all the resources of the state of Idaho. It shall make such special investigations as to resources, facilities, and other matters as may be required by the governor or the legislature.

(5) Coordinate those activities of local, state, federal and private agencies and departments when they deal with the promotion of Idaho's economic resources.

(6) To require and receive from the various executive departments and public officials of the state of Idaho such information as may be required by the division to enable it to fulfill its functions and carry out the purposes of this act.

(7) Administer and perform any other related functions or activities assigned by the governor or the legislature.

(8) Enter into interagency agreements with other state agencies in developing economic and community plans and programs.

(9) Provide technical assistance to other state agencies upon request.

(10) Contract with universities, consultants and other public and private agencies to develop plans and programs.

(11) Serve as a clearinghouse for information, data, and other materials which may be used in developing Idaho's economy.

(12) Prepare a comprehensive economic development strategy.

(13) Collect and compile reliable economic data for general dissemination.

(14) Petition for and receive moneys such as grants or gifts, to be used for state or local planning and economic development activities.

SECTION 5. That Section 67-4711, Idaho Code, be, and the same is hereby amended to read as follows:

67-4711. DEFINITIONS. As used in sections 67-4710 through 67-4719, Idaho Code, unless the context requires otherwise:

(1) "Act" means sections 67-4710 through 67-4719, Idaho Code.

(2) "Campground" means any privately owned business which rents areas or places used for camping or parking campers, travel trailers, motorhomes or tents.

(3) "Council" means the state of Idaho travel and convention industry council.

(4) "Department" means the department of commerce. ~~and labor.~~

(5) "Hotel/Motel" means an establishment which provides lodging to members of the public for a fee, and shall include condominiums,

townhouses or any other establishment which makes a sale as herein defined.

(6) "Planning regions" means those seven (7) districts which shall be designated by number and shall embrace the several counties as follows:

No. 1. The counties of Benewah, Bonner, Boundary, Kootenai and Shoshone.

No. 2. The counties of Clearwater, Idaho, Latah, Lewis and Nez Perce.

No. 3. The counties of Adams, Canyon, Gem, Payette, Washington, Ada, Owyhee, Elmore, Boise and Valley.

No. 4. The counties of Cassia, Gooding, Jerome, Lincoln, Minidoka and Twin Falls.

No. 5. The counties of Bannock, Caribou, Bear Lake, Franklin, Oneida, Power and Bingham.

No. 6. The counties of Clark, Jefferson, Fremont, Madison, Teton and Bonneville.

No. 7. The counties of Blaine, Camas, Lemhi, Custer and Butte.

(7) "Sale" means the renting of a place to sleep, to an individual by a hotel, motel, or campground for a period of less than thirty-one (31) continuous days. "Sale" shall not include the renting of a place to sleep to an individual by the Idaho Ronald McDonald House.

SECTION 6. That Section 67-4726, Idaho Code, be, and the same is hereby amended to read as follows:

67-4726. SCIENCE AND TECHNOLOGY ADVISORY COUNCIL -- APPOINTMENT OF MEMBERS -- QUALIFICATIONS. (1) The state of Idaho recognizes that the health and expansion of Idaho's future economy will depend upon taking full advantage of research and technology, and that Idaho has impressive resources for technology-based growth, internationally recognized university research programs, globally competitive technology companies and the Idaho national laboratory.

The science and technology advisory council is hereby created to advise the department of commerce, ~~and labor,~~ the state board of education, state colleges and universities, and other state, local, federal and private sector agencies and organizations on science and technology interests and potentials; to support the development and publishing of information on the condition and importance of science and technology to the state's economy; to assist with the development and implementation of a state strategic plan for science and technology; and to assist with the coordination of local, state and federal interests to increase the positive economic impact of the state's science and technology resources.

(2) The council shall be appointed by and serve at the pleasure of the governor. Membership of the council shall include individuals knowledgeable and experienced in science and technology issues. The council shall include representatives from the private sector who have expertise in the transfer and commercialization of science and technology, and representatives from the department of commerce, ~~and labor,~~ the office of the state board of education, and the office of the governor. The governor shall designate a chairman from the council's membership and the council shall designate such other officers from its membership as it deems necessary. The chairman and council members from the depart-

ment of commerce, ~~and labor,~~ the office of the state board of education, and the office of the governor shall serve as the executive committee of the council. The council shall be staffed and supported by the department of commerce. ~~and labor.~~ Members of the council who are not state employees shall be compensated for actual and necessary expenses as provided by section 59-509(b), Idaho Code.

SECTION 7. That Section 72-1318, Idaho Code, be, and the same is hereby amended to read as follows:

72-1318. DIRECTOR -- DEPARTMENT. "Director" means the director of the department of ~~commerce and~~ labor, the individual appointed pursuant to section 59-904, Idaho Code.

"Department" means the department of ~~commerce and~~ labor.

SECTION 8. That Chapter 13, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-1333, Idaho Code, and to read as follows:

72-1333. DEPARTMENT OF LABOR -- AUTHORITY AND DUTIES OF THE DIRECTOR. (1) The director shall administer the employment security law, chapter 13, title 72, Idaho Code, the minimum wage law, chapter 15, title 44, Idaho Code, the provisions of chapter 6, title 45, Idaho Code, relating to claims for wages, the provisions of section 44-1812, Idaho Code, relating to minimum medical and health standards for paid firefighters, the disability determinations service established pursuant to 42 U.S.C. 421, and shall perform such other duties relating to labor and workforce development as may be imposed upon him by law. The director shall be the successor in law to the office enumerated in section 1, article XIII, of the constitution of the state of Idaho. The director shall have the authority to employ individuals, make expenditures, require reports, make investigations, perform travel and take other actions deemed necessary. The director shall organize the department of labor which is hereby created, and which shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of the state government. The director shall have an official seal which shall be judicially noticed.

(2) The director shall have the authority pursuant to chapter 52, title 67, Idaho Code, to adopt, amend, or rescind rules as he deems necessary for the proper performance of all duties imposed upon him by law.

(3) Subject to the provisions of chapter 53, title 67, Idaho Code, the director is authorized and directed to provide for a merit system for the department covering all persons, except the director, the division administrators, and two (2) exempt positions to serve at the pleasure of the director.

(4) The director shall make recommendations for amendments to the employment security law and other laws he is charged to implement as he deems proper.

(5) The director shall have all the powers and duties as may have been or could have been exercised by his predecessors in law, except those powers and duties granted and reserved to the director of the department of commerce in titles 39, 49 and 67, Idaho Code, and he shall be the successor in law to all contractual obligations entered into by his predecessors in law, except for those contracts of the department of

commerce, or contracts pertaining to any power or duty granted and reserved to the director of the department of commerce, in titles 39, 49 and 67, Idaho Code.

SECTION 9. That Section 72-1347A, Idaho Code, be, and the same is hereby amended to read as follows:

72-1347A. EMPLOYMENT SECURITY RESERVE FUND — SPECIAL ADMINISTRATION FUND. (1) There is established in the state treasury a special trust fund, separate and apart from all other public funds of this state, to be known as the employment security reserve fund, hereinafter "reserve fund." Except as provided herein, all proceeds from the reserve tax defined in subsection (2) of this section shall be paid into the reserve fund. The moneys in the reserve fund may be used by the director for loans to the employment security fund, section 72-1346, Idaho Code, as security for loans from the federal unemployment insurance trust fund, and for the repayment of any interest bearing advances, including interest, made under title XII of the social security act, 42 USC 1321 through 1324, and shall be available to the director for expenditure in accordance with the provisions of this section. The state treasurer shall be the custodian of the reserve fund and shall invest said moneys in accordance with law. The state treasurer shall disburse the moneys from the reserve fund in accordance with the directions of the director.

(2) A reserve tax is imposed on all covered employers required to pay contributions pursuant to section 72-1350, Idaho Code, except deficit employers who have been assigned a taxable wage rate from deficit rate class six pursuant to section 72-1350(8)(a), Idaho Code. The reserve tax shall be due and payable at the same time and in the same manner as contributions. If the reserve fund is less than one percent (1%) of state taxable wages in the penultimate year as of September 30 of the preceding calendar year, the reserve tax rate for all eligible, standard-rated and deficit employers shall be equal to the taxable wage rate then in effect less the assigned contribution rate and training tax rate. The provisions of this chapter which apply to the payment and collection of contributions also apply to the payment and collection of the reserve tax, including the same calculations, assessments, method of payment, penalties, interest, costs, liens, injunctive relief, collection procedures and refund procedures. In the administration of the provisions of this section and the collection of the reserve tax, the director is granted all rights, authority, and prerogatives granted the director under the provisions of this chapter. Moneys collected from an employer delinquent in paying contributions and reserve taxes shall first be applied to pay any penalty and interest imposed pursuant to the provisions of this chapter and shall then be applied pro rata to pay delinquent contributions to the employment security fund, section 72-1346, Idaho Code, and delinquent reserve taxes to the reserve fund pursuant to this section. Any interest and penalties collected pursuant to this subsection shall be paid into the state employment security administrative and reimbursement fund, section 72-1348, Idaho Code, and any interest or penalties refunded under this subsection shall be paid out of that same fund. Reserve taxes paid pursuant to this subsection may not be deducted in whole or in part by any employer from the wages of individuals in its employ. All reserve taxes collected pursuant to this subsection shall be deposited in the clearing account of the

employment security fund, section 72-1346, Idaho Code, for clearance only and shall not become part of such fund. After clearance, the moneys shall be deposited in the reserve fund established in subsection (1) of this section. No reserve tax shall be imposed for any calendar year if, as of September 30 of the preceding calendar year, the balance of the reserve fund equals or exceeds one percent (1%) of the state taxable wages for the penultimate calendar year, or exceeds forty-nine percent (49%) of the actual balance of the employment security fund, section 72-1346, Idaho Code. Provided however, and ~~not--withstanding~~ notwithstanding any other provisions of this subsection, for calendar year 2006, the imposition of a reserve tax shall not be precluded even if the balance of the reserve fund exceeds forty-nine percent (49%) of the actual balance of the employment security fund.

(3) The interest earned from investment of the reserve fund shall be deposited in a fund established in the state treasurer's office, to be known as the department of ~~commerce and~~ labor special administration fund, hereinafter "special administration fund." The moneys in the special administration fund shall be held separate and apart from all other public funds of this state. The state treasurer shall be the custodian of this fund and may invest said moneys in accordance with law. Any interest earned on said moneys shall be deposited in the special administration fund. In the absence of a specific appropriation, the moneys in the special administration fund are perpetually appropriated to the director and may be expended with the approval of the advisory council appointed pursuant to section 72-1336, Idaho Code, for costs related to programs administered by the department. The director shall report annually to the joint finance-appropriations committee and the advisory council the expenditures and disbursements made from the fund during the preceding fiscal year, and the expenditures and disbursements and commitments made during the current fiscal year to date.

(4) Administrative costs related to the reserve fund and the special administration fund shall be paid from federal administrative grants received under title III of the social security act, to the extent permitted by federal law, and then from the special administration fund.

SECTION 10. That Section 72-1347B, Idaho Code, be, and the same is hereby amended to read as follows:

72-1347B. WORKFORCE DEVELOPMENT TRAINING FUND. (1) There is established in the state treasury a special trust fund, separate and apart from all other public funds of this state, to be known as the workforce development training fund, hereinafter "training fund." Except as provided herein, all proceeds from the training tax defined in subsection (4) of this section shall be paid into the training fund. The state treasurer shall be the custodian of the training fund and shall invest said moneys in accordance with law. Any interest earned on the moneys in the training fund shall be deposited in the training fund. Moneys in the training fund shall be disbursed in accordance with the directions of the director. In any month when the unencumbered balance in the training fund exceeds six million dollars ($6,000,000), the excess amount over six million dollars ($6,000,000) shall be transferred to the employment security reserve fund, section 72-1347A, Idaho Code. For the purposes of this subsection (1), the unencumbered balance in the training fund is

the balance in such fund reduced by the sum of:

(a) The amounts that have been obligated pursuant to fully-executed workforce development training fund contracts;

(b) The amounts that have been obligated pursuant to letters of intent for proposed job training projects; and

(c) Any administrative costs related to the training fund that are due and payable.

(2) All moneys in the training fund are perpetually appropriated to the director for expenditure in accordance with the provisions of this section. The purpose of the training fund is to provide or expand training and retraining opportunities in an expeditious manner that would not otherwise exist for Idaho's workforce. The training fund is intended to supplement, but not to supplant or compete with, money available through existing training programs. The moneys in the training fund shall be used for the following purposes:

(a) To provide training for skills necessary for specific economic opportunities and industrial expansion initiatives;

(b) To provide training to upgrade the skills of currently employed workers at risk of being permanently laid off;

(c) For refunds of training taxes erroneously collected and deposited in the workforce training fund;

(d) For all administrative expenses incurred by the department associated with the collection of the training tax and any other administrative expenses associated with the training fund.

(3) Expenditures from the training fund for purposes authorized in paragraphs (a) and (b) of subsection (2) of this section shall be approved by the director, and the director of the department of commerce, in consultation with the office of the governor, based on procedures, criteria and performance measures established by the council appointed pursuant to section 72-1336, Idaho Code. The activities funded by the training fund will be coordinated with similar activities funded by the state division of professional-technical education. Expenditures from the training fund for purposes authorized in paragraphs (c) and (d) of subsection (2) of this section shall be approved by the director. The director shall pay all approved expenditures as long as the training fund has a positive balance. The council shall report annually to the governor and the joint finance-appropriations committee the commitments and expenditures made from the training fund in the preceding fiscal year and the results of the activities funded by the training fund.

(4) A training tax is hereby imposed on all covered employers required to pay contributions pursuant to section 72-1350, Idaho Code, with the exception of deficit employers who have been assigned a taxable wage rate from rate class six pursuant to section 72-1350, Idaho Code. The training tax rate shall be equal to three percent (3%) of the taxable wage rate then in effect for each eligible, standard-rated and deficit employer. The training tax shall be due and payable at the same time and in the same manner as contributions. This subsection is repealed effective January 1, ~~2011~~ 2012, unless, prior to that date, the Idaho legislature approves the continuation of this subsection by repeal of this sunset clause.

(5) The provisions of this chapter which apply to the payment and collection of contributions also apply to the payment and collection of the training tax, including the same calculations, assessments, method of payment, penalties, interest, costs, liens, injunctive relief, col-

lection procedures and refund procedures. In the administration of the provisions of this section, the director is granted all rights, authority, and prerogatives granted under the provisions of this chapter. Moneys collected from an employer delinquent in paying contributions, reserve taxes and the training tax shall first be applied to any penalty and interest imposed pursuant to the provisions of this chapter and shall then be applied pro rata to delinquent contributions to the employment security fund, section 72-1346, Idaho Code, delinquent reserve taxes to the reserve fund, section 72-1347A, Idaho Code, and delinquent training taxes to the training fund. Any interest and penalties collected pursuant to this subsection shall be paid into the state employment security administrative and reimbursement fund, section 72-1348, Idaho Code, and any interest or penalties refunded under this subsection shall be paid out of that same fund. Training taxes paid pursuant to this section shall not be credited to the employer's experience rating account and may not be deducted by any employer from the wages of individuals in its employ. All training taxes shall be deposited in the clearing account of the employment security fund, section 72-1346, Idaho Code, for clearance only and shall not become part of such fund. After clearance, the moneys shall be deposited in the training fund established in subsection (1) of this section.

(6) Administrative costs related to the training fund shall be paid from the training fund in accordance with subsection (3) of this section.

SECTION 11. 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 unless access to the information by the parties is restricted by subsection (3)(a), (3)(b) or (3)(d) of section 9-342, Idaho Code. Notwithstanding the provisions of section 9-342, Idaho Code, a person may not review identifying information concerning an informant who reported to the department of ~~commerce and~~ labor a suspected violation by the person of the employment security law, chapter 13, title 72, Idaho Code, under an assurance of confidentiality. As used in this section, "employment security information" means any information descriptive of an identifiable person or persons that is received by, recorded

by, prepared by, furnished to or collected by the department of ~~commerce and~~ labor or the industrial commission in the administration of the employment security law.

(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 sections 37-2726 and 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.

(26) File numbers, passwords and information in the files of the health care directive registry maintained by the secretary of state under section 39-4515, Idaho Code, are confidential and shall not be disclosed to any person other than to the person who executed the health care directive or the revocation thereof and that person's legal representatives, to the person who registered the health care directive or revocation thereof, and to physicians, hospitals, medical personnel, nursing homes, and other persons who have been granted file number and password access to the documents within that specific file.

SECTION 12. That Section 23-950, Idaho Code, be, and the same is hereby amended to read as follows:

23-950. RESTRICTION AGAINST TRANSFER OF LICENSE. (1) No license issued under the provisions of this chapter shall be renewed, transferred, assigned, leased or sold if:

(a) The state tax commission has notified the director and the licensee in writing that any tax imposed by chapters 30 and 36, title 63, Idaho Code, interest, penalty, and additional amount, which has accrued as a result of the operation of the licensed premises has been assessed as that term is defined in section 63-3045A, Idaho Code, against the licensee or any person operating the licensed premises with the permission of the licensee; or

(b) The department of ~~commerce and~~ labor has notified the director and the licensee in writing that a lien has been filed against the licensee or any person operating the licensed premises with the permission of the licensee, as a result of the operation of the licensed premises securing amounts due pursuant to chapter 13, title 72, Idaho Code.

(2) At such time as the state tax commission or the department of ~~commerce and~~ labor has notified the director and licensee as herein provided, the license issued for the premises the operation of which has resulted in the accrual of the tax for which the warrant or lien is outstanding shall be subject to levy and distraint pursuant to chapter 30, title 63, Idaho Code, or seizure pursuant to section 72-1360A, Idaho Code.

SECTION 13. That Section 39-3018, Idaho Code, be, and the same is hereby amended to read as follows:

39-3018. CONDUCT OF STUDIES CONCERNING NUCLEAR ENERGY DEVELOPMENT. Each of the several departments and agencies of this state, including specifically the state department of environmental quality, the ~~state department of labor and industrial services~~ division of building safety, the state industrial commission, and the department of commerce, ~~in the office of the governor,~~ is directed:

(1) To initiate and to pursue continuing studies as may be requested from time to time by the nuclear energy commission relative to the need for changes in the laws, regulations and programs administered by it so as to further the development of the peaceful and productive uses of nuclear energy in this state, and to make such recommendations, on the basis of such studies, for the enactment of laws or amendments to law administered by it, and such proposals for amendments to the regulations issued by it, as may appear necessary and appropriate.

(2) To otherwise cooperate with the nuclear energy commission, the office of nuclear energy development, and the state radiation control agency in the performance of their duties as set out in this act.

SECTION 14. That Section 49-416C, Idaho Code, be, and the same is hereby amended to read as follows:

49-416C. SCIENCE AND TECHNOLOGY PLATES. (1) Any person who is the owner of a vehicle registered under the provisions of section 49-402 or 49-434(1), Idaho Code, or registered under any other section of law for which the purchase of special plates is allowed, may apply for and, upon department approval, receive special science and technology license plates in lieu of regular license plates. The provisions of this section shall not apply to any vehicle with a registered maximum gross weight over twenty-six thousand (26,000) pounds. Availability of science and technology license plates for other vehicles shall be subject to the rules, policies and procedures of the department.

(2) In addition to the regular registration fee required in chapter 4, title 49, Idaho Code, the applicant shall be charged a fee of thirty-five dollars ($35.00) for the initial issuance of plates, and twenty-five dollars ($25.00) upon each succeeding annual registration. Ten dollars ($10.00) of the initial fee and ten dollars ($10.00) of the renewal fee shall be deposited in the state highway account and shall be used to fund the cost of administration of this special license plate program. Twenty-five dollars ($25.00) of each initial fee and fifteen dollars ($15.00) of each renewal fee shall be transferred by the state treasurer for deposit to the office of science and technology fund created in section 67-4725, Idaho Code, and shall be used by the science technology division of the department of commerce for attracting science and technology companies to locate or to expand their operations in Idaho.

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

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

(5) Sample science and technology license plates may be purchased for a fee of thirty dollars ($30.00), ten dollars ($10.00) of which shall be deposited in the state highway account and twenty dollars

($20.00) of which shall be transferred to the office of science and technology fund, and shall be used by the office for attracting science and technology companies to locate or to expand their operations in Idaho.

SECTION 15. That Section 49-2901, Idaho Code, be, and the same is hereby amended to read as follows:

49-2901. RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM. (1) The Idaho rural economic development and integrated freight transportation program is hereby established. The Idaho department of commerce ~~and labor~~ is designated and authorized to administer the rural economic development and integrated freight transportation program.

(2) State funding for rural freight transportation service 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 department of commerce ~~and labor~~ shall seek federal, local and private funding and participation to the greatest extent possible. Whenever possible, the department shall seek to assist a private sector solution for the implementation of this chapter.

SECTION 16. That Section 49-2902, Idaho Code, be, and the same is hereby amended to read as follows:

49-2902. INTERAGENCY WORKING GROUP CREATED. (1) An interagency working group is hereby created to advise the department of commerce ~~and labor~~ on issues and policies in support of the department of commerce's ~~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 17. That Section 49-2903, Idaho Code, be, and the same is hereby amended to read as follows:

49-2903. DUTIES OF THE INTERAGENCY WORKING GROUP. (1) The interagency working group shall provide recommendations to the department of commerce ~~and--labor~~ in order for that department to establish criteria for evaluating 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.~~

(2) The 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 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.

(3) The 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 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 18. That Section 49-2904, Idaho Code, be, and the same is hereby amended to read as follows:

49-2904. RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION REVOLVING LOAN FUND. (1) The rural economic development and integrated freight transportation revolving loan fund is hereby created in the state treasury. The department of commerce ~~and labor~~ is authorized to administer the rural economic development and integrated freight transportation revolving loan fund. Moneys in the fund shall be used only for the purposes specified in this 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 for loans or grants for qualified rural projects for the development and preservation of intermodal rail and truck services and facilities upon terms and conditions to be determined by the department of commerce ~~and labor~~ with the assistance and advice of the interagency working group as appropriate, for the purpose of:

(a) 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 and commerce, and to improve shipping service; or

(d) 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 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 department of commerce ~~and labor~~ from loan payments or other revenues shall be redeposited in the rural economic development and integrated freight transportation fund. Repayment of loans made under this chapter shall occur within a period as set by the department, but no repayment which exceeds fifteen (15) years shall be allowed. The repayment schedule and rate of interest shall be determined before the moneys are distributed.

(6) Moneys distributed under the provisions of this chapter shall be provided as loans to qualified lines or shippers.

SECTION 19. That Section 49-2905, Idaho Code, be, and the same is hereby amended to read as follows:

49-2905. STATE RAIL AND INTERMODAL FACILITY SYSTEM PLAN. (1) The Idaho transportation 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) 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) The 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 proposed project;

(iii) Establishment of an intermodal facility, if indicated;

(iv) The likelihood the qualified line receiving funding can meet operating costs from freight charges, surcharges on rail traffic and other funds; and

(v) The impact of abandonment or capacity constraints 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 main-

line, 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.

(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.

SECTION 20. That Section 59-904, Idaho Code, be, and the same is hereby amended to read as follows:

59-904. STATE OFFICES -- VACANCIES, HOW FILLED AND CONFIRMED. (a) All vacancies in any state office, and in the supreme and district courts, unless otherwise provided for by law, shall be filled by appointment by the governor. Appointments to fill vacancies pursuant to this section shall be made as provided in subsections (b), (c), (d), (e), and (f) of this section, subject to the limitations prescribed in those subsections.

(b) Nominations and appointments to fill vacancies occurring in the office of lieutenant governor, state controller, state treasurer, superintendent of public instruction, attorney general and secretary of state shall be made by the governor, subject to the advice and consent of the senate, for the balance of the term of office to which the predecessor of the person appointed was elected.

(c) Nominations and appointments to and vacancies in the following listed offices shall be made or filled by the governor subject to the advice and consent of the senate for the terms prescribed by law, or in case such terms are not prescribed by law, then to serve at the pleasure of the governor:

Director of the department of administration,
Director of the department of finance,
Director of the department of insurance,
Director, department of agriculture,
Director of the department of water resources,
Director of the Idaho state police,
Director of the department of commerce, ~~and labor,~~
Director of the department of labor,
Director of the department of environmental quality,
Director of the department of juvenile corrections,
Executive director of the commission of pardons and parole,
The state historic preservation officer,
The administrator of the division of human resources,
Member of the state tax commission,
Members of the board of regents of the university of Idaho and the state board of education,
Members of the Idaho water resources board,
Members of the state fish and game commission,
Members of the Idaho transportation board,
Members of the state board of health and welfare,
Members of the board of environmental quality,
Members of the board of directors of state parks and recreation,

Members of the board of correction,
Members of the industrial commission,
Members of the Idaho public utilities commission,
Members of the Idaho personnel commission,
Members of the board of directors of the Idaho state retirement system,
Members of the board of directors of the state insurance fund,
Members of the commission of pardons and parole.

(d) Appointments made by the state board of land commissioners to the office of director, department of lands, and appointments to fill vacancies occurring in those offices shall be submitted by the president of the state board of land commissioners to the senate for the advice and consent of the senate in accordance with the procedure prescribed in this section.

(e) Appointments made pursuant to this section while the senate is in session shall be submitted to the senate forthwith for the advice and consent of that body. The appointment so made and submitted shall not be effective until the approval of the senate has been recorded in the journal of the senate. Appointments made pursuant to this section while the senate is not in session shall be effective until the appointment has been submitted to the senate for the advice and consent of the senate. Should the senate adjourn without granting its consent to such an interim appointment the appointment shall thereupon become void and a vacancy in the office to which the appointment was made shall exist.

All appointments made pursuant to subsection (c) of this section, except those appointments for which a term of office is fixed by law, shall terminate at the expiration of any gubernatorial term. Appointments to fill the vacancies thus created by the expiration of the term of office of the governor shall be forthwith submitted to the senate for the advice and consent of that body, and when so submitted shall be as expeditiously considered as possible.

Upon receipt of an appointment in the senate for the purpose of securing the advice and consent of the senate, the appointment shall be referred by the presiding officer to the appropriate committee of the senate for consideration and report prior to action thereon by the full senate.

(f) It is the intent of the legislature that the provisions of this section as amended by this chapter shall not apply to appointments which have been made prior to the effective date of this chapter. It is the further intent of the legislature that the provisions of this section shall apply to the offices listed in this section and to any office created by law or executive order which succeeds to the powers, duties, responsibilities and authorities of any of the offices listed in subsections (c) and (d) of this section.

SECTION 21. That Section 63-2902, Idaho Code, be, and the same is hereby amended to read as follows:

63-2902. 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 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 either on a regional or national basis. 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 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, 2005, and ending when the facilities constituting the project are placed in service, but no later than December 31, 2009.

(g) "Project site" means an area or areas at which headquarters and headquarters 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 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 63-2903 and 63-2904, 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 63-2905, 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 both subparagraphs (i) and (ii) of this paragraph (j).

(i) During the project period, making capital investments in new plant of at least fifty million dollars ($50,000,000) at the project site.

(ii) During a period of time beginning on January 1, 2005, and ending at the conclusion of the project period:

1. Increasing employment at the project site by at least five hundred (500) new employees:

(A) Each of whom must earn at least twenty-four dollars and four cents ($24.04) per hour worked during the taxpayer's taxable year; or

(B) Each of whom is part of a group of five hundred (500) or more employees at the project site which group on average earns at least twenty-eight dollars and eighty-five cents ($28.85) per hour worked during the taxpayer's taxable year. Calculation of the group average earnings may not include amounts paid to any employee earning more than ninety-six dollars and fifteen cents ($96.15) or less than fifteen dollars and fifty cents ($15.50) per hour worked during the taxpayer's taxable year.

(C) 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.

(D) 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. Maintaining net increased employment in Idaho required by subparagraph (ii)1. of this paragraph (j) during the remainder of the project period.

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

63-3029J. INCENTIVE INCOME TAX INVESTMENT CREDIT. (1) Subject to the limitations of this section, for taxable year 2001 only, there shall be allowed to a taxpayer a nonrefundable credit against taxes imposed by sections 63-3024, 63-3025 and 63-3025A, Idaho Code, in the amount allowed by subsection (2) of this section for qualified investments in Idaho. The credit shall be in addition to the credit for capital investment permitted by section 63-3029B, Idaho Code.

(2) The credit permitted in subsection (1) of this section shall be at the percentage rate determined under either subsection (2)(a) or (2)(b) of this section at the election of the taxpayer.

(a) (i) One-half (1/2) of the amount by which the average three-year unemployment rate in the county in which the property is located exceeds six percent (6%). In the case of mobile property, the property shall be located in the county in which it is primarily based.

(ii) For purposes of this section the director of the department of labor shall, on or before the first day of September of each calendar year, establish and certify to the state tax commission the average three-year unemployment rate in each county in Idaho for the immediately preceding three (3) calendar years. The rates thus certified shall apply to the calculation of the credit under subsection (2)(a)(i) of this section for property qualifying in the taxable year beginning during the next calendar year.

(b) (i) One-tenth of one percent (.1%) for each full percent that the three-year average per capita personal income level in the county in which the property is located is below ninety percent (90%) of the average statewide per capita personal income level.

(ii) For purposes of this section the director of the department of ~~commerce~~ labor shall, on or before the first day of September of each calendar year, establish and certify to the

state tax commission the most current three-year average per capita personal income level in each county in Idaho and the statewide per capita personal income level for the most current preceding three (3) calendar years. The levels thus certified shall apply to the calculation of the credit under subsection (2)(b)(i) of this section for property qualifying in the taxable year beginning during the next calendar year.

(3) As used in this section the term "qualified investment" shall be defined as in section 63-3029B, Idaho Code.

(4) The credit allowed by subsection (1) of this section together with any credits carried forward under subsection (6) of this section shall not exceed in any one (1) taxable year the lesser of:

(a) The amount of tax due under sections 63-3024, 63-3025 and 63-3025A, Idaho Code, after allowance for all other credits permitted by this chapter; or

(b) Five hundred thousand dollars ($500,000).

(5) In the case of a group of corporations filing a combined report under subsection (t) of section 63-3027, Idaho Code, credit earned by one (1) member of the group but not used by that member may be used by another member of the group, subject to the provisions of subsection (6) of this section, instead of carried over. For a combined group of corporations, credit carried forward may be claimed by any member of the group unless the member who earned the credit is no longer included in the combined group.

(6) If the credit allowed by subsection (1) of this section exceeds the limitation under subsection (4) of this section, the excess amount may be carried forward for a period that does not exceed the next fourteen (14) taxable years.

(7) In the event that property upon which the credit allowed by this section has been used ceases to qualify for the credit allowed by section 63-3029B, Idaho Code, the recapture of credit under this section shall be in the same proportion and subject to the same provisions as the amount of credit required to be recaptured under section 63-3029B, Idaho Code.

(8) (a) Subject to the requirements of this subsection, a taxpayer who earns and is entitled to the credit or to an unused portion of the credit allowed by this section may transfer the unused credit to another taxpayer required to file a return under this chapter.

(b) Before completing a transfer under this subsection, the transferor shall notify the state tax commission of its intention to transfer the credit and the identity of the transferee. The state tax commission shall provide the transferor with a written statement of the amount of credit available under this section as then appearing in the commission's records and the number of years the credit may be carried over. The transferor shall provide the transferee with the original statement. The transferee shall attach a copy of the statement to any return in regard to which the transferred credit is claimed.

(c) In the event that after the transfer the state tax commission determines that the amount of credit properly available under this section is less than the amount claimed by the transferor of the credit and shown in the statement described in subsection (8)(b) of this section or that the credit is subject to recapture, the commission shall assess the amount of overstated credit as taxes due from

the transferor and not the transferee. The assessment shall be made in the manner provided for a deficiency in taxes under this chapter.

(9) In addition to other needed rules, the state tax commission may promulgate rules prescribing:

(a) In the case of S corporations, partnerships, trusts or estates, a method of attributing the credit under this section to the shareholders, partners or beneficiaries in proportion to their share of the income from the S corporation, partnership, trust or estate.

(b) A requirement that a transferor under subsection (8) of this section, prior to obtaining the written statement provided in subsection (8)(b) of this section, post such bond or security as the state tax commission may require to secure any liability referred to in subsection (8)(c) of this section. Such rules shall provide an opportunity for a taxpayer, upon a showing of financial responsibility, to have the bond waiver, for notice of denial of waiver in accordance with section 63-3045, Idaho Code, and for review in accordance with section 63-3045B, Idaho Code.

SECTION 23. That Section 63-3077A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3077A. AGREEMENTS FOR EXCHANGE OF INFORMATION AND JOINT ADMINISTRATION WITH DEPARTMENT OF ~~COMMERCE AND~~ LABOR. (a) The state tax commission and the department of ~~commerce and~~ labor may enter into a written agreement for exchange of information relating to tax laws administered by the state tax commission and the employment security law administered by the department of ~~commerce and~~ labor. Any information so exchanged shall be confidential information in the hands of the recipient thereof and may be used only for the following:

(1) Determining whether the person to whom the information relates may have an undischarged duty or liability under the employment security law or the tax laws administered by the state tax commission, the amount of such liability, the person's whereabouts, social security number, and information helpful in collecting any liability due.

(2) Administering any joint agreement between the department of ~~commerce and~~ labor and the state tax commission relating to employment security taxes and income tax withholding for the common registration of employers, common tax reporting forms, centralized filing and processing of forms.

(3) Administration of the state directory of new hires provided in chapter 16, title 72, Idaho Code.

(b) No such information shall be public information unless it is used in the course of a judicial proceeding arising under the employment security law or the tax laws administered by the state tax commission.

(c) An agreement made pursuant to this section may provide for the offset of any refunds owed to any person by either party to the agreement against any tax liability, overpayment of benefits liability, and any penalties and interest thereon owed to either party to the agreement. No offset may be made unless the liability against which it is applied is final, without any further right on the part of the person owing the liability to either administrative or judicial review.

SECTION 24. That Section 63-3622TT, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622TT. MEDIA PRODUCTION PROJECT TAX REBATE. (1) An eligible media production company which purchases tangible personal property used directly in a media production project and which makes qualifying media production expenditures may qualify for a rebate of sales or use taxes paid on such purchases if the purchaser develops, with such tangible personal property or qualifying media production project expenditures in Idaho, the production in Idaho of a media production project and if the purchase or use of such tangible personal property is subject to the sales and use tax. To be eligible for the rebate pursuant to this section, a media production company shall submit to the department of commerce ~~and labor~~ information required by the director of the department of commerce ~~and labor~~ to demonstrate conformity with the requirements of this section and shall have expended or will expend a minimum of two hundred thousand dollars ($200,000) on qualifying media production project expenses in Idaho within a consecutive thirty-six (36) month period for each media production project. Application for the rebate shall be made within thirty-six (36) months of the expenditure qualifying for the rebate. The department of commerce ~~and labor~~ shall determine eligibility of the company and shall report this information to the state tax commission in a manner and at a time upon which the department of commerce ~~and labor~~ and the tax commission shall agree. The department of commerce ~~and labor~~ may charge an application fee not in excess of five hundred dollars ($500) for a media production company's application to be qualified for the sales tax rebate pursuant to this section.

(2) To receive the rebate pursuant to this section, the media production company shall apply to the state tax commission on forms and in the manner the commission requires. The application shall include a certification of the amount of expenditures made in Idaho with respect to the purchase of tangible personal property by the media production company by the director of the department of commerce ~~and labor~~ or the director's designee. The rebate shall be paid within sixty (60) days from the date the tax commission receives a qualified application. If the rebate is not paid within that period, the amount owed to the taxpayer shall accrue interest at the rate provided in section 63-3045, Idaho Code.

(3) As used in this section:

(a) "Media production project" is defined as the production of a single project through a variety of techniques and media including live action camera work, animation, computer-generated imagery or other recorded work during the process of preproduction, production and postproduction, that ~~are~~ is intended to be exhibited in theaters, licensed for exhibition on television or cable stations or networks, licensed for or produced for sale or rental to home or commercial viewing markets or a future viewing or listening medium. Products of a media production project include feature films, videos, television series or movies, industrials and education programs or shows, video or computer games, and documentaries, but shall not include production of news and athletic event programming, political advertisements, family or personal productions, filming of live staged events to which tickets are sold or any material of an indecent or obscene nature as provided in chapter 41, title 18,

Idaho Code. "Media production project" includes "preproduction," "production," and "postproduction."

(b) "Postproduction" means the final stage in a media production project after principal photography, including editing, the addition of sound/visual effects and musical scoring, mixing and dubbing and distributing.

(c) "Preproduction" means the planning stage in a media production project after the project is financed and before principal photography or actual shooting commences, including script treatment and editing/rewriting, scheduling, set design and construction, casting, budgeting and financial planning, and scouting or selection of locations.

(d) "Production" means the general process of putting a media production project together, including casting, set construction, principal photography and shooting.

(e) "Qualifying media production project expenditures" in Idaho includes, but is not limited to, wages from eleven dollars ($11.00) per hour to one hundred twenty-five dollars ($125) per hour, fringe benefits, commissions or fees and per diem expenses for labor paid in Idaho; contract labor paid in Idaho; equipment rentals and purchases during preproduction, production and postproduction such as grip, lighting, editing, camera, communication and computers; film, videotape stock or digital recording medium and processing and transfer costs; expendables such as gaffer's tape or gel; wardrobe and costuming; makeup and hairdressing supplies; set construction and set decoration materials, prop rentals and purchases, including lumber and construction materials, tools and equipment; stage, location site and office space rentals, equipment and expendables; vehicle, truck, boat and aircraft rentals, leases and purchases; food purchased for cast and crew; airfare or other travel purchased through an Idaho based travel agency; insurance and completion bond coverage purchased through an Idaho based agency; lodging expenses for hotels, motels, apartments and houses; motor vehicle expenses, including gas, oil, servicing and reimbursed mileage; laundry and dry cleaning; and shipping services.

(4) Any rebate paid shall be subject to recapture by the commission 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 in the event that the media production company did not otherwise qualify. 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 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.

SECTION 25. 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) "New plant and building facilities" means facility or facilities, including related parking facilities, where employees are physically employed.
(c) "Idaho income tax act" means chapter 30, title 63, Idaho Code.
(d) "Investment in new plant" means investment in 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, 2006, and ending when the facilities constituting the project are placed in service, but no later than December 31, 2010.
(g) "Project site" means an area or areas at which 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 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) 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, 2006, 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.

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) of this paragraph (j) during the remainder of the project period.

(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 26. That Section 67-2402, Idaho Code, be, and the same is hereby amended to read as follows:

67-2402. STRUCTURE OF THE EXECUTIVE BRANCH OF IDAHO STATE GOVERNMENT. (1) Pursuant to section 20, article IV, Idaho constitution, all executive and administrative offices, agencies, and instrumentalities of the executive department of state, except for those assigned to the elected constitutional officers, are allocated among and within the following departments:

Department of administration
Department of agriculture
Department of commerce ~~and labor~~
Department of labor
Department of correction
Department of environmental quality
Department of finance
Department of fish and game
Department of health and welfare
Department of insurance
Department of juvenile corrections
Idaho transportation department
Industrial commission
Department of lands
Idaho state police
Department of parks and recreation
Department of revenue and taxation
Department of self-governing agencies
Department of water resources
State board of education

The public school districts of Idaho, having condemnation authority, shall be considered civil departments of state government for the purpose of and limited to the purchase of state endowment land at appraised prices.

(2) The governor, lieutenant governor, secretary of state, state controller, state treasurer, attorney general and superintendent of public instruction each heads a constitutional office.

(3) For its internal structure, unless specifically provided otherwise, each department shall adhere to the following standard terms:

(a) The principal unit of a department is a division. Each division shall be headed by an administrator. The administrator of any division shall be exempt from the provisions of chapter 53, title 67, Idaho Code.

(b) The principal unit of a division is a bureau. Each bureau shall be headed by a chief.
(c) The principal unit of a bureau is a section. Each section shall be headed by a supervisor.

SECTION 27. That Section 67-2406, Idaho Code, be, and the same is hereby amended to read as follows:

67-2406. DIRECTORS OF DEPARTMENTS ENUMERATED. The following department directors are created:
Director, department of administration
Director, department of agriculture
Director, department of commerce ~~and labor~~
Director, department of labor
Director, department of correction
Director, department of finance
Director, department of fish and game
Director, department of environmental quality
Director, department of health and welfare
Director, department of insurance
Director, department of juvenile corrections
Director, Idaho transportation department
Director, department of lands
Director, Idaho state police
Director, department of parks and recreation
Director, department of water resources.

Approved April 5, 2007.

CHAPTER 361
(H.B. No. 334)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE MILITARY DIVISION FOR FISCAL YEAR 2008; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE USE OF THE APPROPRIATION.

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 Office of the Governor for the Military Division the following amounts to be expended for the designated program from the listed funds for the period July 1, 2007, through June 30, 2008, for the purpose of improving public safety interoperable communications:

BUREAU OF HOMELAND SECURITY:

FROM:	
General Fund	$ 3,000,000
Federal Grant Fund	12,000,000
TOTAL	$15,000,000

SECTION 2. It is the intent of the Idaho Legislature that all General Fund moneys appropriated to the Office of the Governor for the Military Division to match the public safety interoperable communications grant, for the period July 1, 2007, through June 30, 2008, be used exclusively for that purpose. The distribution of moneys, as appropriated in Section 1 of this act, shall be determined through the Office of the Governor by the Idaho Statewide Interoperability Executive Council, using established grant processes through the Bureau of Homeland Security. Funding shall be used to provide the necessary infrastructure for building an interoperable public safety and public services communication system for the benefit of all Idahoans. Any unmatched General Funds, in whole, or in part, shall be reverted to the General Fund on or before December 31, 2007.

Approved April 5, 2007.

CHAPTER 362
(H.B. No. 335)

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2008; AND AUTHORIZING TWO ADDITIONAL FULL-TIME EQUIVALENT POSITIONS.

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 Labor 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, 2007, through June 30, 2008:

NURSING WORKFORCE:	
FOR:	
Personnel Costs	$130,000
Operating Expenditures	46,000
Capital Outlay	4,000
TOTAL	$180,000
FROM:	
General Fund	$180,000

SECTION 2. In addition to any other provision of law, the following full-time equivalent positions are authorized during the period July 1, 2007, through June 30, 2008: for the Department of Labor, two (2) full-time equivalent positions.

Approved April 5, 2007.

CHAPTER 363
(H.B. No. 336)

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; LIMITING THE SCOPE OF TRANSPORTATION PROJECTS; PROVIDING A REQUIREMENT REGARDING A GARVEE PROGRAM MANAGEMENT SERVICES AGREEMENT; PROVIDING FOR ISSUANCE OF GARVEE BONDS; PROVIDING LEGISLATIVE INTENT AS TO THE IDAHO TRANSPORTATION BOARD'S PRIORITY USE OF BOND REVENUE; PROVIDING LEGISLATIVE INTENT REGARDING WORK PERFORMED BY THE IDAHO TRANSPORTATION DEPARTMENT; PROVIDING LEGISLATIVE INTENT AUTHORIZING THE IDAHO TRANSPORTATION BOARD TO ADJUST ALLOCATION OF BOND PROCEEDS; AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE; PROVIDING A DATE FOR SUBMITTAL OF A REPORT TO THE LEGISLATURE; PROVIDING THAT BONDS AUTHORIZED BE ISSUED NO LATER THAN JUNE 30, 2008; PROVIDING FOR RESPONSIBILITIES OF THE IDAHO TRANSPORTATION BOARD AND PROVIDING FOR AUTHORITY OF THE IDAHO LEGISLATURE; AND AMENDING SECTION 40-315, IDAHO CODE, TO PROVIDE FOR RESPONSIBILITIES OF THE IDAHO TRANSPORTATION BOARD AND TO PROVIDE FOR AUTHORITY OF THE IDAHO LEGISLATURE.

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

SECTION 1. The Idaho Legislature hereby approves bonding authority for the issuance of highway transportation (GARVEE) bonds by the Idaho Housing and Finance Association in a principal amount sufficient to finance the highway transportation projects listed in Section 2 of this act in an amount up to $250,000,000. Such bonds are expected to be paid from continuing appropriations of federal funds from the State Highway Account as provided in Section 40-707, Idaho Code.

SECTION 2. The Legislature finds that the bonding authority provided in Section 1 of this act shall be used in a manner that does not obligate future legislatures or governors for additional bonding authority. The bonding authorized in Section 1 of this act shall be used to finance the following projects and the Idaho Transportation Board shall allocate bond revenue to the projects listed with such revenue allocation falling within the range provided in this section:

			Range	
(1)	US-95	GARWOOD TO SAGLE, KOOTENAI AND BONNER COUNTIES	$23,000,000	$ 77,097,000
(2)	US-95	WORLEY NORTH, KOOTENAI COUNTY	$11,168,000	$ 12,000,000
(3)	SH-16	JUNCTION I-84 TO EMMETT	$ 4,326,000	$ 17,000,000
(4)	I-84	CALDWELL TO MERIDIAN	$58,120,000	$126,000,000
(5)	I-84	ORCHARD TO ISAACS CANYON	$28,000,000	$ 30,019,000
(6)	US-30	MCCAMMON TO LAVA HOT SPRINGS	$38,387,000	$ 40,000,000

In no event shall the Idaho Transportation Board's bond revenue allocation for the projects listed in this section exceed the bonding amount authorized in Section 1 of this act.

SECTION 3. The Idaho Transportation Board and the Idaho Transportation Department are hereby directed to not increase the scope, nor add specific projects, nor in any manner extend or enlarge the transportation projects listed in Section 2 of this act.

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

SECTION 5. The bonds issued under the authority provided in Section 1 of this act shall be issued upon an approved resolution by the Idaho Transportation Board requesting the Idaho Housing and Finance Association to issue bonds in amounts necessary to ensure that: the funds are necessary to meet program obligation requirements; the funds will be used and disbursed in accordance with United States Treasury regulations to ensure tax exempt status is retained; and the bonds are issued at prevailing market rates of interest. Further, it is the intent of the Legislature that the bonds authorized by the authority provided in Section 1 of this act be issued on an "as needed" basis as determined by the Idaho Transportation Board in an amount approximately, but not mandatorily, one-half (1/2) the total amount authorized. The purpose of this intent is to delay debt service on additional bonding until funds need to be obligated to pay for right-of-way acquisition, construction, and/or other necessary project-related costs and to avoid violation of arbitrage rules that may result from issuance of bonds too far in advance of the need to obligate for expenditure. It is also the request of the Legislature that the obligation of previously issued bonds be the signal for an additional issuance, with such issuance dependent upon advantageous market rates and costs of bonding transactions.

SECTION 6. It is legislative intent that the Idaho Transportation Board direct the use of the revenue raised from the bonding authority provided in Section 1 of this act in such a manner that revenue shall be expended in a priority fashion and that the first priority of expenditures shall be for construction, followed in order of priority by expenditures for right-of-way acquisition, followed in priority by other necessary project-related costs.

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

SECTION 8. It is legislative intent 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 or circumstances or to accommodate federally approved alternative and innovative approaches

to the overall project development process; and provided further, that no proceeds shall be used for any projects not listed in Section 2 of this act.

SECTION 9. The Idaho Transportation Board is hereby authorized to transfer up to $7,000,000 from within the State Highway Account to the GARVEE Debt Service Fund to pay the state match as required for federal funds committed to pay the annual scheduled debt service on GARVEE bonds for fiscal year 2008.

SECTION 10. Notwithstanding any other provision of law, it is legislative intent that by September 30 of each year, the board shall submit a report to the Legislature concerning projects currently under construction using the bond financing as authorized by the provisions of this act, and shall include a list of planned highway transportation projects to be financed with such bond financing during the next succeeding fiscal year.

SECTION 11. The bonds described herein shall be issued no later than June 30, 2008.

SECTION 12. On and after July 1, 2008, all allocations of GARVEE bond proceeds shall be the sole responsibility and duty of the Idaho Transportation Board. The Legislature shall have authority to approve a total GARVEE bond amount on an annual basis. However, for fiscal year 2008 the Idaho Transportation Board is directed to allocate bond revenue only among the projects listed in Section 2, Chapter 457, Laws of 2006. In making its funding allocation for projects, the board shall take into consideration: the cost of the project and whether or not that project could be financed without bonding; whether the project is necessary to facilitate the traffic flow on vital transportation corridors; and whether the project is necessary to improve safety for the traveling public. On and after July 1, 2008, the board shall use due care in selecting projects for bonding and shall balance and coordinate the use of bonding with the use of highway construction moneys.

SECTION 13. That Section 40-315, Idaho Code, be, and the same is hereby amended to read as follows:

40-315. POWERS AND DUTIES -- FEDERALLY-FUNDED HIGHWAY PROJECT FINANCING. (1) In order to address the increasing need for timely improvements to Idaho's highway transportation infrastructure, the board may:

(a) Enter into agreements with the Idaho housing and finance association in connection with the funding of highway transportation projects qualifying for reimbursement from federal funds.

(b) Approve and recommend federal highway transportation projects to the Idaho housing and finance association for financing by the association. Such federal highway transportation projects shall be eligible for federal-aid debt financing under chapter 1, title 23, United States Code, and approval by the federal highway administration as an advanced construction (AC) project thereunder. The board shall select and designate such transportation projects to be funded with bond proceeds from the following list of eligible projects:

ROUTE	PROJECT DESCRIPTION
US-95	SH-1 to Canadian border
US-95	Garwood to Sagle
US-95	Worley to Setters
US-95	Thorn Creek to Moscow
US-95	Smokey Boulder to Hazard Creek
SH-16 Ext	South Emmett to Mesa with connection to SH-55
SH-16 Ext	I-84 to South Emmett
I-84	Caldwell to Meridian
I-84	Orchard to Isaacs Canyon
US-93	Twin Falls alternate route and new Snake River crossing
SH-75	Timmerman to Ketchum
US-20	St. Anthony to Ashton
US-30	McCammon to Soda Springs

(c) On and after July 1, 2008, all allocations of GARVEE bond proceeds shall be the sole responsibility and duty of the Idaho transportation board. The legislature shall have authority to approve a total GARVEE bond amount on an annual basis. However, the Idaho transportation board is directed to allocate bond revenue only among the projects listed in subsection (1)(b) of this section. In making its funding allocation for projects, the board shall take into consideration: the cost of the project and whether or not that project could be financed without bonding; whether the project is necessary to facilitate the traffic flow on vital transportation corridors; and whether the project is necessary to improve safety for the traveling public. On and after July 1, 2008, the board shall use due care in selecting projects for bonding and shall balance and coordinate the use of bonding with the use of highway construction moneys.

Notwithstanding the provisions of subsection (1)(b) of this section wherein eligible projects are listed for selection and designation by the board, if any of the designated projects are deemed to be ineligible by the board, the board shall have the authority to replace those projects with other projects ~~deemed eligible by the board~~ listed in subsection (1)(b) of this section.

(2) Prior to issuance by the Idaho housing and finance association of any bonds or notes to finance highway transportation projects, the board shall certify to the association that sufficient federal transportation funds are available to make any payments required for such bonds or notes.

(3) The board shall limit annual, total cumulative debt service and other bond-related expenses as follows:

(a) In the 2006 legislative session for the fiscal year 2007 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.

(b) In the 2007 legislative session for the fiscal year 2008 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.

(c) In the 2008 legislative session for the fiscal year 2009 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.

(d) In the 2009 legislative session for the fiscal year 2010 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than twenty percent (20%) of annual federal-aid highway apportionments.

(e) In the 2010 legislative session for the fiscal year 2011 budget, total cumulative debt service and other bond-related expenses on federally-funded highway project financing shall be no more than thirty percent (30%) of annual federal-aid highway apportionments.

(f) Beginning with the 2011 legislative session for the fiscal year 2012 budget, or for any year thereafter, the thirty percent (30%) limit may be exceeded, but only by affirmative action of both the house of representatives and the senate, and with the approval of the governor.

(4) In the event the board selects and designates to be funded with bond proceeds any of the transportation projects listed in subsection (1) of this section, and prior to entering into agreements with the Idaho housing and finance association as provided herein, the Idaho transportation department, as part of its annual budget request prepared pursuant to section 67-3502, Idaho Code, shall include a request for bonding authority as a separate item of its budget request. This request for bonding authority shall include a list of planned highway transportation projects to be financed with such bond financing during the next succeeding fiscal year.

(5) By June 30 of each year, the board shall submit a report to the legislature concerning projects currently under construction using the bond financing as authorized by the provisions of this section, and shall include a list of planned highway transportation projects to be financed with such bond financing during the next succeeding fiscal year.

Approved April 5, 2007.

CHAPTER 364
(S.B. No. 1243)

AN ACT

RELATING TO ELECTIONS FOR CREATION OF A NEW TAXING DISTRICT; AMENDING CHAPTER 8, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-802C, IDAHO CODE, TO PROVIDE FOR NOTIFICATION WHEN THERE IS TO BE AN ELECTION TO CREATE A NEW TAXING DISTRICT, TO PROVIDE REQUIREMENTS OF THE NOTICE AND TO PROVIDE THE EFFECT OF THE NOTICE.

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

SECTION 1. That Chapter 8, 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 63-802C, Idaho Code, and to read as follows:

63-802C. ELECTION TO CREATE A NEW TAXING DISTRICT. In the case of an election to create a new taxing district, the county clerk, of the county or counties where the proposed taxing district is proposed to be located, shall mail a notice of the election to all residences within

the proposed taxing district or to residents in the proposed taxing district who are eligible to vote in this election. The notice shall be mailed not less than fourteen (14) calendar days prior to the day of the election and shall state with specificity: the purpose of the election, the date of the election, the polling places, the time the polls will be open, the aggregate amount of taxes that will be raised in the proposed taxing district if the election is successful and the increase that will occur per one hundred thousand dollars ($100,000) of taxable value of property, above any exemptions, of residential property, commercial property, industrial property, land actively devoted to agriculture and operating property. The county clerk may bill the proposed taxing district for reimbursement of costs of administering this section. Compliance with this section shall satisfy any notice or publication requirement as may be provided by law.

Law Without Signature.

CHAPTER 365
(S.B. No. 1123, As Amended, As Amended in the House)

AN ACT

RELATING TO TEMPORARILY DISABLED OFFICERS; AMENDING TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 11, TITLE 72, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR THE PAYMENT OF FULL BASE SALARIES TO PEACE OFFICERS AND DETENTION OFFICERS WHO ARE TEMPORARILY DISABLED, TO PROVIDE FOR REIMBURSEMENT FOR CERTAIN MONEYS RELATING TO OFFICER SALARIES, TO ESTABLISH THE PEACE OFFICER AND DETENTION OFFICER TEMPORARY DISABILITY FUND, TO PROVIDE FOR DISPOSITION OF FUND MONEYS AND TO SET FORTH PROVISIONS FOR FINES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 11, Title 72, Idaho Code, and to read as follows:

CHAPTER 11
PEACE OFFICER AND DETENTION OFFICER TEMPORARY DISABILITY ACT

72-1101. LEGISLATIVE INTENT. The purpose of this chapter is to provide a full salary to employees in certain dangerous occupations who have been injured on the job. The legislature finds that the rights and protections provided to peace officers and detention officers under this chapter constitute matters of statewide concern. Since these officers are employed in dangerous conditions, it is necessary that this chapter be applicable to all such officers wherever situated within the state of Idaho. In addition to the provisions of this chapter, state and local law enforcement agencies may provide additional monetary protections for their employees.

72-1102. SHORT TITLE. This chapter shall be known and may be cited as the "Peace Officer and Detention Officer Temporary Disability Act."

72-1103. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) "Detention officer" means an employee in a county jail who is responsible for the safety, care, protection and monitoring of county jail inmates; and

(2) "Peace officer" means any employee of a police or other law enforcement agency that is a part of or administered by the state or any political subdivision thereof who has the duty to arrest and whose duties include the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of this state or any political subdivision of this state and shall include, but not be limited to, appointed chiefs, elected sheriffs, and fish and game officers.

72-1104. COMPENSATION AND COSTS. On and after July 1, 2008, and subject to available funds in the peace officer and detention officer temporary disability fund established in section 72-1105, Idaho Code:

(1) Any peace officer or detention officer employed by the state of Idaho or any city or county thereof who is injured in the performance of his or her duties when responding to an emergency, or when in the pursuit of an actual or suspected violator of the law, and by reason thereof is temporarily incapacitated from performing his or her duties and qualifies for worker's compensation wage loss benefits under title 72, Idaho Code, shall be paid his or her full rate of base salary, as fixed by the state or by applicable ordinance or resolution, until the temporary disability arising from such injury has ceased. The employer shall withhold, collect and pay income tax on the salary paid to the employee as required by chapter 30, title 63, Idaho Code. Determinations and any disputes regarding entitlement to benefits under this chapter shall be decided by the industrial commission in accordance with the provisions of title 72, Idaho Code, and commission rules.

(2) During the period for which the salary for temporary incapacity shall be paid by the employer, any worker's compensation received or collected by the employee shall be remitted to the state or to the respective city or county, as applicable, and paid into the treasury thereof. In addition, the employer shall be reimbursed for any remaining amount of salary not covered by such worker's compensation by application to the peace officer and detention officer temporary disability fund, as established in section 72-1105, Idaho Code, pursuant to rules adopted by the industrial commission; provided however, that any such reimbursement from the fund shall continue only during such period as the employee qualifies for worker's compensation wage loss benefits under title 72, Idaho Code.

72-1105. FUND ESTABLISHED -- FINES -- PRIORITY -- DISPOSITION. (1) The peace officer and detention officer temporary disability fund is hereby created in the state treasury and shall be administered by the industrial commission for the purpose of providing a full rate of salary for any peace officer or detention officer who is injured while engaged in those activities as provided in section 72-1104, Idaho Code, and is thereby temporarily incapacitated from performing his or her duties. Moneys shall be paid into the fund as provided by law and shall consist

of fines collected pursuant to subsection (2) of this section, appropriations, gifts, grants, donations and income from any other source. Moneys in the fund may be appropriated only for the purposes of this chapter, which shall include administrative expenses. The treasurer shall invest all idle moneys in the fund. Any interest earned on the investment of idle moneys shall be returned to the fund.

(2) In addition to any other fine that may be imposed upon each person found guilty of criminal activity, the court shall impose a fine in the amount of three dollars ($3.00) for each conviction or finding of guilt of each felony or misdemeanor count, unless the court orders that such fine be waived only when the defendant is indigent and at the time of sentencing shows good cause for inability to pay and written findings to that effect are entered by the court.

(3) Except as otherwise provided in section 72-1025, Idaho Code, the fine imposed under this section shall have priority over all other judgments of the court, except an order to pay court costs.

(4) Notwithstanding the provisions of section 19-4705, Idaho Code, the fines imposed under this section shall be paid into the peace officer and detention officer temporary disability fund.

SECTION 2. This act shall be in full force and effect on and after July 1, 2007.

Approved April 5, 2007.

CHAPTER 366
(S.B. No. 1225)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 Labor the following amounts from the listed funds to be expended according to the designated expense classes for the period July 1, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
WAGE AND HOUR:			
FROM:			
General Fund	$421,300	$152,500	$573,800
Miscellaneous Revenue Fund		10,600	10,600
TOTAL	$421,300	$163,100	$584,400

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Labor is authorized no more than seven (7) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. The Department of 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.

Approved April 5, 2007.

CHAPTER 367
(S.B. No. 1228)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 2008; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; DIRECTING THE DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; DIRECTING ALLOCATION OF SALARY SAVINGS; DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE BUSINESS AND JOBS DEVELOPMENT FUND; AND DIRECTING THE STATE CONTROLLER TO TRANSFER MONEYS TO THE FILM AND TELEVISION PRODUCTION REBATE FUND.

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

SECTION 1. There is hereby appropriated to the Department of Commerce the following amounts from the listed funds to be expended according to the designated expense classes for the period July 1, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. COMMERCE:					
FROM:					
General Fund	$2,351,900	$1,423,000	$ 81,900	$ 4,050,000	$ 7,906,800
Tourism and Promotion Fund	654,800	3,215,500	14,900	3,655,200	7,540,400
Federal Grant Fund	487,100	246,400	10,800	15,620,800	16,365,100
Miscellaneous Revenue Fund	125,900	157,400	3,300		286,600
Seminars and Publications Fund		378,200			378,200
TOTAL	$3,619,700	$5,420,500	$110,900	$23,326,000	$32,477,100
II. IDAHO RURAL PARTNERSHIP:					
FROM:					
Miscellaneous Revenue Fund	$ 116,100	$ 126,700			$ 242,800
Federal Grant Fund		51,100			51,100
TOTAL	$ 116,100	$ 177,800			$ 293,900
GRAND TOTAL	$3,735,800	$5,598,300	$110,900	$23,326,000	$32,771,000

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Department of Commerce is authorized no more than fifty-seven (57) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, 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. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

SECTION 4. The Department of Commerce 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. On July 1, 2007, or as soon thereafter as possible, the State Controller shall transfer the sum of $1,000,000 from the Incumbent Worker Training Revolving Loan Fund to the Business and Jobs Development Fund. The maximum grant amount shall be $250,000 per recipient.

SECTION 6. On July 1, 2007, or as soon thereafter as possible, the State Controller shall transfer the sum of $1,000,000 from the Incumbent Worker Training Revolving Loan Fund to the Film and Television Production Rebate Fund.

Approved April 5, 2007.

CHAPTER 368
(S.B. No. 1239)

AN ACT

RELATING TO THE IDAHO TRANSPORTATION BOARD; AUTHORIZING A TRANSFER OF FUNDS FOR DEBT SERVICE IN FISCAL YEAR 2007; AND DECLARING AN EMERGENCY.

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

SECTION 1. Notwithstanding any other provision of law, the Idaho Transportation Board is hereby authorized to transfer up to $3,900,000 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 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 5, 2007.

CHAPTER 369
(S.B. No. 1240)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 2008; 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 DISTRIBUTION OF THE FUNDING FOR EMPLOYEE COMPENSATION; 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 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, 2007, through June 30, 2008:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
State Highway Fund (Dedicated)	$ 13,467,200	$ 7,928,800	$ 606,700		$ 22,002,700
State Highway Fund (Federal)	113,600	160,500			274,100
State Highway Fund (Billing)	21,700	191,800			213,500
TOTAL	$ 13,602,500	$ 8,281,100	$ 606,700		$ 22,490,300
II. PLANNING:					
FROM:					
State Highway Fund (Dedicated)	$ 620,400	$ 500,800	$ 94,300	$ 155,400	$ 1,370,900
State Highway Fund (Federal)	2,480,100	1,975,900		155,400	4,611,400
TOTAL	$ 3,100,500	$ 2,476,700	$ 94,300	$ 310,800	$ 5,982,300
III. MOTOR VEHICLES:					
FROM:					
State Highway Fund (Dedicated)	$ 12,141,300	$ 6,181,600	$ 478,800		$ 18,801,700

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. HIGHWAY OPERATIONS:					
FROM:					
State Highway Fund (Dedicated)	$ 69,869,900	$42,400,100	$ 17,406,600		$129,676,600
State Highway Fund (Federal)	10,511,100	1,677,000		$ 2,462,500	14,650,600
State Highway Fund (Billing)		377,100			377,100
State Highway Fund (Local)	199,300	98,200			297,500
TOTAL	$ 80,580,300	$44,552,400	$ 17,406,600	$ 2,462,500	$145,001,800
V. CAPITAL FACILITIES:					
FROM:					
State Highway Fund (Dedicated)			$ 5,565,000		$ 5,565,000
State Aeronautics Fund (Dedicated)			50,000		50,000
TOTAL			$ 5,615,000		$ 5,615,000
VI. CONTRACT CONSTRUCTION & RIGHT-OF-WAY ACQUISITION:					
FROM:					
State Highway Fund (Dedicated)		$ 5,053,500	$ 25,417,000	$ 318,000	$ 30,788,500
State Highway Fund (Federal)		12,153,000	233,704,600	2,914,000	248,771,600
State Highway Fund (Local)		705,200	4,510,700	541,000	5,756,900
TOTAL		$17,911,700	$263,632,300	$ 3,773,000	$285,317,000
VII. AERONAUTICS:					
FROM:					
State Aeronautics Fund (Dedicated)	$ 859,400	$ 481,700		$ 641,000	$ 1,982,100
State Aeronautics Fund (Federal)	22,700	432,700		294,900	750,300
State Aeronautics Fund (Billing)	82,100	125,500			207,600
TOTAL	$ 964,200	$ 1,039,900		$ 935,900	$ 2,940,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
VIII. PUBLIC TRANSPORTATION:					
FROM:					
State Highway Fund (Dedicated)	$ 194,900	$ 55,200	$ 3,000	$ 404,800	$ 657,900
State Highway Fund (Federal)	458,900	117,400		8,353,000	8,929,300
TOTAL	$ 653,800	$ 172,600	$ 3,000	$ 8,757,800	$ 9,587,200
GRAND TOTAL	$111,042,600	$80,616,000	$287,836,700	$16,240,000	$495,735,300

SECTION 2. In accordance with Section 67-3519, Idaho Code, the Idaho Transportation Department is authorized no more than one thousand eight hundred thirty-three and five-tenths (1,833.5) full-time equivalent positions at any point during the period July 1, 2007, through June 30, 2008, for the programs specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 3. It is legislative intent that all moneys transferred to the Local Bridge Inspection Fund and to the Railroad Grade Crossing Protection Fund, as provided in Section 63-2412, Idaho Code, are hereby continuously appropriated to the Idaho Transportation Department for the stated purposes of those funds.

SECTION 4. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances of the State Highway Fund appropriated for the Contract Construction and Right-of-Way Acquisition Program for fiscal year 2007, to be used for Contract Construction and Right-of-Way Acquisition only for the period July 1, 2007, through June 30, 2008.

SECTION 5. There is hereby reappropriated to the Idaho Transportation Department any unexpended and unencumbered balances of the State Aeronautics Fund appropriated for trustee and benefit payments for fiscal year 2007, to be used for Airport Development Grants for the period July 1, 2007, through June 30, 2008.

SECTION 6. There is hereby appropriated and the State Controller is directed to transfer $25,000 from the State Highway Fund to the Tourism and Promotion Fund in the Department of Commerce during fiscal year 2008. This transfer will provide the matching fund support of the Gateway Visitor Centers.

SECTION 7. Agencies and institutions shall distribute the funding for employee compensation based on merit as follows:

(a) Agencies and institutions are directed to, based on merit, target funding first toward high turnover classifications and individuals below midpoint within their agency.

(b) Agencies and institutions are directed to, based on merit, target funding second toward positions within their agency that are below ninety percent (90%) of the Compa-Ratio.

(c) Agencies and institutions are directed to target any remaining funding based on merit using the merit matrix required by Idaho Code.

Agencies and institutions shall create compensation and distribution plans to ensure that they are consistent with the policies contained herein. Agency directors and institutional presidents shall approve all compensation and distribution plans and ensure that implementation of the plans is consistent with policies contained herein. Each agency and institution shall forward, for informational purposes, approved copies of the compensation and distribution plans to the Legislative Services Office and the Division of Financial Management by June 1, 2007. The effective date of implementation of ongoing salary adjustments shall be June 17, 2007.

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.

Approved April 5, 2007.

SENATE JOINT MEMORIALS

(S.J.M. No. 103)

A JOINT MEMORIAL
TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the federal Sikes Act, as originally enacted in 1960, authorized the Secretary of Defense to develop cooperative plans for conservation and rehabilitation programs on military reservations and to establish outdoor recreation facilities; and

WHEREAS, over the course of time a number of amendments to the Act have been made by Congress and, in 1974, the Act was amended to include funding of wildlife work in cooperation with state wildlife agencies on land administered by the Bureau of Land Management; and

WHEREAS, cooperative agreements together with a comprehensive plan between state wildlife agencies and the Bureau of Land Management are basic to full implementation of the amended Sikes Act; and

WHEREAS, starting in 1975, the Region IV Supervisor of the Idaho Department of Fish and Game and the Burley, Jarbidge, and Shoshone District Managers of the Bureau of Land Management began to cooperatively develop comprehensive wildlife habitat management plans on 240 isolated tracts of public land located on the Snake River Plain; and

WHEREAS, the current Sikes Act Cooperative Wildlife Habitat - Farming Agreement was conceived in 1977 with the development of the Burley District Cassia-Twin Falls Isolated Tracts Wildlife Habitat Management Plan; and

WHEREAS, large portions of sagebrush within the region have been converted to agricultural lands and otherwise developed since 1977 and scattered tracts of public land remain to provide essential habitat for a broad array of wildlife species; and

WHEREAS, these critical isolated tracts need specific enhancements and protection to ensure their ability to provide needed wildlife habitat into the foreseeable future; and

WHEREAS, Sportsmen for Fish and Wildlife - Idaho, with cooperation from the Idaho Department of Fish and Game and the Bureau of Land Management, are requesting that Congress appropriate up to one million dol-

lars for a new South Central Idaho Isolated Wildlife Tract Cooperative Habitat Program; and

WHEREAS, the primary objective of that plan is to protect and enhance upland game bird habitat on 284 separate tracts of public lands comprising 33,533 acres on the Snake River Plain with appropriate spinoffs accruing to other game and nongame species; and

WHEREAS, federal appropriations will provide the money needed to improve and enhance the wildlife value on the isolated wildlife tracts in South Central Idaho for many years.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that it supports Sportsmen for Fish and Wildlife - Idaho's federal appropriation request for up to one million dollars as authorized under the Sikes Act for the South Central Idaho Isolated Wildlife Tract Cooperative Habitat Program and urges Congress to grant the appropriation request.

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 27, 2007
Adopted by the House March 12, 2007

(S.J.M. No. 105)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES TRADE REPRESENTATIVE, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the state of Idaho has a strong and vibrant economic relationship with Taiwan; and

WHEREAS, the agricultural and manufacturing sectors of the Idaho economy, most notably the computer and electronic products, chemicals and machine industries, would benefit significantly if the United States entered into a free trade agreement with Taiwan; and

WHEREAS, a free trade agreement between the United States and Taiwan would substantially reduce or eliminate most import quotas, duties and other trade barriers, thereby expanding market opportunities for manufactured goods and agricultural products from Idaho and the entire United States; and

WHEREAS, the United States has completed or is in the process of negotiating free trade agreements with several countries and regions; and

WHEREAS, a free trade agreement with Taiwan is appropriate: Taiwan is already the United States' eighth largest trading partner and the sixth most important destination of United States agricultural exports; Taiwan's economy is thriving and robust; and Taiwan maintains longstanding educational and cultural ties with the United States; and

WHEREAS, Taiwan was admitted to the World Trade Organization (WTO) on January 1, 2002, and a free trade agreement between the United States and Taiwan would extend the coverage of WTO agreements to products, sectors and conditions of trade not adequately covered and it would provide a platform to address issues such as Taiwan's tariff rate on agricultural imports from the United States, which currently averages over fifteen percent; and

WHEREAS, Public Law 107-210, the Trade Act of 2002, gives the president the authority to enter into trade agreements with foreign countries whenever the president determines that one or more existing duties or other import restrictions of any foreign country or the United States are unduly burdening and restricting the foreign trade of the United States; and

WHEREAS, President George W. Bush, speaking before the historic signing of the United States-Australia Free Trade Agreement in 2004, emphasized that he supports free and open trade because "it has the power to create new wealth for whole nations and new opportunities for millions of people" and "has a record for creating jobs and raising living standards and lowering consumer prices."

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Idaho Legislature hereby commends the Republic of China (Taiwan) for its close economic and business ties with the state of Idaho and does respectfully urge and request that the President of the United States extend the benefits of free trade by directing the United States Trade Representative to negotiate a free trade agreement between the United States and Taiwan.

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 United States Trade Representative, the President of the Senate, 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 28, 2007
Adopted by the House March 14, 2007

(S.J.M. No. 106)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF THE DEPARTMENT OF AGRICULTURE, TO THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR, TO THE SECRETARY OF THE FEDERAL DEPARTMENT OF EDUCATION, TO THE CHIEF OF THE UNITED STATES FOREST SERVICE, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, bipartisan legislation sponsored by U.S. Senators Larry Craig and Ron Wyden has financially assisted counties with large tracts of federal timberland within the county boundaries; and

WHEREAS, the Craig-Wyden bill set annual payments to counties with large tracts of federal timberland, providing crucial funding for schools and roads and providing millions of dollars for a variety of natural resource conservation projects from weed control to bridge replacements, from thinning forests to trail building; and

WHEREAS, the Craig-Wyden bill's reauthorization is necessary to help rural counties with timberlands plan and maintain their transportation infrastructure; and

WHEREAS, certain counties of Idaho are hamstrung in their ability to collect property taxes by a supermajority of federal land ownership within their boundaries; and

WHEREAS, if the Craig-Wyden bill is not reauthorized, it will have little effect on the federal budget but could devastate timber counties and towns in the Northwest and Idaho; and

WHEREAS, more than fifty percent of the Idaho Panhandle is owned by the federal government and counties cannot collect property tax on federal lands to support schools and to build and maintain roads; and

WHEREAS, it is crucial in tight economic times that the U.S. government meet its obligation to the counties;

WHEREAS, in some counties the reauthorization of the Craig-Wyden bill means the difference between $22,000 and $1,080,000 in support for schools and roads; and

WHEREAS, in other counties, failure to reauthorize the Craig-Wyden bill means the per capita loss of $235 in support.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we support reauthorization of the "Secure Rural Schools and Community Self-Determination Act" or the enactment of its equitable equivalent by the Congress of the United States and we request the President of the United States to support this effort.

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, George W. Bush, the Secretary of the Department of Agriculture, the Secretary of the Department of the Interior, the Secretary of the federal Department of Education, the Chief of the United States Forest Service, 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 27, 2007
Adopted by the House March 15, 2007

(S.J.M. No. 107)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, TO THE SECRETARY OF THE UNITED STATES DEPARTMENT OF ENERGY, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, it is in the best interests of Idaho individually and the United States as a whole to embrace an energy policy that encompasses a diverse array of sources so as to avoid economic dislocations associated with undue reliance on any single domestic or foreign energy source, while also accommodating carbon management concerns; and

WHEREAS, it is the formal policy of the United States of America, as delineated in the Energy Policy Act of 2005, to include nuclear power in the nation's diverse energy portfolio; and

WHEREAS, much of the developing world has already begun an ambitious effort to expand the use of noncarbon emitting nuclear power to supply its rapidly escalating demand for reliable baseload electricity; and

WHEREAS, the President of the United States and the United States Department of Energy (DOE) have determined that this country's national interests are best served by creating an orderly international framework and technology basis to guide the accelerating global expansion of nuclear energy; and

WHEREAS, this new framework is embodied in the Global Nuclear Energy Partnership (GNEP), which seeks to establish an international approach to extend the benefits of abundant nuclear-generated electricity to both the developed and developing worlds, get the most energy possible from one of nature's most energy-dense power sources, create a final waste form requiring management attention for a more limited amount of time, and greatly decrease the potential for misuse of used nuclear fuel; and

WHEREAS, the United States DOE has asked communities and states to help identify possible sites wherein the enabling technologies behind the full realization of GNEP can be thoroughly examined and proven; and

WHEREAS, community leaders in eastern Idaho have come together to identify sites in response to the DOE's request for help, realizing no other state in the nation has the proud nuclear legacy of Idaho, where usable electricity from the atom was first generated, breeder technology was first proven, lifesaving medical and industrial isotopes can and have been produced and fifty-two remarkable nuclear reactors were designed and built; and

WHEREAS, the long-standing partnership between Idaho and the federal government has resulted in countless improvements in the design and safety performance of both commercial and military nuclear power systems, as well as the cost-effective and DOE-complex leading performance of environmental cleanup activities as prescribed by a detailed, yet accommodative 1995 agreement that ensures our state's environment is protected now and would continue to be protected with any future projects.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Idaho supports the goals of the Global Nuclear Energy Partnership and encourages this administration, the United States Congress and the Department of Energy to commit and provide the funding necessary to complete the Global Nuclear Energy Partnership initiative which is critical to the long-term well-being of the United States and to concur that Idaho is the most suitable and preferred site for the Global Nuclear Energy Partnership and other advanced nuclear and energy security research.

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 the United States Department of Energy, 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 5, 2007
Adopted by the House March 13, 2007

HOUSE JOINT MEMORIALS

(H.J.M. No. 1, As Amended)

A JOINT MEMORIAL

TO SECRETARY OF HEALTH AND HUMAN SERVICES MIKE LEAVITT, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA) was designed to deliver a federal pharmacy benefit to Medicare beneficiaries. It was also designed to ease state Medicaid programs of their responsibilities for providing pharmacy benefits to those dually eligible for both the Medicare and Medicaid programs; and

WHEREAS, although the clear congressional intent was to ease the fiscal burden on states, the Phased-Down State Contribution, also known as the "clawback," will actually cause the state of Idaho to expend more moneys in Medicaid than it would have in the absence of the MMA; and

WHEREAS, while the federal formula used calendar year 2003 as the base year and applies an annual national inflation in the costs of the Phased-Down State Contribution, it fails to account for Idaho's current and future efforts to curtail prescription drug costs; and

WHEREAS, the state of Idaho has, since the base year of 2003, engaged in multiple efforts to curtail spending on Medicaid prescription drug costs, including enhancements to the state Medicaid Allowable Cost program, initiation of a supplemental federal rebate program, participation in a multistate purchasing pool, The Optimal Preferred Drug List or "TOP$," and implementation of a Mental Health Pharmacy Management Initiative to improve prescribing practices of Idaho Medicaid providers prescribing mental health drugs; and

WHEREAS, during the base calendar year of 2003, Idaho's rebate percentage was 21% and is used in the base of the Phased-Down State Contribution calculation, the actual rebate percentages in state fiscal years 2005 and 2006 were 27.07% and 32.59%, respectively. This gain in efficiency, which represents a reduction in net cost, is not accounted for in the Phased-Down State Contribution calculation.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representa-

tives and the Senate concurring therein, that the Legislature of the State of Idaho respectfully requests the Secretary of Health and Human Services to amend, if not eliminate, the Phased-Down State Contribution since it has created an additional fiscal burden upon the state of Idaho.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to Secretary of Health and Human Services Mike Leavitt, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 26, 2007
Adopted by the Senate March 8, 2007

(H.J.M. No. 2)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, 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, TO THE DIRECTOR-GENERAL OF THE WORLD HEALTH ORGANIZATION AND TO 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 First Regular Session of the Fifty-ninth 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 give financial and technical assistance to 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 care, not only in Taiwan, but also regionally and globally.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth 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, 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 to the representative of the Taipei Economic and Cultural Representative Office in the United States.

Adopted by the House February 14, 2007
Adopted by the Senate February 28, 2007

(H.J.M. No. 3)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES ATTORNEY GENERAL, THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE GOVERNOR 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 First Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the state of Idaho recognizes the Constitution of the United States as our charter of liberty and the Bill of Rights as affirming the fundamental and inalienable rights of Americans, including freedom of privacy and freedom from unreasonable searches; and

WHEREAS, Idaho has a diverse population whose contributions are vital to the state's economy, culture and civic character; and

WHEREAS, Idaho is proud of its tradition of protecting the civil rights and liberties of all its residents, affirming the fundamental rights of all people and providing more expansive protections than are granted by the Constitution of the United States; and

WHEREAS, the federal REAL ID Act of 2005, Public Law 109-13, creates a national identification card by mandating federal standards for state driver's licenses and identification cards and requires states to share their motor vehicle databases; and

WHEREAS, the REAL ID Act mandates the documents that states must require to issue driver's licenses and requires states to place uniform information on every driver's license in a standard, machine-readable format; and

WHEREAS, the REAL ID Act prohibits federal agencies and federally-regulated commercial aircraft from accepting a driver's license or identification card issued by a state that has not fully complied with the act; and

WHEREAS, the REAL ID Act places a costly, unfunded mandate on states, with initial estimates for Idaho of more than thirty-nine million dollars with ongoing annual expenses of an estimated nine million three hundred thousand dollars and a national estimate of more than eleven billion dollars over the next five years; and

WHEREAS, the REAL ID Act requires the creation of a massive public sector database containing information on every American that is accessible to all motor vehicle employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens. Such activities are not the business or responsibility of government; and

WHEREAS, the REAL ID Act enables the creation of additional massive private sector databases, combining both transactional information and driver's license information gained from scanning the machine-readable information contained on every driver's license; and

WHEREAS, these public and private databases are likely to contain numerous errors and false information, creating significant hardship for Americans attempting to verify their identities in order to travel on commercial aircraft, open a bank account or perform any of the numerous functions required to live in the United States today; and

WHEREAS, the federal trade commission estimates that ten million Americans are victims of identity theft annually, and because identity thieves are increasingly targeting motor vehicle departments, the REAL ID Act will enable the crime of identity theft by making the personal information of all Americans, including date of birth and signature, accessible from tens of thousands of locations; and

WHEREAS, the REAL ID Act requires a driver's license to contain a person's actual home address and makes no exception for individuals in potential danger, such as undercover law enforcement personnel or victims of stalking or criminal harassment; and

WHEREAS, the REAL ID Act contains onerous record verification and retention provisions that place unreasonable burdens on the motor vehicle division and on third parties required to verify records; and

WHEREAS, the REAL ID Act will place enormous burdens on consumers seeking new driver's licenses, such as longer lines, increased document requests, higher costs and a waiting period; and

WHEREAS, the REAL ID Act will place state motor vehicle staff on the front lines of immigration enforcement by forcing state employees to determine federal citizenship and immigration status, excessively burdening both foreign-born applicants and motor vehicle staff; and

WHEREAS, the REAL ID Act passed without sufficient deliberation by Congress and did not receive a hearing by any congressional committee or a vote solely on its own merits, despite opposition from more than six hundred organizations; and

WHEREAS, the REAL ID Act eliminated a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004, which had convened federal, state and local policymakers, privacy advocates and industry experts to solve the problem of the misuse of identity documents; and

WHEREAS, the REAL ID Act provides little security benefit and leaves identification systems open to insider fraud, counterfeit documentation and database failures.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representa-

tives and the Senate concurring therein, that we support the government of the United States in its campaign to secure our country, while affirming the commitment of the United States that this campaign not be waged at the expense of the essential civil rights and liberties of the citizens of this country.

BE IT FURTHER RESOLVED that it is the policy of the state of Idaho to oppose any portion of the REAL ID Act that violates the rights and liberties guaranteed under the constitutions of the State of Idaho and the United States, including the Bill of Rights.

BE IT FURTHER RESOLVED that the Idaho Legislature shall enact no legislation nor authorize an appropriation to implement the provisions of the REAL ID Act in Idaho, unless such appropriation is used exclusively for the purpose of undertaking a comprehensive analysis of the costs of implementing the REAL ID Act or to mount a constitutional challenge to the act by the state Attorney General.

BE IT FURTHER RESOLVED that the Idaho Legislature urges the Idaho congressional delegation to support measures to repeal the REAL ID 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 United States George W. Bush, the United States Attorney General Alberto Gonzales, the President of the Senate and the Speaker of the House of Representatives of Congress, the Governor of Idaho C. L. Otter and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 20, 2007
Adopted by the Senate March 8, 2007

(H.J.M. No. 4)

A JOINT MEMORIAL

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 LEGISLATURES OF THE STATES OF ALASKA, ARIZONA, CALIFORNIA, COLORADO, HAWAII, MONTANA, NEVADA, NEW MEXICO, OREGON, UTAH, WASHINGTON AND WYOMING.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

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 hardship for many counties as they provided little revenue or commerce at that time; and

WHEREAS, in 1908, the federal government promised rural counties twenty-five percent of all revenues generated from the multiple-use management of the newly created national forests to support public roads and public schools; and

WHEREAS, in recent decades, the forest resources have not been managed in a manner to produce long-term sustainable revenue to share with schools and counties; and

WHEREAS, in 2000, Congress passed Public Law 106-393, the Secure Rural Schools and Community Self-Determination Act. The Act restored historical payment levels previously made to states and counties from the federal government for road and school purposes because of declining levels of actual forest receipts; and

WHEREAS, the reauthorization and appropriation of the Secure Rural Schools and Community Self-Determination Act 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, federal land managers continue to be faced with funding shortages. In the event the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated, counties will be faced with higher property taxes or a reduction in services and, even if the Act is reauthorized and appropriated, it will likely be the last time, and the state of Idaho must seek a long-term solution; and

WHEREAS, in 2006, House Joint Memorial No. 21 was adopted by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature to provide one option to address the problem of declining forest receipts by urging 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; and

WHEREAS, in February 2007, a concurrent resolution was introduced in the Idaho House of Representatives and will be voted on by the First Regular Session of the Fifty-ninth Idaho Legislature authorizing Idaho's Legislative Council to appoint an interim committee to undertake and complete an assessment of the decline in receipts on National Forest System lands, which have historically been shared with counties. The goal of the interim committee's recommendations will be to develop a federal, bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments to Idaho's forest counties, which help support roads and schools, and to provide projects that enhance forest ecosystem health, provide employment opportunities, and improve cooperative relationships among those who use and care about the lands the federal government manages. The resolution calls for the interim committee to work in cooperation and coordination with the state of Idaho, its counties, its school and highway districts, along with the recognized Indian tribes of the state of Idaho. The resolution also provides that the interim committee address National Forest System lands, but only those lands that do not have special designations. The interim committee is directed to formulate a solution that will protect all valid existing rights, existing public access and activities, including hunting, fishing and recreation, and that will not be construed to interfere with treaties or any other obligations to the Indian tribes, commitments to county governments, or the General Mining Law or Taylor Grazing Act.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the legislatures of all western states should consider the adoption of similar resolutions, working toward the development of a federal, bipartisan, long-term solu-

tion that addresses sustainable management of federal forest lands to stabilize payments to forest counties throughout the western United States, which help support roads and schools, and to provide projects that enhance forest ecosystem health and provide employment opportunities, and to improve cooperative relationships among those who use and care about the lands the federal government manages.

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 Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States and to the Legislatures of the states of Alaska, Arizona, California, Colorado, Hawaii, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

Adopted by the House March 2, 2007
Adopted by the Senate March 21, 2007

(H.J.M. No. 5)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Fifty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the U.S. Department of State, the U.S. Department of Commerce and the U.S. Department of Homeland Security participated in the formation of the Security and Prosperity Partnership of North America (SPP) on March 23, 2005, representing a trilateral agreement between Canada, Mexico and the United States designed, among other things, to facilitate common regulatory schemes between these countries; and

WHEREAS, reports issued by the SPP indicate that it has implemented regulatory changes among the three countries that circumvent United States trade, transportation, homeland security and border security functions and that it is the intention of SPP to continue toward a North American Union in the future; and

WHEREAS, the actions taken by the SPP to coordinate border security by eliminating obstacles to migration between Mexico and the United States actually makes the United States-Mexico border less secure and more vulnerable to possible terrorist activities, and Mexico is the primary source country of illegal immigrants, illegal drug entry and illegal human smuggling into the United States; and

WHEREAS, according to the U.S. Department of Commerce, the United States trade deficits with Mexico and Canada have significantly increased since the implementation of the North American Free Trade Agreement (NAFTA), and the volume of imports from Mexico has soared since NAFTA, straining security checks at the U.S. border; and

WHEREAS, the economic and physical security of the United States is

impaired by the potential loss of control of its borders attendant to the full operation of NAFTA and the SPP; and

WHEREAS, the regulatory and border security changes implemented and proposed by the SPP violate and threaten United States sovereignty; and

WHEREAS, the NAFTA Superhighway System from the west coast of Mexico through the United States and into Canada has been suggested as part of a North American Union to facilitate trade between the SPP countries; and

WHEREAS, the stability and economic viability of the U.S. ports along the western coast will be seriously compromised by huge cargos off-loaded at cheaper labor cost from foreign traders into the ports of Mazatlan and Lazaro Cardenas; and

WHEREAS, the state of Texas has already approved and begun planning of the Trans-Texas Corridor, a major multi-modal transportation project beginning at the United States-Mexico border, which would serve as an initial section of the NAFTA Superhighway System; and

WHEREAS, plans of Asian trading powers to divert cargo from U.S. ports such as Los Angeles to ports in Mexico will only put pressure on border inspectors, interfering with their already overwhelming job of intercepting the flow of drugs and illegals flowing into this country; and

WHEREAS, future unrestricted foreign trucking into the United States can pose a safety hazard due to inadequate maintenance and inspection, and the Transportation Security Administration's (TSA) lack of background checks for violations in Mexico, lack of drug and alcohol testing, lack of enforcement of size and weight requirements and lack of national security procedures, which threaten the American people and undermine the very charge given to our homeland security agency to defend our borders against these threats; and

WHEREAS, the Eisenhower National Highway System was designed for the national security of the United States for movement of the military, purposes of commerce from state to state, not from foreign countries, and this highway system should not be compromised by treaties or agreements with other countries that would supplant the control and management of our nation's highways by our U.S. Department of Transportation and the various states; and

WHEREAS, we strongly object to any treaty or agreement, which threatens to violate national security, private property, United States commerce, constitutional rights and American sovereignty and emphasize our commitment to the Pacific Northwest Economic Region (PNWER) and other cooperative working nations in mutual beneficial goals; and

WHEREAS, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty, and has had virtually no congressional oversight; and

WHEREAS, recent reports on internet news, Friday, January 26, 2007, WorldNetDaily, stating that Congressman Poe (R-Texas) asked about the U.S. Department of Transportation's work with the trade group North American Super-Corridor Coalition, Inc. (NASCO) and the department's plans to build the Trans-Texas Corridor, Congressman Poe was told that the NAFTA agreement superhighway corridor plans exist to move goods from Mexico through the United States to Canada; and

WHEREAS, American citizens and state and local governments throughout the United States would be negatively impacted by the SPP process.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular

Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we emphatically urge and petition the Congress of the United States and particularly the congressional delegation representing the state of Idaho to use all efforts, energies and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America or any other bilateral or multilateral activity that seeks to advance, authorize, fund or in any way promote the creation of any structure to create any form of North American Union.

BE IT FURTHER RESOLVED that House Concurrent Resolution 40 of the First Session of the 110th Congress addresses the concern herein expressed by the state of Idaho.

BE IT FURTHER RESOLVED that we are asking our congressional delegation, our U.S. Department of Transportation Secretary Mary E. Peters and President Bush to reject appropriated federal fuel tax dollars for such SPP or NAFTA when there is such a need for fuel tax dollars to be dedicated to the needs of the states in the U.S. in order to maintain our highway system.

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 12, 2007
Adopted by the Senate March 22, 2007

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 101)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND RECOMMENDING THAT THE STATE ADOPT A POLICY THAT MOVES TOWARD STANDARDIZING TUITION COSTS AND FEES FOR PROFESSIONAL-TECHNICAL COURSES THAT ARE PROVIDED BY THE STATE'S FOUR-YEAR POSTSECONDARY EDUCATIONAL INSTITUTIONS AT A RATE COMMENSURATE WITH THE RATE CHARGED BY THE STATE'S COMMUNITY COLLEGES.

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

WHEREAS, community colleges strive to provide professional-technical programs that are both accessible and affordable to as many students as possible; and

WHEREAS, the cost per semester of tuition and fees for professional-technical courses and programs at any of the state's community colleges is approximately half the amount charged by the state's four-year postsecondary educational institutions for the same courses and programs; and

WHEREAS, this disparity in costs creates an inequity in affordability and therefore in access for many students; and

WHEREAS, to address the affordability in some measure, counties not organized as community college districts are obliged to pay a portion of tuition for their resident students who attend a community college; and

WHEREAS, counties pay such tuition obligation from their annual distribution of liquor funds; and

WHEREAS, noncommunity college district counties are authorized to levy a property tax to meet their tuition obligations should the liquor fund revenues be insufficient for the purpose; and

WHEREAS, the state of Idaho pays 100% of all costs associated with providing professional-technical courses at all of the state's six technical colleges.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we recommend that the state adopt a policy that moves toward standardizing tuition costs and fees for professional-technical courses that are provided by the state's four-year postsecondary educational institutions at a rate commensurate with the rate charged by the state's community colleges.

BE IT FURTHER RESOLVED that the Office of the State Board of Educa-

tion and the presidents of the colleges and universities are invited and encouraged to submit their recommendations to the Legislature for development of such a policy, noting that implementation of such a policy may occur over an extended period of time in order to reduce any impact it may have on funding policies.

Adopted by the Senate January 30, 2007
Adopted by the House February 9, 2007

(S.C.R. No. 102)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE IDAHO PUBLIC SCHOOLS AND PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO RECOGNIZE AMERICAN SIGN LANGUAGE COURSEWORK FOR FOREIGN LANGUAGE CREDIT AND ENCOURAGING THE STATE BOARD OF EDUCATION, THE STATE DEPARTMENT OF EDUCATION AND THE COUNCIL FOR THE DEAF AND HARD OF HEARING TO CONFER, COLLABORATE AND PROVIDE INFORMATION FOR THE INCLUSION OF AMERICAN SIGN LANGUAGE AS FOREIGN LANGUAGE CREDIT FOR A HIGH SCHOOL DIPLOMA AND TO DETERMINE WAYS AND INCENTIVES IN WHICH PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION MIGHT BE ENCOURAGED TO ACCEPT SUCCESSFULLY COMPLETED COURSEWORK IN AMERICAN SIGN LANGUAGE FOR FOREIGN LANGUAGE CREDIT.

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

WHEREAS, the unique social, cultural and linguistic heritage of the deaf community and its substantial contribution to the enrichment and diversity of our society is recognized; and

WHEREAS, over the last decades, a significant and growing body of scientific inquiry into American Sign Language (ASL) has been undertaken with the result that ASL is now recognized as a separate and complete language with its own unique grammar and syntax; and

WHEREAS, ASL is one of the most commonly used languages in the United States, and there is significant and growing interest by the general public in learning ASL; and

WHEREAS, the legislative bodies of many states have formally recognized ASL; and

WHEREAS, many states accept ASL coursework for foreign language credit throughout their state educational systems, kindergarten through college; and

WHEREAS, learning and communicating with ASL contributes to a greater understanding of the social and cultural aspects of deafness, the promotion of better communication between hearing people and deaf people who use ASL and the advancement of the full inclusion and participation of deaf people who use ASL in every area of society.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that public schools and public and private institutions of higher education in Idaho are encouraged to recognize American Sign Language coursework for foreign language credit. The Legislature further encourages the State Board of Education, the

State Department of Education and the Council for the Deaf and Hard of Hearing to confer, collaborate and provide information for the inclusion of American Sign Language among the foreign language courses approved for foreign language credit for the high school diploma and to determine ways and incentives that might encourage public and private institutions of higher education to accept successfully completed coursework in American Sign Language for foreign language credit.

Adopted by the Senate January 30, 2007
Adopted by the House February 20, 2007

(S.C.R. No. 103)

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE LEGISLATURE TO RECOGNIZE THE UNIQUE EDUCATIONAL NEEDS OF CHILDREN WHO ARE DEAF OR HARD OF HEARING.

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

WHEREAS, children who are deaf or hard of hearing have the same rights and potential to become as independent and self-actualizing as their hearing peers; and

WHEREAS, children who are deaf or hard of hearing benefit from appropriate screening and assessment of hearing capabilities, communication and language needs at the earliest possible age and from the continuation of screening services throughout the educational experience; and

WHEREAS, children who are deaf or hard of hearing benefit from early intervention to provide for acquisition of solid language bases developed at the earliest possible age; and

WHEREAS, children who are deaf or hard of hearing benefit from their parents' or guardians' full and informed participation in their educational planning; and

WHEREAS, children who are deaf or hard of hearing benefit from interaction with adult role models who are deaf or hard of hearing; and

WHEREAS, children who are deaf or hard of hearing benefit from interacting with their deaf peers, hard of hearing peers and hearing peers; and

WHEREAS, children who are deaf or hard of hearing benefit from qualified teachers, interpreters and resource personnel who communicate effectively with each child in that child's method of communication; and

WHEREAS, children who are deaf or hard of hearing benefit from placement best suited to each child's individual needs, including but not limited to, social, emotional and cultural needs, with consideration for the child's age, degree of hearing loss, academic level, method of communication, style of learning, motivational level and amount of family support; and

WHEREAS, children who are deaf or hard of hearing benefit from individual free, appropriate education across a full spectrum of educational programs; and

WHEREAS, children who are deaf or hard of hearing benefit from full

support services provided by qualified professionals in their educational settings; and

WHEREAS, children who are deaf or hard of hearing benefit from full access to all programs in their educational settings; and

WHEREAS, children who are deaf or hard of hearing benefit from having the public fully informed concerning medical, cultural and linguistic issues of deafness and hearing loss; and

WHEREAS, children who are deaf or hard of hearing benefit by having deaf and hard-of-hearing adults involved in determining the extent, content and purpose of programs that affect their education; and

WHEREAS, children who are deaf or hard of hearing benefit from free and unrestricted communication with others who communicate in their same language mode; and

WHEREAS, the preferred method of communication of children who are deaf or hard of hearing should be respected in order to attain the highest education possible for that individual in an appropriate environment.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that policymakers are encouraged to recognize the unique educational needs of children who are deaf or hard of hearing.

Adopted by the Senate February 1, 2007
Adopted by the House February 20, 2007

(S.C.R. No. 105)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE IDAHO STATE POLICE RULES GOVERNING ALCOHOL BEVERAGE CONTROL.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Idaho State Police rules governing Alcohol Beverage Control is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 11.05.01, Rules Governing Alcohol Beverage Control, Section 010, relating to Definitions, Subsection 03, Multipurpose Arena only, Rules of the Idaho State Police as adopted as a pending rule under Docket Number 11-0501-0601, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 8, 2007
Adopted by the House March 6, 2007

(S.C.R. No. 108)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REQUESTING THAT AN INDEPENDENT CONTRACTOR BE ENGAGED TO REVIEW IDAHO'S CURRENT MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT DELIVERY SYSTEM.

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

WHEREAS, in 2006, the Second Regular Session of the Fifty-eighth Idaho Legislature adopted House Concurrent Resolution No. 63 which authorized the Legislative Council to appoint a committee to undertake and complete a study of the current mental health and substance abuse treatment delivery system in Idaho, to review alternative ways to provide these services, and to submit a final report to the First Regular Session of the Fifty-ninth Idaho Legislature; and

WHEREAS, the Mental Health and Substance Abuse Interim Committee held four meetings across the state and considered testimony from state agencies, numerous groups representing both patients and providers, as well as individuals whose families have accessed or attempted to access mental health and substance abuse treatment services in Idaho; and

WHEREAS, the Mental Health and Substance Abuse Interim Committee determined that the state of Idaho needs to conduct an objective and more thorough review of Idaho's current mental health and substance abuse treatment delivery systems in order to address possible solutions.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is requested to engage an independent contractor to review Idaho's current mental health and substance abuse treatment delivery system. The independent contractor would assess treatment capacity, cost, eligibility standards, and areas of responsibility, and would make recommendations for how to improve Idaho's current system by creating appropriate oversight and service levels for a state system. Study areas and components would include, but not be limited to:

a. Creation of a mental health and substance abuse treatment system specifically designed for children and their families to receive immediate treatment.

b. Determine whether there is a lead agency in Idaho responsible for paying for and coordinating services regardless of where an individual enters the mental health or substance abuse system and study the possibility of restructuring the current system via the creation of a separate agency combining mental health and substance abuse services in Idaho.

c. Review the capacity of the current state hospital system as well as the need for voluntary commitments, beds for children in psychiatric crisis, and the need for state hospital services in the Treasure Valley.

d. Review the need for crisis intervention training at all levels of public safety.

e. Regarding the offender population, study the creation of one specific agency responsible to conduct a range of assessments prior to sentencing in order to coordinate treatment and support alternatives to incarceration.

f. Increase the number of probation officers so caseloads shrink and probation officers can more closely interact with the rehabilitated offenders.

g. Evaluation of the concept of a regionally-based mental health and substance abuse treatment delivery system, including a review of other states with such a system and any positive results or shortcomings of such systems.

BE IT FURTHER RESOLVED that the legislative Health Care Task Force shall be the oversight body for the study and the results of the study shall be reported to the Health and Welfare and Judiciary and Rules germane committees during the Second Regular Session of the Fifty-ninth Idaho Legislature.

Adopted by the Senate February 14, 2007
Adopted by the House March 6, 2007

(S.C.R. No. 109)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE DEPARTMENT OF HEALTH AND WELFARE, THE DEPARTMENT OF CORRECTION, THE DEPARTMENT OF JUVENILE CORRECTIONS, AND THE COURTS TO DEVELOP AND ADOPT A STANDARD STATEWIDE ASSESSMENT TOOL FOR SUBSTANCE ABUSE AND A STANDARD STATEWIDE ASSESSMENT TOOL FOR MENTAL HEALTH BY JANUARY 1, 2008, AND TO REPORT TO THE LEGISLATIVE HEALTH CARE TASK FORCE BY THAT DATE.

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

WHEREAS, various state agencies and the courts currently may use different and sometimes conflicting assessment tools in determining whether or not individuals qualify for or otherwise need substance abuse and/or mental health services; and

WHEREAS, proper treatment of individuals with substance abuse and/or mental health issues is based upon identifying those who need treatment through the use of proper assessment tools; and

WHEREAS, a standard statewide assessment tool for substance abuse and a standard statewide assessment tool for mental health as used by state agencies and the courts would provide consistency in treatment and provide some assurance to individuals and their families that uniform assessment protocols are followed regardless of where the individual is in the substance abuse and/or mental health system.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Department of Health and Welfare, the Department of Correction, the Department of Juvenile Corrections, and the courts shall collaborate to develop and adopt a standard statewide assessment tool for substance abuse and a standard statewide assessment tool for mental health, with such assessment tools to be determined and reported to the legislative Health Care Task Force no later than January 1, 2008.

Adopted by the Senate February 14, 2007
Adopted by the House March 6, 2007

(S.C.R. No. 110)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING AND SUPPORTING THE FUNDING AND CONTINUED DEVELOPMENT OF AN IDAHO PSYCHIATRIC RESIDENCY PROGRAM.

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

WHEREAS, every county in Idaho is now designated as a "Mental Health Professional Shortage Area" by the federal Department of Health and Human Services; and

WHEREAS, Idaho ranked fiftieth in the nation for the number of physicians in psychiatry per capita in 2004 with five psychiatrists per 100,000 population, compared to the national rate of fourteen psychiatrists per 100,000 population, according to the 2006 Health Care State Rankings published by Morgan Quitno Press; and

WHEREAS, Idaho was one of seven states to receive an "F" grade from the National Alliance on Mental Illness on the adequacy and quality of its mental health services; and

WHEREAS, institutions and private practices in Idaho have difficulty recruiting mental health care providers; and

WHEREAS, an Idaho psychiatric residency program, modeled after the University of Washington's Spokane "Advanced Clinician Track" would encourage the recruitment and retention of psychiatric health professionals in Idaho; and

WHEREAS, upon full implementation, the proposed Idaho psychiatric residency program will run on a projected annual budget of $1.1 million and will have eleven residents per year; and

WHEREAS, the Boise Veterans Affairs Medical Center and Saint Alphonsus and St. Luke's hospitals have committed to provide financial support; and

WHEREAS, the state currently supports a financial budget of approximately ten percent of the annual budget for the family medicine residency of Idaho in Boise and a higher percentage of the Idaho State University family practice residency in Pocatello.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature encourages and supports the funding and continued development of an Idaho Psychiatry Residency Program to enable the health care community to attract and retain mental health professionals in Idaho.

Adopted by the Senate February 14, 2007
Adopted by the House March 6, 2007

(S.C.R. No. 112)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO MEDICAID ENHANCED PLAN BENEFITS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Department of Health and Welfare regarding Medicaid Enhanced Plan Benefits is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 16.03.10, Medicaid Enhanced Plan Benefits, Section 112, relating to Enhanced Outpatient Mental Health Services - Participant Eligibility, Subsections 02.d and 03.a, only, Rules of the Department of Health and Welfare, as adopted as pending rules under Docket Number 16-0310-0602, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 27, 2007
Adopted by the House March 19, 2007

(S.C.R. No. 113)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE IDAHO BOARD OF PHARMACY.

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 Pharmacy are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 27.01.01, Rules of the Idaho State Board of Pharmacy, adopted as pending rules under Docket Number 27-0101-0602, the entire rulemaking docket, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 27, 2007
Adopted by the House March 19, 2007

(S.C.R. No. 114)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE INDUSTRIAL COMMISSION PERTAINING TO MISCELLANEOUS PROVISIONS.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Industrial Commission Rule pertaining to Miscellaneous Provisions is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and House of Representatives concurring therein, that, effective March 15, 2007, IDAPA 17.02.08, Miscellaneous Provisions, Section 031, relating to Acceptable Charges for Medical Services Under the Idaho Workers' Compensation Law, Subsection 02.b, only, Rules of the Industrial Commission, as adopted as a pending rule under Docket Number 17-0208-0602, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 28, 2007
Adopted by the House March 12, 2007

(S.C.R. No. 115)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DEPARTMENT OF COMMERCE AND LABOR RELATING TO UNEMPLOYMENT INSURANCE TAX ADMINISTRATION RULES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Commerce and Labor pertaining to Unemployment Insurance Tax Administration Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 09.01.35, Unemployment Insurance Tax Administration Rules, Section 112, relating to Determining

Status of Worker, Subsections 03.b, 03.c, 03.d and 03.e, only, Rules of the Department of Commerce and Labor, as adopted as pending rules under Docket Number 09-0135-0601, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate February 28, 2007
Adopted by the House March 20, 2007

(S.C.R. No. 117)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH AN EXCEPTION, AND REJECTING A CERTAIN AGENCY RULE DOCKET THAT IS 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 Rules of the Department of Health and Welfare governing the Idaho Child Care Program (ICCP) are not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth 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 2007 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 16.06.12, Rules of the Department of Health and Welfare, Rules Governing the Idaho Child Care Program (ICCP), adopted as pending fee rules under Docket Number 16-0612-0602 (Chapter Rewrite), the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 16.06.12, Rules of the Department of Health and Welfare, Rules Governing the Idaho Child Care Program (ICCP), adopted as pending fee rules under Docket Number 16-0612-0602 (Chapter Rewrite), the entire rulemaking docket is hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, is declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for leg-

islative 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 2, 2007
Adopted by the House March 19, 2007

(S.C.R. No. 119)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF TAX EXEMPTIONS, CREDITS AND DEDUCTIONS.

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

WHEREAS, the state's current tax system includes the income tax on individuals and corporations, sales and use tax on taxable sales and property tax on real and personal property; and

WHEREAS, for many years the state's citizens enjoyed a balanced tax system; and

WHEREAS, because of a variety of factors, changes in state policy as well as federal changes in tax policy, the tax structure in place has become out of balance; and

WHEREAS, the number of Idaho's various tax exemptions, deductions and credits have expanded greatly in the past thirty years; and

WHEREAS, rising property taxes have forced property owners to seek creative methods of reducing property valuations within the law, thus causing inequities among property owners; and

WHEREAS, the Legislature recognizes that it has not provided assessors with proper statutory direction to address these inequities; and

WHEREAS, many tax exemptions, deductions or credits have been enacted by the Legislature over the past three decades and these need to be examined to determine their relevance in today's global economy and society; and

WHEREAS, it is the desire of this Legislature that a tax structure should encourage economic development and not hinder it.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint a fourteen member committee to undertake and complete a study of the state's tax exemptions, deductions and credits in all of their aspects and to make recommendations for a strategy to statutorily limit exemptions, deductions and credits more specifically to the uses for which the exemptions, deductions and credits were originally intended. The Legislative Council shall determine the 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 to the Second Regular Session of the Fifty-ninth Idaho Legislature.

Adopted by the Senate March 12, 2007
Adopted by the House March 20, 2007

(S.C.R. No. 120)

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 First Regular Session of the Fifty-ninth 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 2007 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 15.04.01, Rules of the Division of Human Resources and Personnel Commission, Section 071 concerning Merit Increase Matrix, Subsection 03 only, Section 073 concerning Calculation of Pay, Subsection 05.b only, Section 077 concerning Bonuses, Subsection 02.c only, Section 078 concerning Retention Awards only, and Section 260 concerning Overtime, Subsection 03 only, adopted as temporary rules under Docket Number 15-0401-0601.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain

in effect beyond the conclusion of the Second Regular Session of the 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 2007 legislative session shall expire by operation of statute upon adjournment of the First Regular Session of the Fifty-ninth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

Adopted by the Senate March 15, 2007
Adopted by the House March 22, 2007

(S.C.R. No. 121)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE PUBLIC HEALTH DISTRICTS RELATING TO RULES OF PANHANDLE HEALTH DISTRICT 1.

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 Public Health Districts relating to Rules of Panhandle Health District 1 are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 41.01.01, Panhandle Health District 1, Section 100, relating to Water Quality Control, Subsections 03.e and 03.f, only, Rules of the Public Health Districts, as adopted as pending rules under Docket Number 41-0101-0601, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the Senate March 20, 2007
Adopted by the House March 27, 2007

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 1)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE FIRST REGULAR SESSION OF THE FIFTY-NINTH IDAHO LEGISLATURE FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

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

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the First Regular Session of the Fifty-ninth Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 8, 2007.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth 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 8, 2007, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 8, 2007
Adopted by the Senate January 8, 2007

(H.C.R. No. 2)

A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING OF HOUSE AND SENATE BILLS, RESOLUTIONS, MEMORIALS AND AMENDMENTS, AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee have, according to law, made provisions for the printing of the House and Senate bills, resolutions, memorials and amendments;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee;

BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the contract for the printing of the House and Senate bills, resolutions, memorials and amendments, in accordance with the provisions of law and in accordance with the written contract between the Joint Committee as party of the first part, and the Bureau of Copy and Records Services, Boise, Idaho, as party of the second part, be, and the same is hereby ratified and concurred in, and is incorporated herein, and made a part of this resolution in words and figures following, to wit:

PRINTING AGREEMENT

THIS AGREEMENT, made and entered into this 15th day of January, 2007, by and between the HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE and the SENATE JUDICIARY AND RULES COMMITTEE of the First Regular Session of the Fifty-ninth Idaho Legislature, hereinafter referred to as the Joint Committee, and the Bureau of Copy and Records Services, hereinafter referred to as the Bureau of Copy and Records Services.

WITNESSETH:

That pursuant to written bids submitted to and considered by the Joint Committee, a contract for legislative printing is hereby awarded to the Bureau of Copy and Records Services per your letter response of November 6, 2006, for the First and Second Regular Sessions and any Extraordinary Sessions of the Fifty-ninth Idaho Legislature upon the following additional terms and conditions:

1. That the Bureau of Copy and Records Services will utilize the Docutech printer process from "Camera Ready" copies, as these terms are used and recognized in the trade, to print House and Senate bills, resolutions and memorials.

2. That the Bureau of Copy and Records Services concurrently with the execution of this contract, deliver to the Joint Committee good and sufficient surety bond or other collateral, if and when requested, in the manner and form, and with a surety acceptable to the Joint Committee, in the sum of five thousand dollars ($5,000), guaranteeing the satisfactory and faithful performance by the Bureau of Copy and Records Services of all the terms and conditions of this contract.

3. That the Bureau of Copy and Records Services will maintain at all times a high standard of workmanship to the end that all printing will be neat, clean, legible and with adequate contrast between print and paper to be easily read.

4. That the Bureau of Copy and Records Services will insure that all bills, resolutions and memorials will have neat and proper underlining, strikeovers and deletions and that the paper used will be properly punched and sized.

5. That for the purposes of this contract, all printing will be received from and delivered to the presiding officer of each house or his designee.

6. That the Bureau of Copy and Records Services will deliver all standard lot printed material conforming to the above requirements by 9 a.m. the next morning after receipt of copy, unless prior arrangements have been made.

7. Upon failure to deliver such bills in the manner and within the time herein specified, this contract may be deemed terminated forthwith

at the option of the Joint Committee and recourse had against the Bureau of Copy and Records Services bond.

8. That a standard lot of printed material will be two hundred (200) copies or less of individual bills, resolutions or memorials at a cost of eleven dollars and fifty cents ($11.50) per printed page which shall also provide for more or less copies in units of one hundred (100) at the same rate per page.

9. That the Bureau of Copy and Records Services will pick up "Camera Ready" copy at least twice daily of each day that the Legislature is in session.

10. That the Bureau of Copy and Records Services shall make copies available for sale to the public at the base per page rate, provided the order for such is received prior to the time the bill is printed.

11. That the Joint Committee reserves to itself the sole and exclusive decision as to the proper fulfillment of the terms and conditions of this agreement by the Bureau of Copy and Records Services and that the Joint Committee may terminate this agreement upon twenty-four (24) hours' notice to the Bureau of Copy and Records Services, with no liability accruing to the Joint Committee or to the State except for printing already completed and delivered.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands as of the day and year first above written.

By /s/ Lawerence Denney
LAWERENCE DENNEY, Speaker of the House

HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

By /s/ Jim Clark
JIM CLARK, Chairman

By /s/ Robert L. Geddes
ROBERT L. GEDDES, President Pro Tempore

SENATE JUDICIARY AND RULES COMMITTEE

By /s/ Denton Darrington
DENTON DARRINGTON, Chairman

BUREAU OF COPY AND RECORDS SERVICES

By /s/ Bobbi Eckerle
BOBBI ECKERLE, Supervisor

Adopted by the House January 22, 2007
Adopted by the Senate February 2, 2007

(H.C.R. No. 3)

A CONCURRENT RESOLUTION
PROVIDING FOR PRINTING THE HOUSE AND SENATE LEGISLATIVE DAILY JOURNALS AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, Section 67-509, Idaho Code, has made provisions for the printing of the House and Senate Legislative Daily Journals;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee;

BE IT RESOLVED, by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, that the contract for the printing of the House and Senate Legislative Daily Journals in accordance with the provisions of law and in accordance with the written contract between the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee, as party of the first part, and Bureau of Copy and Records Services, of Boise, Idaho, as party of the second part, be, and the same is hereby ratified and confirmed, and is incorporated herein and made a part of this resolution, in words and figures following, to wit:

PRINTING AGREEMENT

THIS AGREEMENT, made and entered into this 15th day of January, 2007, by and between the HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE and the SENATE JUDICIARY AND RULES COMMITTEE of the First Regular Session of the Fifty-ninth Idaho Legislature, hereinafter mentioned as party of the first part, and BUREAU OF COPY AND RECORDS SERVICES, Boise, Idaho, hereinafter mentioned as party of the second part;

WITNESSETH:

That pursuant to a resolution of said party of the first part and written quotation submitted by party of the second part, a contract for legislative printing is hereby awarded to the said Bureau of Copy and Records Services, as follows:

HOUSE AND SENATE DAILY JOURNAL
FIRST AND SECOND REGULAR SESSIONS
AND ANY EXTRAORDINARY SESSIONS

110 copies of House Journal
110 copies of Senate Journal
220 total copies ..... $11.50 per page
100 additional copies ..... $11.50 per page

IT IS AGREED by the parties hereto that all of said printing shall be done in the form and manner and upon such suitable material as was included in the bid specifications and is now required by the statutes of the State of Idaho; where not otherwise herein provided, such statutes shall be controlling, and particularly as to the printing of Legislative Journals, the same shall be printed in conformity with Section 67-509, Idaho Code, which section is hereby referred to and by reference made a part of this contract as though set forth herein at length; that the number of copies to be supplied under this contract may from time to time be determined by the party of the first part; and that all other terms of the specifications for the Journals of the party of the first part shall be complied with as though set forth herein at length.

IT IS AGREED that in the printing of the Journal the same shall be delivered daily on the desk of the Chief Clerk of the House, and on the desk of the Secretary of the Senate not later than the hour of 9 a.m. on

each day; provided, that the party of the second part shall not be responsible in this respect, in cases of unreasonable delay in furnishing copy for such printing to the party of the second part.

The party of the second part further covenants and agrees to deliver to the party of the first part good and sufficient surety bond or other collateral, if and when requested, in the manner and form, and with a surety acceptable to the party of the first part, in the sum of Five Thousand Dollars ($5,000), guaranteeing the satisfactory and faithful performance by the party of the second part of all the conditions and covenants of this contract.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper official and the party of the first part, by Concurrent Resolution, has caused these presents to be executed by its proper officials.

Party of the First Part

By /s/ Lawerence Denney
LAWERENCE DENNEY, Speaker of the House

HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

By /s/ Jim Clark
JIM CLARK, Chairman

By /s/ Robert L. Geddes
ROBERT L. GEDDES, President Pro Tempore

SENATE JUDICIARY AND RULES COMMITTEE

By /s/ Denton Darrington
DENTON DARRINGTON, Chairman

Party of the Second Part

BUREAU OF COPY AND RECORDS SERVICES

By /s/ Bobbi Eckerle
BOBBI ECKERLE, Supervisor

Adopted by the House January 22, 2007
Adopted by the Senate February 2, 2007

(H.C.R. No. 4)

A CONCURRENT RESOLUTION
PROVIDING FOR PRINTING THE HOUSE AND SENATE LEGISLATIVE PERMANENT JOURNALS AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, Section 67-509, Idaho Code, has made provisions for the printing of the House and Senate Legislative Permanent Journals;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee;

BE IT RESOLVED, by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, that the contract for the printing of the House and Senate Legislative Permanent Journals in accordance with the provisions of law and in accordance with the written contract between the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee, as party of the first part, and Custom Printing Inc., of Nampa, Idaho, as party of the second part, be, and the same is hereby ratified and confirmed, and is incorporated herein and made a part of this resolution, in words and figures following, to wit:

PRINTING AGREEMENT

THIS AGREEMENT, made and entered into this 15th day of January, 2007, by and between the HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE and the SENATE JUDICIARY AND RULES COMMITTEE of the First Regular Session of the Fifty-ninth Idaho Legislature, hereinafter mentioned as party of the first part, and CUSTOM PRINTING INC., Nampa, Idaho, hereinafter mentioned as party of the second part;

WITNESSETH:

That pursuant to a resolution of said party of the first part and written quotation submitted by party of the second part, a contract for legislative printing is hereby awarded to the said Custom Printing Inc., as follows:

PERMANENT JOURNAL
FIRST AND SECOND REGULAR SESSIONS
AND ANY EXTRAORDINARY SESSIONS

101 copies of House Permanent Journal, including 6 hard-bound gold lettered volumes
114 copies of Senate Permanent Journal, including 6 hard-bound gold lettered volumes
215 total copies ..... $32.00 per page
Additional hard-bound gold lettered volumes ..... $50.00 per volume

IT IS AGREED by the parties hereto that all of said printing shall be done in the form and manner and upon such suitable material as was included in the bid specifications and is now required by the statutes of the State of Idaho; where not otherwise herein provided, such statutes shall be controlling, and particularly as to the printing of Legislative Journals, the same shall be printed in conformity with Section 67-509, Idaho Code, which section is hereby referred to and by reference made a part of this contract as though set forth herein at length; that the number of copies to be supplied under this contract may from time to time be determined by the party of the first part; and that all other terms of the specifications for the Journals of the party of the first part shall be complied with as though set forth herein at length.

IT IS FURTHER AGREED, that the permanent printed Journal shall be delivered to the Chief Clerk of the House not later than thirty (30) working days from date of receipt of final House copy, and to the Secretary of the Senate not later than thirty (30) working days from date of

receipt of final Senate copy, and that for each day's failure to so deliver, there shall be deducted from the contract price for printing said Journal the sum of Fifty Dollars ($50.00) per day for each day's delay.

The party of the second part further covenants and agrees to deliver to the party of the first part good and sufficient surety bond or other collateral, if and when requested, in the manner and form, and with a surety acceptable to the party of the first part, in the sum of Five Thousand Dollars ($5,000), guaranteeing the satisfactory and faithful performance by the party of the second part of all the conditions and covenants of this contract.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper official and the party of the first part, by Concurrent Resolution, has caused these presents to be executed by its proper officials.

Party of the First Part

By /s/ Lawerence Denney
LAWERENCE DENNEY, Speaker of the House

HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

By /s/ Jim Clark
JIM CLARK, Chairman

By /s/ Robert L. Geddes
ROBERT L. GEDDES, President Pro Tempore

SENATE JUDICIARY AND RULES COMMITTEE

By /s/ Denton Darrington
DENTON DARRINGTON, Chairman

Party of the Second Part

CUSTOM PRINTING INC.

By /s/ Michael B. Cutler
MICHAEL B. CUTLER

Adopted by the House January 22, 2007
Adopted by the Senate February 5, 2007

(H.C.R. No. 6)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND PROCLAIMING JANUARY 18, 2007, AS "IDAHO NONPROFIT DAY."

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

WHEREAS, nonprofit organizations help build and sustain healthy communities in our state and enhance the quality of life for Idahoans and for others throughout the country and the world; and

WHEREAS, the thousands of nonprofit organizations based in Idaho contribute significantly to a viable economy by providing Idahoans with jobs, goods, and services with expenditures of more than $1.7 billion in 2004; and

WHEREAS, by every measure, Idaho's nonprofits have grown dramatically increasing by fourteen percent between 2002 and 2004, faster than Idaho's population is growing; and

WHEREAS, Idaho's nonprofits are often entrepreneurs, creating new solutions to problems and filling previously unmet needs in the areas of health, recreation, education, research, arts, social services and more; and

WHEREAS, the nonprofit sector works as a responsible partner with private enterprise and government to alleviate the most pressing social issues of our time; and

WHEREAS, Idahoans have one of the highest rates of volunteerism in the nation, thus providing opportunities for leadership, civic engagement and building communities; and

WHEREAS, the nonprofit sector acts as a responsible steward of charitable dollars to achieve a diverse range of missions and goals; and

WHEREAS, nonprofit organizations often fulfill their missions by advocating on behalf of those who cannot advocate for themselves; and

WHEREAS, the nonprofit sector throughout Idaho has a proud history of service, innovation and social change; and

WHEREAS, the accomplishments of the nonprofit sector deserve acknowledgment, affirmation and celebration.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho State Legislature proclaims January 18, 2007, as "Idaho Nonprofit Day."

Adopted by the House January 15, 2007
Adopted by the Senate January 16, 2007

(H.C.R. No. 7)

A CONCURRENT RESOLUTION
RECOGNIZING AND COMMENDING THE BOISE STATE UNIVERSITY FOOTBALL TEAM, THE 2007 FIESTA BOWL CHAMPION.

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

WHEREAS, Boise State University, located in Boise, Idaho, is an emerging metropolitan research university of distinction, achieving its vision through academic excellence, public engagement, a vibrant culture and exceptional research; and

WHEREAS, Boise State University reflects the character of Idaho's capital city - a center of business, government, technology, health care and the arts; and

WHEREAS, Boise State University is the largest university in Idaho

with 18,876 students - an all-time state fall enrollment record for the ninth time in ten years; and

WHEREAS, the Boise State University football team has won the Western Athletic Conference championship for five consecutive years; and

WHEREAS, the Boise State University Broncos completed their most recent football season with a record of 13-0, being the only undefeated NCAA Division I team in the country and a win in the New Year's Day Bowl Championship Series Fiesta Bowl over the vaunted seven-time national champion Sooners of the University of Oklahoma in a classic David versus Goliath matchup; and

WHEREAS, Boise State University's football team has the highest percentage of wins of any Division I football program in the nation since 1999 and the University of Oklahoma has the second highest percentage of wins of any Division I football program during that period; and

WHEREAS, the Boise State University Broncos finished ranked sixth in the Coaches/BCS poll and fifth in the nation in the Associated Press poll while receiving one first place vote; and

WHEREAS, Boise State University's head football coach, Chris Petersen, capped off an incredible 2006 season on Thursday (January 11) when he was named the Paul "Bear" Bryant College Coach of the Year. The award is part of the Paul "Bear" Bryant College Football Coaching Awards which is held annually to benefit the American Heart Association and honor excellence in coaching, and the honor is the first individual national award ever won by a member of a Boise State University football team at the NCAA Division I-A level.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we extend to Boise State University and the Bronco Football Team our enthusiastic congratulations on the past undefeated season, which has culminated in winning the BCS Fiesta Bowl over the University of Oklahoma in perhaps the most exciting college football game ever played. We commend the Broncos on their exciting style of play, gritty determination, dedication to the task at hand and their competitive spirit which led to not only the biggest victory in school history but also a victory that marks the dawn of a new era in college football by proving that teams from non-Bowl Championship Series conferences can compete and win against the nation's traditional football powers. We congratulate Coach Chris Petersen, the first coach in America since 1900 to win thirteen games against zero losses in NCAA Division I in his first year of head coaching, his coaching staff, players and the president of the university, Dr. Robert Kustra.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to President Robert Kustra and to Coach Chris Petersen of Boise State University.

Adopted by the House January 17, 2007
Adopted by the Senate January 19, 2007

(H.C.R. No. 8)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE THAT THE STATE OF IDAHO IS COMMITTED TO PRINCIPLES OF HUMAN RIGHTS AND RECOGNIZES THE UNIQUE VALUE OF THE HUMAN CHARACTER IN ITS GREAT DIVERSITY AND WEALTH OF VARIETY.

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

WHEREAS, the Governor of the State of Idaho, the Honorable Butch Otter, stated in Congress during debates on the Patriot Act his commitment to principles of human rights; and

WHEREAS, it is appropriate that the Legislature recognize this commitment, and in addition that we add the observations of the membership of the Legislature on behalf of the people of Idaho; and

WHEREAS, Idaho is a state where the industry and courage of every citizen is valued and the contributions of individuality and good character are recognized; and

WHEREAS, on behalf of the citizens, the Idaho Legislature made a comprehensive commitment to human rights within the enactment of the Commission on Human Rights which states in part that the Commission is established to ". . . secure for all individuals within the state freedom from discrimination because of race, color, religion, sex or national origin or disability in connection with employment, public accommodations, and real property transactions, discrimination because of race, color, religion, sex or national origin in connection with education, discrimination because of age in connection with employment, and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities . . ."; and

WHEREAS, the Legislature continues to further the commitment to human rights and to act upon this commitment in legislation which supports programs to further the opportunities of all Idaho citizens; and

WHEREAS, citizens of Idaho have endured an unwarranted, unfavorable barrage of publicity related to certain opinions held by a small minority of persons who claim Idaho as their home, but whose opinions we strongly denounce and state without reservation that they are not representative of the opinion of the true citizenry of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that on behalf of the citizens of Idaho, the Legislature joins with the Honorable Governor of the State of Idaho, proclaiming our commitment to the principles of human rights. We acknowledge the unique value of the human character in its great diversity and wealth of variety.

Adopted by the House February 5, 2007
Adopted by the Senate March 13, 2007

(H.C.R. No. 9)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND EXTENDING CONGRATULATIONS TO THE UNIVERSITY OF IDAHO ON THE 100TH ANNIVERSARY OF THE ESTABLISHMENT OF ITS COLLEGE OF ENGINEERING.

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

WHEREAS, the University of Idaho, Idaho's land grant university, was established by the Territorial Legislature in 1889, the year before Idaho became a state; and

WHEREAS, in 1907, the University of Idaho established its College of Engineering; and

WHEREAS, the University of Idaho offers engineering degrees in biological and agricultural engineering, chemical engineering, civil engineering, computer science and computer engineering, electrical engineering and mechanical engineering; and

WHEREAS, during the last one hundred years 13,000 men and women have received engineering degrees from the University of Idaho; and

WHEREAS, engineering faculty and students at the University of Idaho are conducting leading edge research from under the seas with the Office of Naval Research to outer space with NASA; and

WHEREAS, engineering faculty and students at the University of Idaho are recognized for the major contributions they are making in such diverse fields as biofuels, microelectronics, material science, nanotechnology, transportation technology, computer software security, and medical science; and

WHEREAS, the high quality of students graduating in engineering from the University of Idaho is confirmed by the consistently high pass rates on the Fundamentals of Engineering examination; and

WHEREAS, University of Idaho engineering graduates have, throughout the decades, become groundbreaking entrepreneurs, collaborative corporate leaders and truly global citizens; and

WHEREAS, their impact can be seen in the continued economic development of Idaho and the nation.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we extend to the University of Idaho our congratulations on the 100th anniversary of the establishment of its College of Engineering.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to President Tim White and Dean Aicha Elshabini of the University of Idaho.

Adopted by the House February 12, 2007
Adopted by the Senate February 21, 2007

(H.C.R. No. 10)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING THE STATE BOARD OF EDUCATION TO INTEGRATE THE PRINCIPLES OF BASIC PERSONAL FINANCE INTO THE PUBLIC SCHOOL CURRICULA IN IDAHO.

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

WHEREAS, basic personal financial management, including the principles of saving, spending, credit, investment, taxes and insurance, is an essential life skill necessary to the well-being of all Idahoans; and

WHEREAS, personal financial education is essential to ensure that individuals are prepared to become responsible workers, heads of households, investors, entrepreneurs, business leaders and citizens; and

WHEREAS, financial education has been linked to lower delinquency rates for mortgage borrowers, higher participation and contribution rates in retirement plans, improved spending and saving habits, higher net worth, positive attitudes and behavior changes; and

WHEREAS, the personal financial responsibility and well-being of the emerging generation will be essential to the overall health and well-being of Idaho's future economic and social condition; and

WHEREAS, a survey published in March 2005 by the National Council on Economic Education showed that each year young Americans spend approximately $150 billion, yet they do not have a strong understanding of basic financial concepts such as annual percentage rates, inflation and interest; and

WHEREAS, according to a survey on personal financial literacy administered in 2005-2006 by the Jump$tart Coalition for Personal Financial Literacy, high school seniors answered just more than fifty percent of the financial literacy questions correctly; and

WHEREAS, nonprofit organizations, corporations and the federal government have played a role in developing materials and curricula for use by educators.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we recognize the importance of basic financial education and business-oriented educational programs for all our citizens, especially our youth, and urge the State Board of Education, in cooperation with school administrators, teachers, parents, business leaders, and concerned citizens to immediately begin:

(1) Exploring ways to include in the public school curricula a financial literacy program that includes such topics as budgeting, consumer economics, insurance, saving, money management, investing principles, managing credit, monetary policy, financial planning, retirement savings, consumer loans and mortgages; and

(2) Reviewing existing financial literacy programs and materials that are available, with the aim of formalizing personal financial management as a requirement for graduation.

Adopted by the House February 9, 2007
Adopted by the Senate March 2, 2007

(H.C.R. No. 11)

A CONCURRENT RESOLUTION

PROVIDING FOR PRINTING THE SESSION LAWS, FIXING THE PRICE FOR PRINTING THE SAME, AND THE PRICE WHICH THE PUBLIC SHALL BE CHARGED FOR COPIES OF THE SESSION LAWS.

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

WHEREAS, Section 67-904, Idaho Code, has made provisions for the printing of the Session Laws;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Speaker of the House of Representatives and the President Pro Tempore of the Senate and the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho hereinafter referred to as the Joint Committee;

BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the contract for the printing of the Session Laws of the First and Second Regular Sessions, of the Fifty-ninth Idaho Legislature, and the Session Laws of any Extraordinary Session, of the Fifty-ninth Idaho Legislature, in accordance with the provisions of law and in accordance with the written contract between the Speaker of the House of Representatives and the President Pro Tempore of the Senate and the Joint Committee as party of the first part, and THE CAXTON PRINTERS, LTD., of Caldwell, Idaho, as party of the second part, be, and the same is hereby ratified, confirmed and concurred in, and is incorporated herein and made a part of this resolution, in words and figures following, to wit:

PRINTING CONTRACT

THIS AGREEMENT, made and entered into this 15th day of January, 2007, by and between the Speaker of the House of Representatives, Lawerence Denney, and the President Pro Tempore of the Senate, Robert L. Geddes, the Joint Committee of the House Judiciary, Rules, and Administration Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho, hereinafter mentioned as party of the first part, and THE CAXTON PRINTERS, LTD., of Caldwell, Idaho, hereinafter mentioned as party of the second part;

WITNESSETH:

That pursuant to a resolution of said party of the first part and written bid submitted to the said party of the first part by the party of the second part, contract for legislative printing is hereby awarded to said THE CAXTON PRINTERS, LTD., as follows:

SESSION LAWS

For printing and binding six hundred four (604) copies of the Session Laws of the First Regular Session of the Fifty-ninth Idaho Legislature and for printing and binding six hundred four (604) copies of the Session Laws of the Second Regular Session of the Fifty-ninth Idaho Legislature and the Session Laws of any Extraordinary Session of the Fifty-ninth Idaho Legislature: Seventeen dollars and forty-five cents

($17.45) per page, f.o.b. Boise, Idaho, if produced by offset lithography with camera-ready copy being furnished to party of the second part, plus nine dollars and seventy-five cents ($9.75) per volume for binding. For pages requiring reduction shots, an additional seven dollars ($7.00) per page charge. Each volume to be Smythe sewed, rounded and backed with suitable headbands and Roxite Library Buckram over a 15 point Red Label Davey Board. The party of the second part shall provide an additional quantity to be made available to the general public at forty-six dollars and fifty cents ($46.50) per single volume, and fifty-nine dollars and fifty cents ($59.50) per set of two volumes, if a second volume is required. The Session Laws of any Extraordinary Session adjourned prior to June 1, 2007, shall be included in the Session Laws of the First Regular Session, or if adjourned prior to June 1, 2008, shall be included in the Session Laws of the Second Regular Session. No charge shall be made by the party of the second part for proofreading or blank pages.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as submitted in written bid dated December 14, 2006, by party of the second part, and in compliance with the statutes of the State of Idaho where not otherwise provided, such statutes shall be controlling.

IT IS FURTHER AGREED that said Session Laws shall be printed, delivered to and be ready for distribution by the Secretary of State in conformity with the provisions of Section 67-904, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth at length herein, and particularly as follows:

The Session Laws shall be printed and made available for distribution within sixty (60) days after the last day on which the Governor may sign or approve bills following adjournment of the session of the legislature which enacted or passed the measures included in the Session Laws, or within thirty (30) days after the delivery to the party of the second part of the proper title pages, certificate pages, tables of laws and statutes amended and repealed and a proper index of the contents of the Session Laws, whichever date is first in time.

Such printing and delivery of said Session Laws to the Secretary of State are to be made as provided by law; that for each day's failure to so deliver volumes of such Session Laws as herein provided, there shall be deducted from the contract price for printing said Session Laws the sum of fifty dollars ($50.00) per day for each day's delay; provided, however, that the party of the second part shall not be held responsible for delay occasioned by failure to furnish copy for such printing to the party of the second part and such delay shall, to the same extent, extend the time for the performance of this agreement.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper officials, and the party of the first part, by Concurrent Resolution has caused these presents to be executed by its proper officials.

Party of the First Part

By /s/ Lawerence Denney
LAWERENCE DENNEY, Speaker of the House

HOUSE JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

By /s/ Jim Clark
JIM CLARK, Chairman

By /s/ Robert L. Geddes
ROBERT L. GEDDES, President Pro Tempore

SENATE JUDICIARY AND RULES COMMITTEE

By /s/ Denton Darrington
DENTON DARRINGTON, Chairman

Party of the Second Part

THE CAXTON PRINTERS, LTD.

By /s/ Dave Gipson
DAVE GIPSON, Vice President

Adopted by the House February 14, 2007
Adopted by the Senate February 27, 2007

(H.C.R. No. 12)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF NATURAL RESOURCE ISSUES.

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

WHEREAS, the First Regular Session of the Fifty-eighth Idaho Legislature adopted House Concurrent Resolution No. 25 which authorized the appointment of a committee to undertake and complete a two-year study of natural resource issues, including issues relating to water, throughout the state of Idaho; and

WHEREAS, the committee's official term expired on November 30, 2006, and numerous natural resource-related issues continue to pose concerns for the future of Idaho and the quality of life our citizens enjoy including, but not limited to, the stabilization of the water distribution system.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of natural resource issues of importance to the state of Idaho. The commit-

tee shall consist of ten legislators, with five from the Senate and five from the House of Representatives. The Legislative Council shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that the Legislative Council is authorized, in the event it deems necessary, to expand membership of the committee to continue to study and evaluate ways to stabilize the water distribution system in Idaho.

BE IT FURTHER RESOLVED that the cochairmen of the committee are authorized to appoint advisors with technical expertise in the water supply arena and are expected to receive input from stakeholders in the water rights system of Idaho to attempt to stabilize the water delivery system in this state.

BE IT FURTHER RESOLVED that any advisors to the committee who are not legislative members shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations and proposed legislation.

BE IT FURTHER RESOLVED that the committee shall make a progress report to the Second Regular Session of the Fifty-ninth Idaho Legislature and shall make a report detailing its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixtieth Idaho Legislature.

Adopted by the House February 14, 2007
Adopted by the Senate February 28, 2007

(H.C.R. No. 13)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND ADOPTING THE IDAHO ENERGY PLAN APPROVED BY THE LEGISLATIVE COUNCIL INTERIM COMMITTEE ON ENERGY, ENVIRONMENT AND TECHNOLOGY ON JANUARY 26, 2007, AS THE STATE ENERGY PLAN.

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

WHEREAS, in 2006, the members of the Second Regular Session of the Fifty-eighth Idaho Legislature adopted House Concurrent Resolution No. 62, which requested that the Legislative Council Interim Committee on Energy, Environment and Technology develop an integrated state energy plan that, among other things, provides for the state's power generation needs and protects Idaho's public health, safety and natural environment and conserves Idaho's natural resources; and

WHEREAS, the Legislative Council Interim Committee on Energy, Environment and Technology met on twelve separate days and appointed four citizen and legislator subcommittees that held seven total meetings during the legislative interim in 2006; and

WHEREAS, the Legislative Council Interim Committee on Energy, Environment and Technology adopted the Idaho Energy Plan on January 26, 2007; and

WHEREAS, it is the desire of the Legislature to ratify this plan, while at the same time making it a living, breathing plan with the intent that it be revisited at a minimum of once every five years.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we formally adopt the Idaho Energy Plan as adopted by the Legislative Council Interim Committee on Energy, Environment and Technology on January 26, 2007, as the State Energy Plan and that the Legislature update this plan at a minimum of once every five years.

BE IT FURTHER RESOLVED that the Legislative Council Interim Committee on Energy, Environment and Technology shall cause to have printed 500 copies of the plan from appropriated funds. The Division of Energy in the Department of Water Resources is requested to make an electronic copy of the plan available on its website.

Adopted by the House February 26, 2007
Adopted by the Senate March 9, 2007

(H.C.R. No. 15)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ENCOURAGING THE DEPARTMENT OF HEALTH AND WELFARE TO COLLABORATE WITH STAKEHOLDERS TO CONVENE A TASK FORCE FOR THE PURPOSE OF DEVELOPING A FAMILY-DIRECTED SERVICE DELIVERY SYSTEM.

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

WHEREAS, many Idaho families rely on Medicaid for long-term services to meet the needs of their children with developmental disabilities; and

WHEREAS, growth in the Medicaid budget requires all opportunities for savings to be explored, including strategies for families to make the most efficient and effective use of supports and services for their children with developmental disabilities; and

WHEREAS, many families who have children with developmental disabilities want to have authority over service decisions that enable them to provide support for their children at home; and

WHEREAS, families who have children with developmental disabilities should control a limited amount of dollars that can be used flexibly to acquire necessary supports; and

WHEREAS, the state of Idaho has made progress in designing a service delivery system for adults with developmental disabilities that permits consumer choice and control; and

WHEREAS, Idaho can utilize the lessons learned in the development of a self-directed system for adults to build a similar system for families with minor age children; and

WHEREAS, all families who have children with developmental disabilities are valued partners in policymaking pertaining to their children's services and supports.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislature encourages the Department of Health and Welfare to collaborate with the Idaho Coun-

cil on Developmental Disabilities and other stakeholders to convene a task force for the purpose of developing a family-directed service delivery system.

BE IT FURTHER RESOLVED, that the Legislature supports including the participation of families who have children with developmental disabilities, appropriate public agencies, service providers and advocates in the development of this service delivery system.

BE IT FURTHER RESOLVED, that the Legislature encourages the Department of Health and Welfare to submit a request to the federal Centers for Medicare and Medicaid Services for approval to allow families to direct state plan services.

BE IT FURTHER RESOLVED, that the Legislature recommends that this service delivery system would be available to families of eligible children with developmental disabilities, would cost no more on average than services currently available through the Medicaid state plan for children with developmental disabilities, would include an individual budget driven by a child-centered, family-directed plan, and would allow families to negotiate for services and supports from traditional and nontraditional providers with the assistance of a support broker and a fiscal agent.

BE IT FURTHER RESOLVED, that the Legislature requests that the Department of Health and Welfare report its progress on this effort, including a cost analysis, to the Legislature by March 1, 2008.

Adopted by the House February 26, 2007
Adopted by the Senate March 14, 2007

(H.C.R. No. 16)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND REJECTING A CERTAIN RULE OF THE IDAHO FISH AND GAME COMMISSION GOVERNING LICENSING.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule of the Idaho Fish and Game Commission Rules Governing Licensing is not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 13.01.04, Rules Governing Licensing, Section 505, relating to Deer and Elk Tag Allocation, Subsection 02.e.i, only, Rules of the Idaho Fish and Game Commission, as adopted as a pending rule under Docket Number 13-0104-0601, be, and the same is hereby rejected and declared null, void and of no force and effect.

Adopted by the House February 27, 2007
Adopted by the Senate March 8, 2007

(H.C.R. No. 19)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE DIVISION OF VOCATIONAL REHABILITATION PERTAINING TO STANDARDS GOVERNING EXTENDED EMPLOYMENT SERVICES.

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

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Division of Vocational Rehabilitation pertaining to Standards Governing Extended Employment Services are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 47.01.02, Standards Governing Extended Employment Services, Section 100, relating to Certification of Providers, Subsections 02, 04.c and 04.d, only, Rules of the Division of Vocational Rehabilitation, as adopted as pending rules under Docket Number 47-0102-0601, be, and the same are hereby rejected and declared null, void and of no force and effect.

Adopted by the House March 1, 2007
Adopted by the Senate March 14, 2007

(H.C.R. No. 21)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING PENDING RULES OF THE DEPARTMENT OF HEALTH AND WELFARE GOVERNING THE IDAHO CHILD CARE PROGRAM (ICCP).

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 Idaho Child Care Program (ICCP) are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 16.06.12, Rules of the Department of Health and Welfare, Rules Governing the Idaho Child

Care Program (ICCP), adopted as pending rules under Docket Number 16-0612-0601 (Chapter Repeal), 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 1, 2007
Adopted by the Senate March 19, 2007

(H.C.R. No. 22)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND ENCOURAGING PUBLIC AND PRIVATE SCHOOLS AND PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION IN IDAHO TO RECOGNIZE OCTOBER AS "DISABILITY HISTORY MONTH" AND TO PROVIDE INSTRUCTION AND EVENTS RELATED THERETO.

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

WHEREAS, in order to ensure the full inclusion of people with disabilities into society, it is necessary to expand the public's knowledge, awareness and understanding of the history of people with disabilities and the disability rights movement; and

WHEREAS, a 2005 study conducted by Boise State University on behalf of the Idaho Independent Living Council found that approximately 45% of the households in Idaho include at least one person with a disability; and

WHEREAS, the disability rights movement is a civil rights movement that is an important part of the history of this state and country; and

WHEREAS, October is recognized nationally as Disability Awareness Month; and

WHEREAS, there is a need to include instruction on disability history, people with disabilities and the disability rights movement into the existing public school curriculum; and

WHEREAS, there is a need to increase the awareness and understanding of the history and contributions of people with disabilities in this state, the nation and worldwide by designating the annual observation of the month of October as "Disability History Month"; and

WHEREAS, by designating October as "Disability History Month," students and the public will have the opportunity to learn about the history and contributions of people with disabilities.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the public and private schools and the public and private institutions of higher education in Idaho are encouraged to recognize October as "Disability History Month" and to provide as part of that recognition, instruction on disability history, people with disabilities and the disability rights movement.

Public and private schools and public and private institutions of higher education are encouraged to integrate this instruction into the existing school curriculum by such activities as supplementing existing lesson plans and holding school assemblies or other school-related activities with guest speakers.

Adopted by the House March 5, 2007
Adopted by the Senate March 9, 2007

(H.C.R. No. 25)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT AN INTERIM COMMITTEE ON ENERGY, ENVIRONMENT AND TECHNOLOGY TO MONITOR THE INTEGRATED STATE ENERGY PLAN AND OTHER ISSUES.

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

WHEREAS, for the past ten years, the Legislature has adopted Concurrent Resolutions 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 Idaho Legislature; and

WHEREAS, in 2006 the Legislature felt the state of Idaho needed to have an integrated state energy plan that provides for the state's power generation needs and protects the health and safety of the citizens of Idaho, and the products produced in this state; and

WHEREAS, the Interim Committee on Energy, Environment and Technology met during the legislative interim in 2006 and developed recommendations relating to an integrated energy plan; and

WHEREAS, Idaho has firm power needs in the near future, and the goal of the Integrated Energy Plan is to ensure that those needs will be met; and

WHEREAS, it is the goal of the integrated state energy plan to maintain the health, safety and welfare of Idaho's citizens, the quality and financial security of existing agricultural businesses and industries, the economic growth of the state of Idaho, and the environmental quality and natural resources of this state; and

WHEREAS, it is the goal that the 2007 Integrated State Energy Plan be a living, vibrant document.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council may appoint an Interim Committee on Energy, Environment and Technology which shall monitor the Integrated State Energy Plan that provides for the state's power generation needs and protects the health and safety of the citizens of Idaho, and the products produced in this state and make any recommendations for necessary changes in both state law and the plan regarding energy in the state and to monitor other energy, environment and technology related issues.

BE IT FURTHER RESOLVED, that the Committee is directed to involve representatives of industry, agricultural groups, small businesses, consumers of electricity and conservation interests and the Committee shall make a progress report to the Second Regular Session of the Fifty-ninth Idaho Legislature and shall make a report detailing its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixtieth Idaho Legislature.

Adopted by the House February 27, 2007
Adopted by the Senate March 9, 2007

(H.C.R. No. 26)

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 DECLINE IN RECEIPTS ON NATIONAL FOREST SYSTEM LANDS.

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

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 hardship for many counties as they provided little revenue or commerce at that time; and

WHEREAS, in 1908, the federal government promised rural counties twenty-five percent of all revenues generated from the multiple-use management of the newly created national forests to support public roads and public schools; and

WHEREAS, in recent decades, the forest resources have not been managed in a manner to produce long-term sustainable revenue to share with schools and counties; and

WHEREAS, in 2000, Congress passed Public Law 106-393, the Secure Rural Schools and Community Self-Determination Act. The Act restored historical payment levels previously made to states and counties from the federal government for road and school purposes because of declining levels of actual forest receipts; and

WHEREAS, the reauthorization and appropriation of the Secure Rural Schools and Community Self-Determination Act 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, federal land managers continue to be faced with funding shortages. In the event the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated, counties will be faced with higher property taxes or a reduction in services and, even if the Act is reauthorized and appropriated, it will likely be the last time, and the state of Idaho must seek a long-term solution; and

WHEREAS, in 2006, House Joint Memorial No. 21 was adopted by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature to provide one option to address the problem of declining forest receipts by urging 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.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint an interim committee to undertake and complete an assessment of the decline in receipts on National Forest System lands, which have historically been shared with counties, with the goal of the interim committee's recommendations being to develop a federal, bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments to Idaho's forest counties, which help support roads and schools, and to provide projects that enhance forest ecosystem health and provide employment opportunities, and to improve cooperative relationships among those who use and care about the lands the agencies manage. The Legislative Council shall determine the membership from each house appointed to the interim committee and shall authorize the interim committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature. As much as is practicable, the interim committee shall work in cooperation and coordination with the state of Idaho, its counties, its school and highway districts, along with the recognized Indian tribes of the state of Idaho. The interim committee is also authorized to retain the services of consultants, within appropriated moneys, who are familiar with forest receipts, and who can provide necessary economic and other research to assist the interim committee and the Legislature in making an informed decision on this most important topic.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Idaho legislative interim committee on forest receipts will address National Forest System lands, but only those lands that do not have special designations. The interim committee is directed to formulate a solution that will protect all valid existing rights, existing public access and activities, including hunting, fishing and recreation, and that will not be construed to interfere with treaties or any other obligations to the Indian tribes, commitments to county governments, or the General Mining Law or Taylor Grazing Act.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that nonlegislative members of the interim committee may be appointed by the cochairs of the interim committee who are appointed by the Legislative Council. Nonlegislative members of the interim committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the interim committee's recommendations or proposed legislation.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the interim committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Fifty-ninth Idaho Legislature.

Adopted by the House March 2, 2007
Adopted by the Senate March 22, 2007

(H.C.R. No. 27)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT AN INTERIM COMMITTEE TO STUDY SPECIFIC ISSUES RELATED TO WOODY BIOMASS AND INCENTIVES TO MAKE WOODY BIOMASS AVAILABLE TO BE PROCESSED INTO VALUE ADDED PRODUCTS.

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

WHEREAS, forest management agencies are spending record amounts on fire suppression, and forest health and fire mitigation issues make it imperative that woody biomass in the forests of Idaho be removed; and

WHEREAS, the United States Forest Service is beginning to require the removal of woody biomass that meets certain size requirements; and

WHEREAS, removal of woody biomass targeted in areas of insects and disease would help alleviate forest health issues and protect lands adjacent to forests; and

WHEREAS, the Idaho Department of Environmental Quality is formulating new regulations related to air quality which will make it more difficult for forest land owners to dispose of woody biomass in traditional ways such as slash burning; and

WHEREAS, efficient methods for the removal of woody biomass have been created and it has been demonstrated that woody biomass can be converted into value added products such as bark, mulch, wood pellets, posts and poles, flooring and other products; and

WHEREAS, the rural areas of Idaho that are agriculture and natural resource dependent could benefit from the creation of jobs relating to the removal and utilization of woody biomass; and

WHEREAS, there is a need to formulate strategies to stimulate harvest operators and value added entrepreneurs to plan for the removal and processing of woody biomass and incentives are needed to develop and assist operators and processors who want to remove and process woody biomass; and

WHEREAS, it is critical that the state of Idaho create a supportive business climate so that woody biomass harvest operators and processors can thrive in Idaho by taking advantage of opportunities for tax and investment incentives and create economic and employment opportunities for Idaho citizens.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint an interim committee to study specific issues related to woody biomass and incentives to make woody biomass available to be processed into value added products. The Legislative Council shall determine the membership from the House of Representatives and the Senate appointed to the interim committee and shall authorize the interim committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature. As much as practicable, the interim committee shall work in cooperation and coordination with the state of Idaho, representatives from state and federal forests, industry representatives, elected officials, university forest policy experts, county officials and others to assist in making recommendations relating to the removal and utilization of woody biomass.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that nonlegislative members of the interim committee may be appointed by the cochairs of the interim committee who are appointed by the Legislative Council. Nonlegislative members of the interim committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Fifty-ninth Idaho Legislature.

Adopted by the House March 2, 2007
Adopted by the Senate March 22, 2007

(H.C.R. No. 28)

A CONCURRENT RESOLUTION

STATING THE FINDINGS OF THE LEGISLATURE AND REQUESTING THE IDAHO WATER RESOURCE BOARD TO EXPEDITIOUSLY PURSUE, WITH SUPPORT FROM THE IDAHO DEPARTMENT OF WATER RESOURCES, DEVELOPMENT OF A COMPREHENSIVE AQUIFER MANAGEMENT PLAN AS DOCUMENTED IN THE EASTERN SNAKE RIVER PLAIN COMPREHENSIVE AQUIFER MANAGEMENT PLAN FRAMEWORK AND RECOMMENDING APPROVAL OF FUNDING TO THE IDAHO WATER RESOURCE BOARD FOR TECHNICAL STUDIES, FACILITATION SERVICES AND INTERIM MEASURES AS DESCRIBED IN THE FRAMEWORK PLAN.

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 led 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; and

WHEREAS, the Second Regular Session of the Fifty-eighth Idaho Legislature adopted Senate Concurrent Resolution No. 136 authorizing the Idaho Water Resource Board to develop a framework plan and report to the First Regular Session of the Fifty-ninth Idaho Legislature on the status of the development of the Eastern Snake River Plain Aquifer Comprehensive Management Plan; and

WHEREAS, the Idaho Water Resource Board hired CDR Associates to facilitate the development of the aquifer management plan; and

WHEREAS, CDR Associates has engaged the public and affected water users in the development of a framework for the aquifer management plan; and

WHEREAS, the framework plan proposes a schedule and process, and requests funding for completion of the comprehensive plan for submittal to the First Regular Session of the Sixtieth Idaho Legislature; and

WHEREAS, the Idaho Legislature is determined to facilitate and encourage a resolution of the surface/ground water rights conflict.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate 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 as documented in the Eastern Snake River Plain Comprehensive Aquifer Management Plan framework.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature recommends approval of funding to the Idaho Water Resource Board for technical studies, facilitation services and interim measures as described in the framework plan.

Adopted by the House March 7, 2007
Adopted by the Senate March 14, 2007

(H.C.R. No. 29)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND COMMENDING THE CONTRIBUTION PRIVATE CAREER COLLEGES MAKE TO THE EDUCATION OF IDAHO'S CITIZENS AND RECOGNIZING THE LONG HISTORY THAT SUCH INSTITUTIONS HAVE IN MEETING THE WORKFORCE DEVELOPMENT NEEDS OF THE STATE AND ITS CITIZENS.

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

WHEREAS, private career colleges prepare Idaho's citizens for specific careers in a wide array of occupations including health care, information technology, accounting and engineering; and

WHEREAS, private career colleges are able to respond to employer demand rapidly, understanding the need to prepare Idaho citizens for Idaho jobs; and

WHEREAS, four of the largest private career colleges in Idaho are accredited, meeting the high standards of educational, administrative and student outcome expectations; and

WHEREAS, three private career colleges provide both associate and bachelor degree level education that meets employer demands for educated, highly-skilled employees; and

WHEREAS, more than twenty schools offer programs that provide a certificate upon successful completion of the program of study; and

WHEREAS, the Northwest Career Colleges Federation supports regulations for nonaccredited institutions providing education as a means of ensuring Idaho citizens quality training opportunities; and

WHEREAS, private career colleges educate hundreds of students annually at no cost to Idaho's taxpayers; and

WHEREAS, private career colleges are tax-paying businesses; and

WHEREAS, in addition to increasing the level of business activity, Idaho's private career colleges provide employment to hundreds of faculty and staff; and

WHEREAS, as businesses, the colleges and their employees and students generate a contribution to Idaho's economy as a "spin-off" of doing business in the state; and

WHEREAS, an essential business imperative of private career colleges is their accountability to their graduates, in that private career colleges provide field-related employment for their graduates; and

WHEREAS, curriculum relevance is a must to sustain employer loyalty for graduates of private career colleges and ensures that programs are updated regularly to provide skilled, job-ready employees.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commend the contribution private career colleges make to the education of Idaho's citizens and recognize the long history that such institutions have in meeting the workforce development needs of the state and its citizens.

Adopted by the House March 7, 2007
Adopted by the Senate March 15, 2007

(H.C.R. No. 30)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING IDAHO STATE UNIVERSITY TO PURCHASE SPACE IN A FACILITY FOR HEALTH SCIENCES EDUCATIONAL OFFERINGS IN THE TREASURE VALLEY.

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

WHEREAS, Idaho State University currently leases approximately 55,600 square feet among seven different facilities throughout the Treasure Valley at an annual cost of over $920,400; and

WHEREAS, a private foundation has pledged a $5 million grant to assist Idaho State University with the purchase of space in the Treasure Valley to be used for health sciences education; and

WHEREAS, the purchase of said real estate will also enable Idaho State University to consolidate its current leaseholds and to accommodate planned enrollment growth; and

WHEREAS, a unique opportunity exists for Idaho State University to purchase 102,000 square feet of unfinished space in the former Jabil Circuit Building located in Meridian, Idaho, and now owned by Joint School District #2; and

WHEREAS, co-ownership of this facility with Joint School District #2 will also provide a unique venue for Idaho State University to offer concurrent enrollment opportunities, and to utilize school district space during evenings, weekends and summers; and

WHEREAS, academic use space is a recognized criteria to make a new higher education facility eligible to receive state moneys for the costs associated with occupancy, operation and maintenance.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that pursuant to Section 33-3805A, Idaho Code, approval is hereby granted to the State Board of Education, acting as trustees for Idaho State University, to purchase 102,000 square feet of unfinished space in the former Jabil Circuit Building located in Meridian, Idaho, and now owned by Joint School District #2, to be used as a health sciences building.

Adopted by the House March 20, 2007
Adopted by the Senate March 23, 2007

(H.C.R. No. 31)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE CONSTRUCTION OF A FACILITY ON THE CAMPUS OF BOISE STATE UNIVERSITY TO BE KNOWN AS THE "STUDENT HEALTH, WELLNESS AND COUNSELING CENTER/DEPARTMENT OF NURSING BUILDING."

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

WHEREAS, due to a statewide shortage of nurses and a desire by the state's institutions of higher education to produce more nursing graduates to address that worsening shortage; and

WHEREAS, the State Board of Education has approved the construction of a new building on the campus of Boise State University that will house the nonacademic use space consisting of a Student Health, Wellness and Counseling Center, and the academic use space consisting of an expanded Department of Nursing from the College of Health Sciences; and

WHEREAS, funds to construct the building will come from bonds issued by Boise State University and backed by private contributions and pledged revenues of the University excluding restricted and state appropriated funds; and

WHEREAS, construction of this new building is expected to commence on or about September 2007 and be completed and occupancy taken on or about June 2009; and

WHEREAS, academic use space is a recognized criteria to make a new higher education facility eligible to receive state moneys for the costs associated with occupancy, operation and maintenance.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that pursuant to Section 33-3805A, Idaho Code, approval is hereby granted to the State Board of Education, acting as trustees for Boise State University, to construct a facility on the campus of Boise State University to be known as the "Student Health, Wellness and Counseling Center/Department of Nursing Building."

Adopted by the House March 20, 2007
Adopted by the Senate March 23, 2007

(H.C.R. No. 32)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE CONSTRUCTION OF A HEALTH SCIENCES FACILITY AT LEWIS-CLARK STATE COLLEGE.

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

WHEREAS, Idaho is currently experiencing a severe shortage of nurses, which will continue for the foreseeable future; and

WHEREAS, over 1,200 qualified candidates were denied admission to nursing programs at Idaho colleges in the past two years due, in part, to the lack of classroom and laboratory space; and

WHEREAS, Governor Otter and former Governor Risch have both recommended funding for a new nursing facility at Lewis-Clark State College; and

WHEREAS, the Joint Finance-Appropriations Committee has approved $16,000,000 from the Permanent Building Fund for the construction of a health and sciences building at Lewis-Clark State College; and

WHEREAS, academic use space is a recognized criteria to make a new higher education facility eligible to receive state moneys for the costs associated with occupancy, operation and maintenance.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that pursuant to Section 33-3805A, Idaho Code, approval is hereby granted to the State Board of Education, acting as trustees for Lewis-Clark State College, to construct a facility on the campus of Lewis-Clark State College to be known as the Health Sciences Building.

Adopted by the House March 21, 2007
Adopted by the Senate March 26, 2007

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-ninth Legislature of the State of Idaho, First Regular Session thereof, which convened January 8, 2007, and which adjourned on March 30, 2007, 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 eighth day of May, 2007.

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.

CONSTITUTIONAL AMENDMENTS

Submitted for Vote at General Election
November 7, 2006

SENATE JOINT RESOLUTION

(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.

Approved at General Election, November 7, 2006.

HOUSE JOINT RESOLUTION

(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.

Approved at General Election, November 7, 2006.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 2006-09

ESTABLISHING THE EXECUTIVE OFFICE FOR FAMILIES AND CHILDREN

WHEREAS, fostering the success of State, local and non-profit programs that benefit families and children is a top priority of the State of Idaho;

WHEREAS, many of these programs may have similar or identical missions;

WHEREAS, it is in the best interest of the families and children of the State of Idaho to coordinate these programs, while also ensuring that local control is retained;

WHEREAS, greater coordination will allow for an accurate inventory of existing programs along with an increased understanding of the needs and services available for families and children; and

WHEREAS, access to accurate information will allow the Governor and the Legislature to have the best information of the needs and services of families and children when prioritizing among different programs.

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby order:

The establishment of the "Executive Office for Families and Children," within the Office of the Governor.

The administrator of the Executive Office for Families and Children shall be the official in the State designated to oversee the coordination of those services and programs promoting the well-being of families and children in Idaho.

The Administrator shall be appointed by the Governor.

The duties, powers and authorities of the Executive Office for Families and Children shall include:

A. Coordinating all boards, councils, commissions, and initiatives as recommended by the Governor, within the Executive Office of the Governor with duties and responsibilities affecting families and children, including but not limited to:
   - (i) Governor's Coordinating Council for Families and Children;
   - (ii) Governor's Council on Adolescent Pregnancy Prevention;
   - (iii) Early Childhood Coordinating Council;
   - (iv) Parents as Teachers;
   - (v) Idaho Women's Commission;
   - (vi) Faith Based Liaisons;
   - (vii) Serve Idaho;
   - (viii) Suicide Prevention Advisory Council;
   - (ix) Idaho's Brightest Stars Initiative;
   - (x) Dia de los Ninos/Day of the Child Initiative.

B. Identify and recommend programs and policies for a comprehensive delivery of effective, efficient and integrated services for families and children, including:
   - (i) Promoting implementation of multi-agency strategic

budgeting, common performance measures, and coordination of services;

(ii) Promoting an interagency funding system for the delivery of integrated services;

(iii) Addressing State strategies, priorities and outcome measures to meet the needs of children.

C. Cooperating and consulting with State agencies and departments on programs, policies and issues involving families and children, including but not limited to, the Department of Health and Welfare, Department of Corrections, Department of Juvenile Corrections, the State Department of Education and the Department of Commerce and Labor;

D. Participating in national, regional and statewide efforts to cooperatively address issues and policies affecting families and children in Idaho;

E. Developing a State plan for promoting the well-being of families and children in Idaho in conjunction with cities and counties, faith based and community organizations, State councils, boards and commissions, State agencies and departments, and federal organizations;

F. Serving as a repository of agreements and plans concerning programs for families and children from community organizations and other relevant local, State and federal agencies and facilitating the exchange of this information and data with relevant interstate and intrastate entities;

G. Provide input and comment on community, tribal and federal plans, agreements and polices relating to families and children;

H. Serving as an advocate for the families and children of Idaho and directing the people of Idaho to the appropriate local, State or federal agency to address issues or concerns related to families or children.

I. Accepting private contributions, federal funds, funds from other public agencies or any other source. The moneys shall be used solely for the purposes provided under this executive order and shall be expended and accounted for as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of April 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. 2006-10

ASSIGNMENTS OF ALL-HAZARD MITIGATION, PREPAREDNESS, RESPONSE AND RECOVERY FUNCTIONS TO STATE AGENCIES IN SUPPORT OF LOCAL AND STATE GOVERNMENT RELATING TO EMERGENCIES AND DISASTERS

WHEREAS, widespread disaster resulting from floods, fires, storms, earthquakes, hazardous materials, tornadoes, landslides, mudslides, drought, explosions, riot, hostile military actions, terrorism and the potential use of Weapons of Mass Destruction (WMD) or other catastrophe is an ever present possibility in the State; and

WHEREAS, Chapter 10, Title 46, Idaho Code requires the protection of lives and property of the residents of the State in any type of natural or man-made disaster emergency or threat that might conceivably confront the State; and

WHEREAS, local government is the principal provider of emergency response in Idaho, and local volunteers deliver nearly 85% of the emergency services within the State; and

WHEREAS, the role of state government is to support and enhance local community emergency response efforts including focusing state agency activities on supporting regional and community needs throughout Idaho; and

WHEREAS, the Legislature has directed the development of such state disaster mitigation, preparedness, response, and recovery plans; and

WHEREAS, effective state mitigation, preparedness, response, and recovery planning requires the identification of functions that would be performed during such emergencies and the assignment of responsibility for developing the capability to implement these plans;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by virtue of the powers and authority vested in me by the Constitution and laws of this State, and in accordance with the provisions of Sections 46-601 and 46-1008, Idaho Code, do hereby assign emergency mitigation, preparedness, response, and recovery functions to the various agencies. Each department and agency with essential functions, whether expressly identified in this Order or not, shall:

I. COORDINATING INSTRUCTION

A. Office of the Adjutant General, Chief, Bureau of Homeland Security

1. Coordinate emergency management activities of all state agencies on behalf of the Governor (Section 46-1006, Idaho Code).
2. Provide executive supervision and policy guidance to the State Director/Coordinator, Bureau of Homeland Security.
3. Order into active service of the State, the National Guard or any part thereof as directed by the Governor in the event a state of an extreme emergency is declared (Section 46-601, Idaho Code).
4. Draw upon existing advisory committees, commissions, and councils to form a Homeland Security Coordination Group in order to exchange information and coordinate preparedness efforts. Assign management and oversight of the Coordination Group to the Director, Bureau of Homeland Security.

B. Bureau of Homeland Security

1. Coordinate state and federal emergency response, recovery,

and mitigation operations during emergencies and disasters. Provide technical support to local jurisdictions involved in local emergencies and disasters that do not require state resources.

2. Establish and maintain the Idaho Emergency Operations Center for directing the coordination of emergency and disaster operations.
3. Develop and coordinate the preparation and implementation of plans and programs for mitigation to prevent or reduce the harmful consequences of disasters in accordance with Section 46-1006(1), Idaho Code.
4. Ensure state and local preparedness, response, and recovery plans are consistent with national plans and programs. Ensure state agency plans are consistent with the State's emergency management goals and procedures.
5. Coordinate collaborative efforts with other state governments and federal agencies.
6. Coordinate all requests from state and local governments for disaster emergency assistance.
7. Coordinate the use of state emergency communications and warning systems. Develop, administer, and integrate the state Radio Amateur Civil Emergency Service (RACES) and other volunteer communications programs into a state system or network in accordance with Section 46-1013, Idaho Code.
8. In coordination with the Governor's Press Secretary and/or Communications Director, coordinate and administer the Public Information Emergency Response (PIER) Team program in support of state and local emergency and disaster public information preparedness, emergency evacuation, response, and recovery objectives.
9. Function as the State Administering Agency for the federal State Homeland Security Grant Program (SHSGP). Ensure that Idaho meets national standards and criteria established by the U. S. Department of Homeland Security.

II. GENERAL ASSIGNMENTS

Each state agency will:

A. Prepare for and respond to emergencies or disasters within the State of Idaho in a manner consistent with the National Incident Management System (NIMS) using management structure consistent with the Incident Command System (ICS). Agency employees expected to respond to emergencies or disasters within Idaho will have NIMS and ICS training commensurate with their expected roles in response to such emergencies or disasters.

B. Appoint at least one state agency emergency coordinator to train, exercise and participate in the State Emergency Management Program to facilitate emergency support and logistics in response to emergencies and disasters. Larger departments will, by necessity, need to appoint subdivision emergency coordinators to report to the agency emergency coordinator. Provide the names, addresses, and phone numbers of agency emergency coordinators to the Bureau of Homeland Security.

C. Develop and maintain an agency emergency operations plan to carry out the agency's response and recovery support functions.

Agency plans will assign disaster emergency duties to all subdivisions and personnel and will provide capability to support the Idaho Emergency Operation Center (IDEOC), Emergency Support Functions (ESF), and the National Incident Management System (NIMS) as required by the Idaho Emergency Operation Plan and the National Response Plan. Such support includes:

1. Assigning an ESF coordinator to interface with the IDEOC;
2. Providing situation reports, incident action plans, resource status, financial status, geospatial data, and organization/staffing/contact information to the IDEOC;
3. Providing personnel and resources to staff the ESF;
4. Providing personnel to staff the IDEOC, this may also require involvement of agency directors and emergency coordinators;
5. Providing personnel and resources for field deployment; and
6. Accepting IDEOC mission assignments to provide resources for response and recovery actions.

Plans will be kept current and an electronic copy provided to the Bureau of Homeland Security.

D. Develop and maintain Continuity of Operations Plan (COOP) to (a) address how the agency will provide essential services to citizens during response and recovery, and (b) return the agency to normal operations. An electronic copy of the current COOP will be kept on file at the Bureau of Homeland Security.

E. Agencies will notify the Bureau of Homeland Security of any significant event, incident, emergency or disaster, impacting the ability of government to provide public services within the State of Idaho. The Adjutant General, Chief, Bureau of Homeland Security will notify the Governor's Office.

F. Grant and/or use waivers in accordance with the applicable provisions of the Idaho Code for necessary disaster emergency response and recovery operations.

G. Train personnel to meet state emergency prevention, protection, response, and recovery objectives as coordinated by the Bureau of Homeland Security.

H. Support the coordination of emergency services training through the Bureau of Homeland Security Training Advisory Board.

I. Coordinate any agreement or memorandum of understanding that incorporates emergency or disaster mitigation, preparedness, response, and recovery functions with the Bureau of Homeland Security. Such agreements or understandings will be integrated as part of the Idaho Emergency Operations Plan.

J. Public Information Officers of each state agency are collaterally assigned to the State's Public Information Emergency Response (PIER) Team Program during emergencies and disasters. PIER Team members provide a level of public information expertise not otherwise available to state and local jurisdictions. Public Information Officers will train and exercise under the auspices of the Bureau of Homeland Security. When emergencies and disasters occur, PIER Teams will be deployed, when necessary, to the IDEOC, Joint Information Centers, field support offices and/or local jurisdictions.

III. SPECIFIC ASSIGNMENTS

A. OFFICE OF THE ATTORNEY GENERAL

1. Provide legal advice and assistance to all executive officers of state government and to all offices or agencies of the state regarding any question of law relating to their respective functions.
2. Provide consumer protection advice and assistance in response and recovery phases of a disaster.

B. DEPARTMENT OF ADMINISTRATION

1. Prepare communication and warning studies to improve emergency communications, and assist in the development and implementation of disaster emergency plans for use of all non-military communications and warning systems within the State.
2. Assist other state and local agencies in procuring communications and warning equipment required to fulfill emergency responsibilities. Maintain an inventory and coordinate the availability of mobile and portable radios between state agencies.
3. Promote and develop mitigation strategies to prevent or reduce damage as a result of disasters for state-owned or leased buildings and structures in coordination with the Bureau of Homeland Security, the Idaho Department of Transportation, and the Division of Building Safety.
4. Provide personnel for damage assessment and damage survey teams in cooperation with the Idaho Transportation Department and Division of Building Safety.
5. Supervise and coordinate the procurement of construction equipment and personnel as it pertains to essential facilities, housing, and sanitation in conjunction with other state agencies.
6. Provide state and local governments with emergency contractual assistance and guidance.
7. Provide for the expanded security of the Capitol Mall Complex and state-owned or leased facilities, when required.
8. Coordinate with all state agencies to provide administrative support to the Bureau of Homeland Security when the IDEOC is activated. The Department of Administration may engage administrative support labor through temporary services agencies.
9. Assist in meeting agency needs relative to losses of state properties and or liability coverage, assignment of adjusters, and submission of claims. Submit copies of claims against the State of Idaho as a result of a disaster to the Bureau of Homeland Security.

C. DEPARTMENT OF AGRICULTURE

1. Provide primary support for mitigation, preparedness, response, and recovery activities pertaining to agricultural issues.
2. Coordinate with local officials for the evacuation of domestic livestock and other animals, and the establishment of an evacuation reception area for appropriate animal care.

3. Coordinate feeding requirements and care arrangements for livestock and other animals evacuated, lost, or abandoned as a result of disaster.
4. Coordinate dead animal removal.
5. Assist with incident response and recovery activities when chemicals, including pesticides, chemical agents, and biological agents are suspected or involved.
6. Provide technical assistance concerning livestock health, disease control, and preventive medicine.
7. Facilitate the distribution of medical supplies for livestock and other animals.
8. Inspect feed to ensure it is safe for livestock consumption.
9. Provide toxicological and other technical data on pesticides, fertilizers, plant and soil amendments, and other chemicals to response personnel and the public.
10. Assist with the disposal of unusable pesticides, fertilizers, and plant or soil amendments and help coordinate the transportation of these materials.
11. Provide personnel for damage assessments of commodity warehouses, potato storage facilities, livestock waste lagoon, and/or soil sediment pond breaks.
12. Provide trained personnel for agricultural and conservation damage survey teams.

D. STATE CONTROLLER

1. Initiate the warrant payment process in order to fulfill fiscal obligations resulting from goods and services supplied by state agencies during emergency response and recovery operations.
2. Fulfill fiscal obligations to the extent possible that monies exist in the state treasury.
3. During state response to emergencies and disasters, advise the Division of Financial Management and the Bureau of Homeland Security any time the disaster emergency account is inadequate to meet obligations and expenses provided by Section 46-1005A, Idaho Code.

E. DEPARTMENT OF COMMERCE AND LABOR

1. Provide primary support for mitigation, preparedness, response, and recovery activities related to economic injury/losses as a result of disasters.
2. Provide an economic impact analysis of the effects of disasters or emergencies when requested by the Bureau of Homeland Security or other state agencies.
3. Provide assistance to local government as coordinated by the Bureau of Homeland Security.
4. Report the number of unemployed individuals as a result of a disaster emergency to the Bureau of Homeland Security.
5. Provide unemployment insurance claims service for disaster victims.
6. Provide re-employment assistance to individuals unemployed as a result of a disaster.
7. Provide personnel to support Disaster Recovery Centers with information on disaster unemployment services.

F. DEPARTMENT OF CORRECTION

1. Provide personnel (inmates/permanent staff) for emergency response and recovery assistance.

G. STATE BOARD OF EDUCATION

1. State Department of Education
   a) Coordinate the development of emergency disaster plans for all local school district buildings to ensure the safety of school populations in time of emergency.
   b) Assist local school districts and other qualifying agencies to develop a policy for the use of buses in an emergency.
   c) Prior to and after disasters affecting school facilities, promote mitigation activities to reduce the risk from structural and nonstructural hazards in school facilities in coordination with the Bureau of Homeland Security.
   d) Assist in coordinating activities for damage assessments and damage surveys for school facilities.
   e) Coordinate the utilization of school facilities for reception, shelter, and mass feeding during disasters.
2. The Office of the State Board of Education
   a) Coordinate the development of emergency disaster plans for colleges, universities, and area vocational-technical facilities to ensure the safety of school populations in time of emergency.
   b) In coordination with the Bureau of Homeland Security, promote mitigation activities to reduce the risk from hazards in colleges, universities, and area vocational-technical facilities.
   c) Assist in coordinating activities for damage assessments and damage surveys for higher educational and area vocational-technical facilities.
   d) Provide personnel to assist damage assessment of colleges, universities, and area vocational-technical facilities.
   e) Coordinate the utilization of colleges, universities, and area vocational-technical facilities for reception, shelter, and mass feeding during disasters.
   f) Provide academic personnel for assessment of hazards and for coordinating the activities of investigators for scientific research.
3. Idaho State Historical Society/State Historic Preservation Officer
   a) Promote mitigation activities to reduce the potential loss of the State's historic and cultural resources as a result of hazards.
   b) In coordination with the Bureau of Homeland Security, conduct damage assessments, surveys, and reviews of historic and cultural resources in areas affected by disasters.
   c) Coordinate activities under Section 106 of the National Historic Preservation Act concerning emer-

gency repairs and recovery projects in those areas affected by disasters.

H. DEPARTMENT OF FISH AND GAME

1. Provide personnel to be used as auxiliary police during emergencies.
2. Assist in search and rescue operations.
3. Assess environmental impact of proposed emergency operations and suggest alternative methods or actions to minimize environmental damage.
4. Provide personnel for damage assessment and damage survey teams.
5. Provide emergency communications.

I. DEPARTMENT OF HEALTH AND WELFARE

1. Coordinate emergency medical and health services throughout the State. Such responsibilities include development of general plans for public health and sanitation; emergency medical assistance; identification and mortuary services; mass care and feeding management; crisis counseling; emergency social services; evacuation of sick and injured; and use of hospitals and other medical facilities.
2. Support implementation of the State's Individual Assistance, Crisis Counseling and Community Relations programs during a disaster declared by the President under the auspices of the Bureau of Homeland Security.
3. Provide damage assessment and survey team personnel for health and welfare-related functional activities.
4. Provide food stamp and disaster welfare services.
5. Provide staff personnel to work in Disaster Recovery Centers. Provide personnel to work in the Disaster Field Office during federally declared disasters.
6. Monitor the National Warning System (NAWAS) through State Communications within the Bureau of Emergency Medical Services. Provide emergency communications support as coordinated by the Bureau of Homeland Security.

J. DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Assess supplies of potable water and coordinate portable water resources with other state agencies.
2. Assess environmental impact of proposed emergency operations and suggest alternative methods or actions to minimize environmental damage.
3. Idaho National Laboratory-Oversight Program (INL-OP)
   a) Provide overall technical support for mitigation, preparedness, response, and recovery activities pertaining to radiological/nuclear health and safety issues.
   b) Support state and local efforts related to off-site radiological emergency planning at the INL.
   c) Serve as state liaison to the U.S. Department of Energy, the U.S. Nuclear Regulatory Commission, and the U.S. Environmental Protection Agency for radiological emergencies involving regulated materials and U.S. Department of Energy facilities and transportation activities.

d) Provide radiation protection guidance, training, and information in support of state and local emergency responders.

e) Conduct radiological monitoring and coordinate radiological sample analysis with Idaho State University.

f) Maintain the INL Fixed Nuclear Facility Emergency Response Plan as an Annex to the Idaho Emergency Operations Plan.

K. DEPARTMENT OF INSURANCE

1. Provide insurance counseling services for disaster victims.
2. Prepare required insurance certifications for federal disaster assistance.
3. Provide personnel to perform fire and explosion investigations and to assist with prosecution as required. Provide personnel to perform building inspections with regard to fire safety appliances and nonstructural built in fire protection.

L. DIVISION OF BUILDING SAFETY

1. Provide personnel for damage assessment and damage survey teams.
2. Promote and develop mitigation activities in conjunction with the Department of Administration, the Department of Education, and the Bureau of Homeland Security.

M. DEPARTMENT OF LANDS

1. Develop and direct the State's mitigation, preparedness, response, and recovery activities for state endowment lands.
2. Cooperate with federal, state, and local governments in developing plans for and directing activities relating to the prevention and control of wild land and urban/wild land interface fires.
3. Develop plans and direct activities for the emergency protection, management, and utilization of land resources, under the Department of Land's jurisdiction.
4. Provide emergency communications assistance.
5. Provide personnel for damage assessment, and damage survey teams.
6. Develop, coordinate, and maintain a statewide Fire Service and Rescue Emergency Mutual-Aid Plan. Provide a copy of the Fire Service and Rescue Emergency Mutual-Aid Plan to the Bureau of Homeland Security.

N. IDAHO STATE POLICE

1. Develop and direct mitigation, preparedness, response, and recovery programs for civil disorder and terrorism.
2. Provide for the safety and protection of personnel including the evacuation, warning, scene protection, and traffic control in conjunction with Idaho Transportation Department.
3. Coordinate all requests for additional state law enforcement.
4. Coordinate with the Bureau of Homeland Security for response and recovery disaster operations in and around crime scenes.

5. Operate a statewide emergency communication system, which may be designated as a primary system during emergencies and disasters.
6. In coordination with the Bureau of Homeland Security, alert state agencies and local governments of impending threats.
7. Enforce statewide emergency traffic controls and evacuation plans.
8. Provide damage assessment and information on disaster incidents to the Bureau of Homeland Security.
9. Provide brand inspection personnel to determine ownership of animals.
10. Assist in search and rescue operations.
11. Provide specially trained officers with radiological monitoring equipment to conduct monitoring as coordinated by Bureau of Homeland Security.
12. Conduct required weekly and monthly tests of the State's Emergency Alert System within the prescribed time limits to meet volunteer broadcaster requirements. Provide public warnings when notified by the Bureau of Homeland Security and/or local public officials.

O. DEPARTMENT OF PARKS AND RECREATION
1. Provide lands and facilities for mass care and feeding centers during emergencies and disasters.
2. Provide personnel for damage assessment and damage survey teams.

P. STATE TAX COMMISSION
1. Provide tax-counseling services for disaster victims as coordinated by the Bureau of Homeland Security.

Q. IDAHO TRANSPORTATION DEPARTMENT
1. Provide engineering support to the Bureau of Homeland Security for emergency planning and mitigation for disasters.
2. Provide debris removal services and resources as coordinated by the Bureau of Homeland Security.
3. Provide engineering services and resources, for the repair and maintenance of state highways, bridges, and airfields.
4. Develop, implement, and manage new emergency highway traffic regulations that may be required as a result of the emergency or disaster.
5. Coordinate the use of state aviation assets and aviation activities and assist the Bureau of Homeland Security with the coordination of requests for restricted air space over emergency and disaster areas.
6. Provide aviation resources for evacuation, search, and rescue operations, and aerial radiological monitoring as coordinated by the Bureau of Homeland Security.
7. Activate "Plan Bulldozer" (An agreement with Associated General Contractors to contract for equipment) when requested by the Bureau of Homeland Security.
8. Provide specialized heavy construction and transport equipment with operators as coordinated by the Bureau of Homeland Security.

R. DEPARTMENT OF WATER RESOURCES

1. Develop mitigation, preparedness, and response programs for flood, drought, and energy shortages in concert with the Bureau of Homeland Security.
2. Conduct dam safety inspections and supervise dam safety practices during times of flooding or imminent failure.
3. Advise the Bureau of Homeland Security of impending emergency conditions such as imminent failure or other conditions involving dam safety.
4. Coordinate operation of water structures to minimize flood damage. Ensure emergency maintenance and repairs are performed to protect life and property during impending or actual occurrence of a disaster.
5. Establish procedures to grant stream channel protection waivers to entities involved in emergency flood fight situations and when channel work is necessary on an emergency basis to protect life and property.
6. Assist agencies and individuals in obtaining emergency authorization from the U.S. Army Corps of Engineers, under Public Law 92-500, to conduct flood control activities in waterways.
7. Provide personnel for damage assessment and damage survey teams.
8. Provide assistance in finding and obtaining alternative water supplies during drought.
9. Assist the Department of Environmental Quality in assuring adequate supplies of potable water are available.
10. Provide emergency communications, as coordinated by the Bureau of Homeland Security.

S. PUBLIC UTILITIES COMMISSION

1. Assist with energy shortage mitigation, preparedness, response, and recovery.

T. DIVISION OF FINANCIAL MANAGEMENT

1. Coordinate and develop a fiscal impact analysis on the effects of a disaster emergency upon request by the Bureau of Homeland Security.
2. Coordinate with the Bureau of Homeland Security to determine funding needs for disasters.
3. Expedite interim disaster funding for emergency work as part of the Governor's disaster declaration.

U. IDAHO GEOLOGICAL SURVEY

1. Formulate and direct the state's geologic hazard reduction effort by providing hazard identification, analysis, and mapping of the geologic threats.
2. Provide representatives for damage assessment, damage survey, and hazard mitigation teams for events that involve geologic hazards.
3. Coordinate the activities of geologists, scientists, and researchers attempting to study natural hazard events including those invited by the State of Idaho as well as those who respond independently to conduct scientific research and evaluations. Inform the Bureau of Homeland Security of the status of coordination efforts.

V. MILITARY DIVISION

1. National Guard
   a) Provide military support to civil authorities during a disaster emergency in accordance with federal and state laws and regulations.
   b) Provide specific guidance as required for emergency preparedness planning and programming for state military forces.
   c) Establish a statewide military emergency communications system. During emergencies, maintain communications between the Idaho Emergency Operations Center and National Guard Joint Operations Center.
   d) Develop radio communications capability between the state military forces and civilian agencies. Participate in the State Interoperability Executive Committee.
   e) Provide logistical assistance to state damage assessment and damage survey teams, as well as Disaster Field Office operations.
2. Bureau of Homeland Security
   a) Assist local governments with the development of all-hazard mitigation, preparedness, response, and recovery plans, training and exercises.
   b) Administer federal programs for disaster emergency planning and assistance pertinent to state and local governments.
   c) Provide ongoing validity assessment of the Idaho Emergency Operations Plan and National Response Plan. Provide training for state agency personnel in mitigation, preparedness, response and recovery operations.
   d) Administer the State's Emergency Alert System in accordance with Section 46-1013, Idaho Code. Collaborate with volunteer broadcasters to facilitate a viable and effective statewide alert system using commercial radio, television, cable television, and other such systems that will alert citizens to impending natural or man-made disasters, when feasible.
   e) Maintain the State Emergency Communications Using Radio Effectively (SECURE) network for emergencies and disasters communications.
   f) Regularly review and revise the Idaho Hazardous Materials Incident Command and Response Support Plan used by state agencies to provide state assistance for hazardous materials/WMD emergencies in Idaho.
   g) Coordinate state and federal emergency response efforts for hazardous materials incidents.
   h) Provide technical assistance to emergency response agencies in recovering hazardous materials emergency response costs under state and federal statute.

i) Administer and coordinate the state-sponsored hazardous materials regional response teams (Coeur d'Alene, Lewiston, Nampa-Caldwell, Boise, Magic Valley, Idaho Falls-Jefferson County, and Pocatello).

j) Coordinate federal training opportunities for response to Chemical, Biological, Radioactive, Nuclear, and Explosives (CBRNE) incidents.

W. COMMISSION ON AGING

1. Develop area-wide plans for the following:

a) Assessing the needs of the elderly and homebound elderly.

b) Coordination of senior services through the Area Agencies on Aging during natural or man-made disasters.

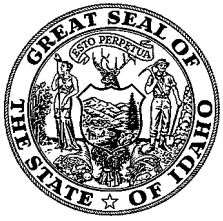
c) Providing information/assistance to their clientele and the public.

d) Coordination of senior citizen centers for shelter, mass feeding, and rest centers.

e) Identification of homebound isolated elderly clients.

Any emergency preparedness function under this Order or parts thereof may be transferred from one governmental agency to another with the consent of the heads of the agencies involved and with the concurrence of the Chief, Bureau of Homeland Security. The Chief, Bureau of Homeland Security, may assign any new emergency preparedness function to the head of a governmental agency by mutual consent.

The head of each governmental agency is hereby authorized to delegate the functions assigned to him or her by this Order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of April 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. 2006-11

CONTINUING THE GOVERNOR'S COUNCIL ON ADOLESCENT PREGNANCY PREVENTION REPEALING AND REPLACING EXECUTIVE ORDER 2004-06

WHEREAS, the percentage of adolescents giving birth remains alarmingly high in Idaho; and

WHEREAS, the incidence of inadequate prenatal care, out-of-wedlock babies, low-birth weigh babies, and infant deaths is significantly higher for adolescent mothers; and

WHEREAS, in 1997, approximately 2,789 Idaho females aged 10 to 19 became pregnant, at a rate of 54 pregnancies per week; and

WHEREAS, adolescent childbearing causes delays in school completion or alters the young mother's aspirations at home, school, or career; and

WHEREAS, it is in the best interest of all Idahoans to prevent unintended adolescent pregnancies; and

WHEREAS, the most effective response to the problems of adolescent pregnancy is to prevent adolescents from becoming sexually active;

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 continue the Governor's Council on Adolescent Pregnancy Prevention.

The duties of the Council shall include:

1. Development and implementation of a statewide campaign focused on delaying sexual activity by adolescents; and
2. Assessing the impact of the campaign on reducing the rate of adolescent pregnancy and reporting the results annually.

The Council shall be limited to no more than 19 members who are appointed by and shall serve at the pleasure of the Governor.

The members shall serve two-year terms. The chair of the Council shall be appointed annually by the Governor.

The Council members shall include persons representing:

Public health/welfare
Education
Clergy
Private business
Parents
Adolescents
Local elected officials
Healthcare providers
Media

The Executive Office for Families and Children will provide administrative support to the Council and the Title V, Section 510 Abstinence Education Program.

This Order repeals and replaces Executive Order No. 2004-06.

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 26th day of April 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. 2006-12

ESTABLISHING THE EARLY CHILDHOOD COORDINATING COUNCIL REPEALING AND REPLACING EXECUTIVE ORDER 2004-01

WHEREAS, early childhood development is directly related to economic development because it improves the quality of the future workforce and creates tremendous cost savings for society; and

WHEREAS, the advancement of early care and learning has had a positive impact on Idaho families and children; and

WHEREAS, through these initiatives, children are healthier and better prepared to enter Idaho's school systems; and

WHEREAS, greater coordination will allow for an accurate inventory of existing initiatives along with an increased understanding of the services available for families and children; and

WHEREAS, the coordination of early care and learning initiatives, both public and private, is a priority of the State of Idaho; and

WHEREAS, two groups have been functioning as parallel organizations with similar mission statements, vision statements and complimentary strategic plans along with duplication of membership; and

WHEREAS, the consolidation of the Interagency Coordinating Council (Idaho Code Title 16, Chapter 1), and the Early Care and Learning Cross Systems Task Force (Executive Order No. 2004-01) will establish greater coordination, communication, and efficiency of early childhood services and initiatives of the State of Idaho; and

WHEREAS, the members of the Interagency Coordinating council and the Early Care and Learning Cross Systems Task Force voted unanimously to merge; and

WHEREAS, it is in the best interest of children and families in Idaho to build a sustainable infrastructure for early childhood;

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. There is created within the Office of the Governor the Early Childhood Coordinating Council.
2. The Early Childhood Coordinating Council shall be responsible for developing a sustainable and coordinated statewide-plan to achieve mutually defined goals for early care and learning with evidence-based outcomes and approval and support from stakeholders, as well as the Governor and will:
   a. Facilitate the activities of the Early Childhood Coordinating Council which will establish an ongoing communication network between state agencies, policymakers, fami-

lies, stakeholders and communities for the purpose of planning and implementation of a coordinated system of early care and learning in Idaho;

b. Develop multiagency state partnerships among critical stakeholders;

c. Compile resources and identify information on the current best practices in early childhood systems building;

d. Provide a comprehensive statewide mapping of existing early care and learning programs and resources, as well as existing gaps every three to five years;

e. Support partnerships to align current initiatives in the support of a comprehensive system of early childhood professional development;

f. Increase public awareness of quality early care and learning programs as a critical part of the foundation to promote healthy families and communities;

g. Align policy and funding systems to develop and support integrated early care and learning system development;

3. The Early Childhood Coordinating Council shall perform all duties and functions of Title 16, Chapter 1 with expanded and strengthened roles and responsibilities as follows:

a. Expand the council's scope from birth to three, to all children from birth through eight and their families;

b. Develop, implement, and sustain a statewide early care and learning strategic plan that maintains the framework of health, social and emotional development, early care and learning, parent education, family support and self sufficiency, and systems development;

c. Recognize language changes to meet federal guidelines for the Individuals with Disabilities Education Act (IDEA) such as service coordination, social and emotional development, adaptive skills and developmental delay;

d. Expansion of membership to meet federal requirements for IDEA, and integration of Council members to build geographical, cultural, political, professional and family diversity with assurance of representation of all children and families to include:

i. Parents of young children to include at least 20% of Council membership who are parents of young children with developmental delays or disabilities;

ii. At least two (2) public or private providers of early intervention services;

iii. At least three (3) professionals who provide early care and learning services like preschool, elementary school, parent education, childcare, or after-school care;

iv. At least one (1) member of the state legislature;

v. At least one (1) person involved in personnel preparation;

vi. The superintendent of public instruction, or designee;

vii. A physician or health care professional skilled in early intervention;

viii. A representative from early childhood professional organizations;

ix. A representative of the State Medicaid agency;

x. A representative of the State child welfare agency responsible for foster care;

xi. A representative of the State agency responsible for children's mental health;

xii. A representative of the State agency responsible for maternal and child health;

xiii. A representative of the State governance of insurance;

xiv. A representative of the office of the Coordinator of Education of the Homeless;

xv. A representative of the Idaho Migrant Council or Migrant Head Start Program;

xvi. A representative of either the Bureau of Indian Affairs, Indian Health Services or an American Indian Head Start program;

xvii. A representative of the State agency responsible for child care;

xviii. A Head Start Association or program representative;

xix. A representative of the Head Start Collaboration office;

xx. A representative of the Governor's office;

xxi. A representative of the Idaho Infant Toddler Program;

xxii. A representative of the seven Regional Early Childhood Coordinating Committees;

e. Council members:

i. Shall be appointed by the Governor;

ii. Shall be staffed through an agreement between the Governor's Office and the Department of Health and Welfare;

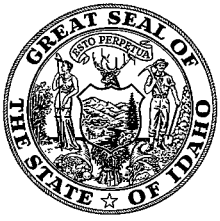
f. Strengthen Regional Early Childhood Committee membership, roles and responsibilities to expand the outreach of and respond to the Early Childhood Coordinating Council.

4. Establish the provision for the Early Childhood Coordinating Council to accept funds from private, federal, state or public agencies and any other sources. The moneys shall be used to support the statewide effort in the development and sustainability of this council and support early childhood services.

5. Assure nationally acceptable standards are used statewide for the coordination and provision of early childhood services.

6. Build and support partnerships that will maximize the use of funding streams and close the gaps in the service delivery system.

7. Blend resources to sustain staffing and operating expenses for the merged council.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of April 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. 2006-13

GOVERNOR'S TASK FORCE FOR CHILDREN AT RISK

WHEREAS, Idaho's children are her most valuable and most vulnerable resource; and

WHEREAS, crimes of abuse and neglect can psychologically and physically harm innocent children for life, depriving them of their right to live happy and productive lives; and

WHEREAS, abuse and neglect of children have been recognized to be multi-generational problems; and

WHEREAS, thousands of incidents of child abuse and neglect occur each year in Idaho; and

WHEREAS, the system that responds to reports of child abuse and neglect requires more effective and efficient statewide coordination and consistent monitoring in order to better protect children; and

WHEREAS, in order to protect all children, those who commit crimes against children need to be held accountable for their actions; and

WHEREAS, the child victims of abuse, neglect, and domestic violence must receive immediate and adequate protection from continued maltreatment; and

WHEREAS, all child victims of abuse and neglect deserve treatment and necessary medical attention; and

WHEREAS, it is the responsibility of all Idahoans to provide a community system of support and protection for these children; and

WHEREAS, the protection of children from abuse and neglect is in the best interest of all Idahoans;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by authority vested in me by the Constitution and laws of the State of Idaho, do hereby order the continuance of the Governor's Task Force for Children at Risk.

The Task Force's responsibilities are:

1. To review existing systems and procedures and encourage improvements in the investigative, administrative, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse to limit the trauma to the child victim.
2. To evaluate, propose, and encourage cooperation between persons and agencies involved in cases of child abuse and domestic violence evaluations.
3. To investigate and recommend optimum models of prevention, evaluation and treatment of victims and offenders.
4. To establish procedures for the review of child fatalities and substantial or severe injuries where the circumstances of the death or injury suggest the possibility of child abuse.
5. To study, propose, and encourage means to establish a highly professional, stable work force devoted to working with child abuse cases and issues.

The Task Force shall be composed of between 13 and 16 members appointed by the Governor. The membership shall include, but will not be limited to, the following with consideration of cultural and geographical representation:

A Judge (Handling civil and criminal cases)
A Prosecuting Attorney
At least one representative of the Division of Family and Community Services of the Department of Health and Welfare
A law enforcement representative with experience in child abuse cases
A representative of the Department of Correction's Probation and Parole Division
A juvenile correction or probation worker
A defense attorney
A health professional (pediatrician)
A mental health professional specializing in therapy for abused children
A parent or parent group representative
Individual experienced in working with children with disabilities
A Court Appointed Special Advocate (CASA) representative
A child advocates (Attorneys for children)

The members of the Task Force shall serve at the pleasure of the Governor for a four-year term. Reappointment is at the discretion of the Governor with a recommendation from the chair. Members of the Task Force shall elect their chair from among their members.

The Department of Health and Welfare shall be the lead agency, providing support for the Task Force, and shall maintain office staff to carry out the activities directed by the Task Force, as funding is available.

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 27th day of April 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. 2006-14

IDAHO COMMISSION FOR NATIONAL AND COMMUNITY SERVICE

WHEREAS, there is a compelling need for more civic participation to solve community and state problems and to address many unmet social, environmental, educational, public safety and Homeland Security needs; and

WHEREAS, promoting the capability of Idaho's people, communities, and enterprises to work together is vital to the long-term prosperity of this state; and

WHEREAS, building and encouraging community collaborations and service is an integral part of the State's future well-being, and requires cooperative efforts by the public and private sectors; and

WHEREAS, the development of a National Service Program in Idaho requires an administrative vehicle conforming with federal guidelines as set forth in the National and Community Service Trust Act of 1993;

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 Idaho Commission for National and Community Service shall change its name to Serve Idaho, Governor's Commission on Service and Volunteerism. For the purpose of doing business, "the Commission" will be known as Serve Idaho with a tag line of Governor's Commission on Service and Volunteerism.
2. Serve Idaho ("the Commission") is hereby established to advise and assist in the development and implementation of a comprehensive, statewide plan for promoting volunteer involvement and citizen participation in Idaho, as well as to serve as the state's liaison to national, state and community organizations which support the intent of the National and Community Service Trust Act of 1993 ("the Act").
3. The Commission will be composed of no fewer than 15 and no more than 25 voting members to be appointed by the Governor in compliance with federal guidelines as described in the Act of 1993 and as detailed below:
   a) The Commission's membership shall include:
      i. a representative of a community-based agency or organization in the state;
      ii. the head of the State education agency or his or her designee;
      iii. a representative of local government in the State;
      iv. a representative of local labor organizations in the State;

v. a representative of business;

vi. an individual between the ages of sixteen (16) and twenty-five (25), inclusive, who is a participant or supervisor of a service program for school-age youth or of a campus-based or national service program;

vii. a representative of a national service program;

viii. an individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth;

ix. an individual with experience in promoting the involvement of older adults (age 55 and older) in service and volunteerism.

x. The Corporation for National and Community Service ("Corporation") will designate one of its employees to serve as an ex officio member on the Commission. Other members may include: educators, including representatives from institutions of higher education and local education agencies; experts in the delivery of human, educational, environmental, or public safety services; representatives of Indian tribes; out-of-school youth or at-risk youth; and representatives of programs that are administered or receive assistance under the Domestic Volunteer Service Act.

b) Not more than twenty-five (25) percent of the Commission members may be employees of state government, though the Governor may appoint additional state agency representatives to sit on the Commission as non-voting ex officio members. Members may not vote on issues affecting organizations for which they have served as a staff person or as a volunteer at any time during the proceeding twelve (12) months.

c) Not more than fifty (50) percent of the Commission plus one member may be from the same political party. To the maximum extent practicable, membership of the State Commission shall be diverse with respect to race, ethnicity, age, gender, religion and disability characteristics. Members will serve for a term of three years. One-third of the appointments to the first Commission will serve terms of one year; and one-third will serve terms of two years; one-third will serve terms of three years. Vacancies among the members shall be filled by an appointment by the Governor to serve for the remainder of the unexpired term.

d) The Commission will elect from among its members a chairperson.

e) The Governor will appoint one individual who is not a member of the Commission to serve at his pleasure as administrator of the Commission.

4. The Commission will have the following duties and responsibilities:

a) To develop a three-year comprehensive national and community service plan and establishment of state priorities;

b) To administer a competitive process to select national service programs to be included in any application to the Corporation for National and Community Service for funding;

c) To prepare an application to the Corporation to receive funding and/or educational awards for the programs designated in the Act;

d) To assist the State education agency in preparing the application for subtitle B school-based service learning programs;
e) To administer the grants awarded pursuant to the Act and to oversee and monitor the performance and progress of funded programs;
f) To implement, in conjunction with the Corporation, comprehensive, non-duplicative evaluation and monitoring systems;
g) To assist in the development of programs pursuant to the Act;
h) To develop mechanisms for recruitment and placement of people interested in participating in national service programs;
i) To assist in the provision of health and child care benefits to eligible program participants as specified by regulations pertaining to this Act;
j) To make recommendations to the Corporation with respect to priorities within the State for programs receiving assistance pursuant to the Act;
k) To coordinate with other state agencies that administer Federal financial assistance programs under the Community Service Block Grant Act (42 U.S.C. 9901 et seq.) or other appropriate Federal financial assistance programs;
l) To coordinate its functions with any division of the Corporation, that carries out volunteer service programs in the state; and
m) To provide technical assistance to agencies, corporations and other organizations seeking to develop, strengthen or expand their ability to meet critical needs of the community through service; and
n) To coordinate Idaho's Promise activities to ensure that Idaho's young people have access to the five fundamental resources identified by Ret. General Colin Powell and America's Promise: The Alliance for Youth. The resources include: a healthy start; safe places to go with structured activities, especially during non-school hours; ongoing relationships with caring adults, including parents and mentors; marketable skills through effective education and; opportunities to give back to the community through service; and
o) Other activities as necessary to further the development and implementation of programs which enhance national and community service.

5. The Idaho Department of Correction shall serve as the host agency for administration of the Commission, and, as is deemed appropriate by the Governor, additional support may be requested from the Departments of Employment, Education, Commerce, Health and Welfare, the Division of Vocational Education and the Office of the State Board of Education.
6. The Commission and its activities shall be funded from federal, state and other revenues appropriated to Serve Idaho. The Commission is authorized to accept funds and in-kind services from other state and private entities.
7. The Commission shall meet at least quarterly. Failure to attend at least seventy-five (75) percent of the meetings in any calendar year shall result in removal from the Commission. A quorum shall consist of a simple majority of voting members.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of April 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. 2006-15

THE GOVERNOR'S COORDINATING COUNCIL FOR FAMILIES AND CHILDREN

WHEREAS, fostering the success of state, local and non-profit programs that benefit families and children is a top priority of the State of Idaho; and

WHEREAS, many of these programs may have similar or identical missions; and

WHEREAS, it is in the best interest of the families and children of the State of Idaho to coordinate these programs, while also ensuring that local control is retained; and

WHEREAS, greater coordination will allow for an accurate inventory of existing programs along with an increased understanding of the services available for families and children; and

WHEREAS, access to accurate information will allow the Governor and the Legislature to have the best information when prioritizing among different programs;

NOW, THEREFORE, I, DIRK KEMPTHORNE, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the State of Idaho, do hereby order the:

1. Continuation of the "Governor's Coordinating Council for Families and Children" within the Office of the Governor.
2. The members shall be appointed and serve for a two-year term at the pleasure of the Governor.
3. The objectives for the Coordinating Council shall be as follows:
   a. Maintain a comprehensive inventory of resources and programs serving families and children in Idaho.
   b. Facilitate communication among individuals and organizations that provide services to families and children.
   c. Work with organizations, agencies and individuals to identify gaps in service to families and children.
   d. Work with organizations, agencies and individuals to develop consistent, accurate and timely collection and

reporting of data to provide comprehensive statistical measurements on Idaho's families and children.

e. Develop strong state and local partnerships to foster and support results-based community programs.

f. Create a statewide awareness of the importance of healthy families and children.

4. The coordinating council shall meet and take such actions as are necessary to fulfill the purposes of this Executive Order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 27th day of April 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. 2006-16

AUTHORIZING THE ESTABLISHMENT OF THE IDAHO ABRAHAM LINCOLN BICENTENNIAL COMMISSION

WHEREAS, the 200th anniversary of the birth of President Abraham Lincoln will be celebrated on February 12, 2009; and

WHEREAS, President Abraham Lincoln was personally and directly involved in the creation of the Idaho Territory in 1863 by helping select the name "Idaho", lobbying Congress for the passage of our territorial bill, signing the legislation into law in the U.S. Capitol, and appointing our first territorial officers; and

WHEREAS, political relations with the Idaho Territory remained important to Abraham Lincoln during his presidential administration since he mentioned the Idaho Territory in his 1863 and 1864 State of the Union Addresses, several times filled vacancies in our territorial offices by appointing successors and invited the delegation from the Idaho Territory to attend Ford's Theatre on the night of his assassination, intending to make additional Idaho appointments the next week; and

WHEREAS, the United States of America and the States of Illinois, Indiana, Kentucky, Rhode Island and New York have each established Bicentennial Commissions to create and conduct appropriate recognition celebrations; and

WHEREAS, Abraham Lincoln was among the greatest Presidents of the United States embodying equality, freedom and opportunity for all and leading the Nation through the Civil War to preserve the Union; and

WHEREAS, a recognition and celebration of the birth of Abraham Lin-

coln and his special relationship to Idaho will serve important ceremonial and educational functions for the citizens of our State and the Nation.

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. There shall be established an Idaho Abraham Lincoln Bicentennial Commission.
2. The purpose of the Commission shall be to:
   a. Plan for a statewide recognition and celebration of the 200th anniversary of Lincoln's birth;
   b. To educate the people of Idaho and the Nation about the unique relationship between the Idaho Territory and the sixteenth President of the United States;
   c. To encourage and coordinate the activities of local historical societies, civic groups, public schools, institutions of higher education, chambers of commerce and other entities to celebrate the Lincoln Bicentennial;
   d. To coordinate and establish a liaison with the Abraham Lincoln Bicentennial Commission of the United States and its Advisory Committee and those commissions established by other states;
   e. To seek volunteer assistance, monetary donations, public and private grants, and legislative appropriations in support of its mission;
   f. To support research, publications, historical analysis and exploration, the acquisition and preservation of artifacts and displays appropriate to the presentation and explanation of the career and contributions of Abraham Lincoln to the United States and Idaho;
   g. To issue such interim and final reports and periodicals as shall advance the Commission's work.
3. The membership of the Commission shall be seventeen (19) individuals serving through calendar year 2009. The membership shall be as follows:
   a. the Governor or a designee;
   b. the Lieutenant Governor or a designee;
   c. the Secretary of State or a designee;
   d. the Attorney General or a designee;
   e. the Superintendent of Public Instruction or a designee;
   f. the State Treasurer or a designee;
   g. the State Controller or a designee;
   h. a member of the Idaho State Senate, designated by the President Pro Tem;
   i. a member of the Idaho House of Representatives, designated by the Speaker;
   j. the Chief Justice of the Idaho Supreme Court or a designee;
   k. the Director of the Idaho State Historical Society;
   l. three individuals appointed by the Governor from the leaders or active members of local or regional historical societies from throughout the State, including one from Lewiston, the original territorial capitol;

m. the Director of the Idaho Department of Commerce and Labor;
n. the Director of the Idaho Human Rights Commission;
o. three individuals appointed by the Governor who have demonstrated dedication to the study or education of historical matters and have substantial knowledge of Abraham Lincoln and Idaho history.

4. Vacancies on the Commission shall be filled by the Governor.
5. The Commission may recommend additional members to the Governor, as it deems appropriate and may establish sub-committees consistent with the needs of the Commission. The Governor will select the Chair of the Commission. The Commission shall meet at least twice during calendar year 2006 as determined by the Chair, and as frequently thereafter as the role and mission of the Commission shall require.
6. The Commission members shall serve without compensation or reimbursement for expenses, including related travel and per diem to attend Commission meetings.
7. The Commission shall receive administrative and technical staff support from the Idaho State Historical Society or such other agencies as shall be designated by the Governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 28th day of April 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. 2006-17

AUTHORIZING THE ESTABLISHMENT OF THE IDAHO ABRAHAM LINCOLN BICENTENNIAL COMMISSION REPEALING AND REPLACING EXECUTIVE ORDER 2006-16

WHEREAS, the 200th anniversary of the birth of President Abraham Lincoln will be celebrated on February 12, 2009; and

WHEREAS, President Abraham Lincoln was personally and directly involved in the creation of the Idaho Territory in 1863 by helping select the name "Idaho", lobbying Congress for the passage of our territorial bill, signing the legislation into law in the U.S. Capitol, and appointing our first territorial officers; and

WHEREAS, political relations with the Idaho Territory remained important to Abraham Lincoln during his presidential administration

since he mentioned the Idaho Territory in his 1863 and 1864 State of the Union Addresses, several times filled vacancies in our territorial offices by appointing successors and invited the delegation from the Idaho Territory to attend Ford's Theatre on the night of his assassination, intending to make additional Idaho appointments the next week; and

WHEREAS, the United States of America and the States of Illinois, Indiana, Kentucky, Rhode Island and New York have each established Bicentennial Commissions to create and conduct appropriate recognition celebrations; and

WHEREAS, Abraham Lincoln was among the greatest Presidents of the United States embodying equality, freedom and opportunity for all and leading the Nation through the Civil War to preserve the Union; and

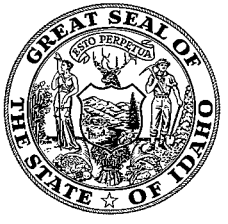
WHEREAS, a recognition and celebration of the birth of Abraham Lincoln and his special relationship to Idaho will serve important ceremonial and educational functions for the citizens of our State and the Nation.

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. There shall be established an Idaho Abraham Lincoln Bicentennial Commission.
2. The purpose of the Commission shall be to:
   a. Plan for a statewide recognition and celebration of the 200th anniversary of Lincoln's birth;
   b. To educate the people of Idaho and the Nation about the unique relationship between the Idaho Territory and the sixteenth President of the United States;
   c. To encourage and coordinate the activities of local historical societies, civic groups, public schools, institutions of higher education, chambers of commerce and other entities to celebrate the Lincoln Bicentennial;
   d. To coordinate and establish a liaison with the Abraham Lincoln Bicentennial Commission of the United States and its Advisory Committee and those commissions established by other states;
   e. To seek volunteer assistance, monetary donations, public and private grants, and legislative appropriations in support of its mission;
   f. To support research, publications, historical analysis and exploration, the acquisition and preservation of artifacts and displays appropriate to the presentation and explanation of the career and contributions of Abraham Lincoln to the United States and Idaho;
   g. To issue such interim and final reports and periodicals as shall advance the Commission's work.
3. The membership of the Commission shall be twenty-three (23) individuals serving through calendar year 2009. The membership shall be as follows:
   a. the Governor or a designee;
   b. the Lieutenant Governor or a designee;
   c. the Secretary of State or a designee;
   d. the Attorney General or a designee;
   e. the Superintendent of Public Instruction or a designee;
   f. the State Treasurer or a designee;

g. the State Controller or a designee;
h. a member of the Idaho State Senate, designated by the President Pro Tem;
i. a member of the Idaho House of Representatives, designated by the Speaker;
j. the Chief Justice of the Idaho Supreme Court or a designee;
k. the Director of the Idaho State Historical Society;
l. five individuals appointed by the Governor from the leaders or active members of local or regional historical societies from throughout the State, including one from Lewiston, the original territorial capitol;
m. the Director of the Idaho Department of Commerce and Labor;
n. the Director of the Idaho Human Rights Commission;
o. five individuals appointed by the Governor who have demonstrated dedication to the study or education of historical matters and have substantial knowledge of Abraham Lincoln and Idaho history.

4. Vacancies on the Commission shall be filled by the Governor.
5. The Commission may recommend additional members to the Governor, as it deems appropriate and may establish sub-committees consistent with the needs of the Commission. The Governor will select the Chair of the Commission. The Commission shall meet at least twice during calendar year 2006 as determined by the Chair, and as frequently thereafter as the role and mission of the Commission shall require.
6. The Commission members shall serve without compensation or reimbursement for expenses, including related travel and per diem to attend Commission meetings.
7. The Commission shall receive administrative and technical staff support from the Idaho State Historical Society or such other agencies as shall be designated by the Governor.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 12th day of May 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. 2006-18

DIRECTING THE REORGANIZATION OF THE DEPARTMENT OF HEALTH AND WELFARE

WHEREAS, the supreme executive power of the State is vested in the Governor; and

WHEREAS, civil administrative departments have been created for the Governor to exercise a portion of this authority so vested and ensure that the laws of the State are faithfully executed; and

WHEREAS, the Department of Health and Welfare was created and established, for the purposes of section 20, article IV of the Idaho Constitution, as an executive department of state government; and

WHEREAS, the purpose of the Department of Health and Welfare is to promote and protect the life, health and mental health of the people of this State; and

WHEREAS, state law requires the Department of Health and Welfare to be organized into such administrative and general service divisions as may be necessary in order to efficiently administer the Department; and

WHEREAS, an opportunity exists to improve the organization of the Department, and in turn, access to state health and social services through the Department for the people of Idaho;

NOW, THEREFORE, I, JAMES E. RISCH, 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 reorganization of the Department of Health and Welfare:

CHAPTER 1

A. Consistent with Idaho law the Department of Health and Welfare shall have an officer as its executive and administrative head. This officer shall be known as the Director of Health and Welfare. The Director shall have all the powers and duties enumerated under Idaho law. The Director shall be appointed by and serve at the pleasure of the Governor, with the advice and consent of the Idaho Senate pursuant to title 67, section 2404 of the Idaho Code.

B. The Director shall appoint a Public Information Officer, who is responsible for, among other things, managing internal and external public information operations and directing news media relations through press releases, press conferences, briefings, and interviews as directed by the Director for the entire Department. The Public Information Officer shall answer to the Director.

CHAPTER 2

A. The following deputy director positions shall exist within the Department:
   1. Deputy Director of Regional and Legislative Operations
   2. Deputy Director of Support Services
   3. Deputy Director of Family and Welfare Services
   4. Deputy Director of Health Services

B. The Director shall appoint deputy directors and set forth their responsibilities, which will include, among other things, overseeing the administration of divisions within the Department.

C. Deputy directors shall be non-classified employees under Idaho Code and answer directly to the Director of Health and Welfare.

CHAPTER 3

A. The Department shall be organized into the following divisions:
   1. Division of Regional and Legislative Operations
   2. Division of Human Resources
   3. Division of Information Technology
   4. Division of Management Services
   5. Division of Family and Community Services
   6. Division of Welfare
   7. Division of Medicaid
   8. Division of Public Health
   9. Division of Behavioral Health

B. The Director shall appoint administrators for each of the aforementioned divisions. The administrator of each division shall be a non-classified employee under Idaho Code and answer to the deputy director responsible for the division as enumerated above and the Director.

CHAPTER 4

The Director shall designate and establish subdivisions within the Department, consistent with state law, as necessary, to maximize the overall efficiency of the Department.

CHAPTER 5

Nothing in this Executive Order shall impact any of the independent councils currently housed within the Department.

CHAPTER 6

Nothing in this Executive Order shall impact the current representation of the Department by the Office of the Attorney General or counsel retained on behalf of the Department.

CHAPTER 7

The Director shall allocate funds throughout the Department consistent with and pursuant to the intent expressed in appropriation legislation promulgated by the 2006 Idaho Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 6th day of June 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/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-19

AUTHORIZING THE ESTABLISHMENT OF THE EAGLE ISLAND STATE PARK PLANNING COMMITTEE REPEALING AND REPLACING EXECUTIVE ORDER 2006-01

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, JAMES E. RISCH, 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 September 15, 2006.
2. The Governor shall appoint the Co-Chairs for the Committee.
3. The members of the Committee shall be appointed by and serve at the pleasure of the Governor through calendar year 2006.
   a. The Committee shall include at least two State Senators and two State Representatives from the Treasure Valley.
   b. The Committee shall also include as many representatives of nearby local governments, representatives of affected state agencies, and members of the general public as the Governor deems necessary.
4. The Committee may recommend additional members to the Governor as they deem appropriate and may establish subcommittees consistent with the needs of the Committee.
5. The Committee shall meet at least six (6) times during calendar year 2006 as determined by the Co-Chairs.
6. 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 Co-Chairs and agency Director shall be reimbursed by the Idaho Department of Parks and Recreation according to State travel and per diem rates.
7. 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 19th day of June 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/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-20

AUTHORIZING THE ESTABLISHMENT OF THE EASTERN IDAHO STATE PARK SEARCH COMMITTEE REPEALING AND REPLACING EXECUTIVE ORDER 2006-02

WHEREAS, Eastern Idaho is experiencing rapid population growth; and

WHEREAS, an increasing demand for outdoor recreation opportunities comes with that growth; and

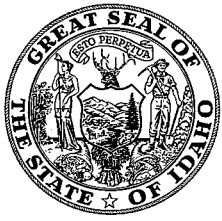
WHEREAS, state park development has not kept pace with growing needs in Eastern Idaho; and

WHEREAS, an opportunity exists to develop a new state park in Eastern Idaho;

NOW, THEREFORE, I, JAMES E. RISCH, 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 the Idaho Park and Recreation Board by September 15, 2006.
2. The Governor shall appoint Co-Chairs to lead the Committee.
3. The members of the Committee shall be appointed by and serve at the pleasure of the Governor through calendar year 2006.
   a. The Committee membership shall include at least two State Senators and two State Representatives from Eastern Idaho.
   b. The Committee membership shall also include as many 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 as the Governor deems necessary.

4. The Committee may recommend additional members to the Governor as they deem appropriate and may establish subcommittees consistent with the needs of the Committee.
5. The Committee shall meet at least six (6) times during calendar year 2006 as determined by the Co-Chairs.
6. The Committee members shall serve without compensation or reimbursement for expenses, including related travel and per diem to attend Committee meetings.
7. 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 19th day of June 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/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-21

AUTHORIZING THE ESTABLISHMENT OF THE GOVERNOR'S TASK FORCE FOR WILDLIFE BRUCELLOSIS

WHEREAS, Idaho's cattle and dairy industries represent a major part of Idaho's economy, contributing over $2.5 billion, making livestock the State's largest commodity group; and

WHEREAS, Idaho lost its Brucellosis Class Free status on January 12, 2006, as a result of cattle testing positive for the disease after interaction with infected wild elk; and

WHEREAS, the loss of Idaho's Brucellosis Class Free status imposes additional requirements for testing, adult vaccination, and management to minimize interaction between wild elk and cattle, which results in increased cost and complexity for cattle producers; and

WHEREAS, the presence of brucellosis in the State requires active management of migrating and wintering wild elk so as to ensure adequate winter habitat and resources to support wild elk and to avoid reliance of wild elk on artificial feed sources, including private feed stocks; and

WHEREAS, action by and cooperation between Idaho's cattle industry, the Idaho State Department of Agriculture (ISDA), and the Idaho Department of Fish and Game (IDFG) is necessary in order for Idaho to once again obtain Brucellosis Class Free status;

NOW, THEREFORE, I, JAMES E. RISCH, 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:

1. The establishment of a "Governor's Task Force for Wildlife Brucellosis" as a coordinated effort of ISDA, IDFG, Idaho Cattle Association (ICA), and Idaho Farm Bureau Federation (IFBF).
2. The Governor shall appoint ten members to the task force who will serve at the pleasure of the Governor. The ten members shall be appointed as follows:
   a. Two representatives from the Idaho Department of Fish and Game.
   b. Three representatives from the Idaho State Department of Agriculture.
   c. Five representatives from the cattle industry.
3. The Task Force shall present a report to the Governor by September 4, 2006, that will include background on past efforts related to brucellosis eradication and management in wildlife and livestock, in addition to recommendations for addressing current needs in order to eradicate brucellosis and regain Idaho's Brucellosis Class Free status.
4. ISDA and IDFG will develop a Brucellosis Action Plan based on the recommendations of the Task Force that will be submitted to the Office of the Governor by December 4, 2006. This plan will include actions related to brucellosis surveillance, enforcement, and outreach activities. The Plan will include actions related to reporting and preventing wild elk/cattle feed-line contact, elk management, and brucellosis testing in elk.
5. The Governor will review and submit the Brucellosis Action Plan to the United State Department of Agriculture (USDA) as soon as it is appropriate.

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 19th day of June 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/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-22

INCLUDING GOVERNOR'S OFFICE STAFF UNDER THE DEFINITION OF "EXECUTIVE OFFICIAL" WITHIN TITLE 67, SECTION 6602 OF THE IDAHO CODE

WHEREAS, it is important to promote and achieve public confidence in government; and

WHEREAS, public confidence in government may be achieved by openness, especially concerning those giving financial support to promote or oppose legislation or attempting to influence executive or administrative actions; and

WHEREAS, the 2006 Idaho Legislature amended portions of title 67, chapter 66 of the Idaho Code to include, among other things, a broader definition of executive official and require lobbyists to report their activities with executive officials; and

WHEREAS, the Idaho Legislature's amendments to title 67, section 6602 of the Idaho Code under House Bill 707 do not expressly cover employees of executive officials, including the Governor; and

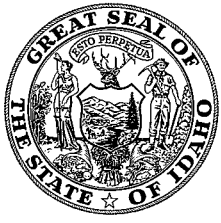
WHEREAS, the Idaho Legislature's amendments to title 67, chapter 66 of the Idaho Code, including the expanded definition of "executive official" are effective July 1, 2006;

NOW, THEREFORE, I, JAMES E. RISCH, 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:

That the amended definition of "executive official" under title 67, section 6602 of the Idaho Code, for the purposes of title 67, chapter 66, shall also include, within the Office of the Governor, the following positions:

1. Chief of Staff
2. Senior Deputy Chief of Staff
3. Deputy Chief of Staff
4. Legal Counsel
5. Natural Resource Specialist
6. Executive Assistant to the Governor

This Executive Order No. 2006-22 shall cease to be effective December 31, 2006.



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 July 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/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-23

ESTABLISHING THE OFFICE AND POSITION OF DRUG CZAR WITHIN THE OFFICE OF THE GOVERNOR

WHEREAS, abuse of illegal drugs and substance abuse in Idaho is a growing problem that threatens to destroy our core values and our way of life;

WHEREAS, illegal drug use and substance abuse are exacting a tremendous toll on State and local resources by filling our court systems, hospitals and prisons;

WHEREAS, the Idaho State Legislature has made many important efforts to address the drug and substance abuse problem in Idaho;

WHEREAS, there is a need for an individual to efficiently and effectively participate, observe, advise and assist the Governor in coordinating all drug and substance abuse initiatives in the State of Idaho;

NOW, THEREFORE, I, JAMES E. RISCH, Governor of the State of Idaho, by the authority vested in me under the Idaho Constitution and the laws of the State of Idaho, do hereby order:

The establishment of the office and position of "Drug Czar," within the Office of the Governor.

The Drug Czar shall be the official in the State designated to oversee and execute the coordination of all drug and substance abuse initiatives within the State of Idaho.

The Drug Czar shall be appointed by and serve at the pleasure of the Governor.

The duties, powers and authorities of the Drug Czar shall include:

A. Coordinating all boards, councils, commissions, and initiatives as directed by the Governor, within the Executive Office of the Governor with duties and responsibilities concerning such drug and substance abuse initiatives.

B. Coordinating the State of Idaho's efforts to educate, enforce and treat in relationship to drug and substance abuse, and coordinate these State efforts with local, federal and tribal efforts.

C. Identifying and recommending programs for a comprehensive delivery of effective, efficient and integrated anti-illegal drug and substance abuse policy including:

   (i) Promoting implementation of multi-agency strategic budgeting; common performance measures, and coordination of services;

   (ii) Promoting an interagency funding system for the delivery of integrated services;

   (iii) Addressing State strategies, priorities and outcome measures to meet the ever-changing challenges of combating drug abuse in Idaho.

D. Cooperating and consulting with State agencies and departments on programs, policies and issues combating Idaho's illegal drug and substance abuse problem, including but not limited to, the Department of Health and Welfare, the Idaho Army National Guard, Department of Corrections, Department of Juvenile Corrections, the State Department of Education, the Idaho State Police and the Department of Transportation.

E. Cooperating and consulting with counties, cities and local law enforcement on programs, policies and issues combating Idaho's illegal drug and substance abuse problem.

F. Participating in national, regional and statewide efforts to cooperatively address issues and policies affecting drug and substance abuse and Idaho anti-drug and substance abuse policy and initiatives.

G. Developing a Statewide plan for combating drug and substance abuse in Idaho in conjunction with cities and counties, faith based and community organizations, State councils, boards and commissions, State agencies and departments, and federal organizations.

H. Serving as a repository of agreements and plans concerning programs for combating illegal drug and substance abuse from community organizations and other relevant local, State and federal agencies and facilitating the exchange of this information and data with relevant interstate and intrastate entities.

I. Provide input and comment on community, tribal and federal plans, agreements and polices relating to illegal drug and substance abuse.

J. Accepting private contributions, federal funds, funds from other public agencies or any other source. The moneys shall be used solely for the purposes provided under this executive order and shall be expended and accounted for as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 11th day of July in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-24

DESIGNATING THE IDAHO PUBLIC UTILITIES COMMISSION AS THE STATE AGENCY (CLEARINGHOUSE) TO RECEIVE NOTICES OF ENVIRONMENTAL AND ENERGY MATTERS UNDER THE SURFACE TRANSPORTATION BOARD'S IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969; AND DESIGNATING THE IDAHO PUBLIC UTILITIES COMMISSION AS THE AGENCY TO REPRESENT THE STATE ON MATTERS PERTAINING TO RAILROADS BEFORE THE SURFACE TRANSPORTATION BOARD

WHEREAS, the issues of railroad abandonments, acquisitions, consolidations, and sales are significant to the State of Idaho and particularly its more sparsely populated rural areas; and

WHEREAS, it is the policy of the State of Idaho to promote the development and viability of railroad transportation within the State; and

WHEREAS, the State of Idaho has a significant interest in maintaining and promoting rail access to Idaho communities for vital goods, services, and markets; and

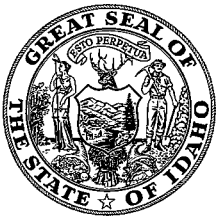
WHEREAS, the Surface Transportation Board (STB), under: (1) the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. section 4332; (2) 49 U.S.C. section 10502; (3) 49 U.S.C. sections 10903-06; and (4) 49 C.F.R. sections 1105, 1121, 1150, 1152, and 1180, requires railroads operating within the State of Idaho to serve notice of certain required actions upon a designated State agency; and

WHEREAS, Idaho Code title 62, section 424 vests the Idaho Public Utilities Commission with the authority to make findings and represent the State of Idaho before the STB.

NOW, THEREFORE, I, JAMES E. RISCH, 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:

To designate the Idaho Public Utilities Commission to represent the State on matters pertaining to railroads before the Surface Transportation Board and to receive notices of environmental and energy matters from railroads operating within the State of Idaho, as provided under the applicable federal statutes and regulations.

I further direct all State agencies to notify the Public Utilities Commission of information received by them of potential railroad abandonments and to cooperate with the Public Utilities Commission on all matters pertaining to railroads. The Public Utilities Commission is designated as the lead agency for railroad matters and shall approve all State agency submissions to the STB prior to transmittal.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 18th day of July in the year of our Lord two thousand and six, and of the Independence of the United States of

America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-25

DIRECTING THE IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY TO INITIATE RULEMAK
OPTING IDAHO OUT OF THE CLEAN AIR ACT MERCURY CAP AND TRADE RULE

WHEREAS, the United States Environmental Protection Agency (EPA) has developed a national rule regulating mercury emissions from energy producing coal-fired utilities; and

WHEREAS, the national rule allows states to choose whether they want to opt into an interstate cap and trade program; and

WHEREAS, if the State does not formally opt-out of the trading program, the EPA will initiate the process to opt Idaho into the trading program; and

WHEREAS, the decision to opt-in or opt-out of the Clean Air Act Mercury Cap and Trade Rule has been of great interest throughout the State;

NOW, THEREFORE, I, JAMES E. RISCH, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby direct the Idaho Department of Environmental Quality to initiate rulemaking, opting the State of Idaho out of the Clean Air Act Mercury Cap and Trade Rule.

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 August in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-26

DIRECTING STATE AGENCIES TO CONSULT WITH IDAHO COUNTIES ABOUT MOSQUITO ABATEMENT AND WEST NILE VIRUS

WHEREAS, there is risk to the public well-being from an outbreak of West Nile Virus; and

WHEREAS, mosquito infestations in counties across the State have directly contributed to a large number of confirmed West Nile cases; and

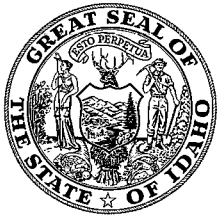
WHEREAS, the imminent threat of widespread illness and potential loss of life exist as a result of West Nile Virus; and

WHEREAS, there is peril to public safety which could be beyond the capacity of the services of impacted counties; and

WHEREAS, the abatement of mosquitoes by extraordinary means may be necessary to protect public health;

NOW, THEREFORE, I, JAMES E. RISCH, Governor of the State of Idaho, by authority vested in me under the Constitution and laws of the State of Idaho do hereby order:

The Departments of Agriculture, Fish and Game, Health and Welfare, Environmental Quality, and the Idaho Bureau of Homeland Security shall consult with impacted Idaho Counties to assess and consider options for mosquito abatement in response to recent outbreaks of West Nile Virus.



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 August in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-27

AUTHORIZING THE TRANSFER OF FUNDS TO THE DISASTER EMERGENCY ACCOUNT

WHEREAS, tremendous financial obligations and expenses have been incurred by various departments, agencies, and counties in responding to and assisting in efforts to deal with the extreme threat to public safety, health, property and the environment posed by declared disaster emergencies in Idaho; and

WHEREAS, all funds in the Disaster Emergency Account created by title 46, section 1005A of the Idaho Code have or soon will be expended; and

WHEREAS, funds in the General Fund are available to transfer to the Disaster Emergency Account under the requirements set forth in 46-1005A(2)(b); and

WHEREAS, it is my judgment, as Governor of the State of Idaho, that any moneys transferred from the General Fund up to the limits provided below will not be required to support the current year's appropriations.

NOW, THEREFORE, I, JAMES E. RISCH, 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 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 one million one hundred twenty-five thousand ($1,125,000) 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 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 14th day of August in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-28

CONTINUING THE IDAHO INVASIVE SPECIES COUNCIL

WHEREAS, the land, water, and other resources of Idaho are being severely impacted by the invasion of an increasing number of harmful, nonnative plant and animal species; and

WHEREAS, these impacts are resulting in damage to Idaho's environment and causing economic hardships to public, private, and tribal owners; and

WHEREAS, representatives of public and private organizations with an interest in controlling and preventing the spread of harmful invasive species that continue to need a mechanism for cooperation, collaboration, and development of statewide plans of action to meet this threat; and

WHEREAS, the Idaho Invasive Species Council serves as a mechanism for cooperation, collaboration, and development of statewide plans of action to meet this threat; and

WHEREAS, multiple agencies, authorities, and information sources are used to implement a wide variety of invasive species management programs; and

WHEREAS, a need exists to build upon the strength of existing invasive species programs, to improve areas that are weaker, and integrate efforts into an efficient unified state response to the threat of invasive species;

NOW, THEREFORE, I, JAMES E. RISCH, 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:

The continuation of the Idaho Invasive Species Council (the Council) as a joint effort between local, tribal, state, and federal governments, as well as the profit and not-for-profit private sectors. The purpose of the Council is to foster coordinated approaches that support local initiative for the prevention and control of invasive species.

The Council's responsibilities shall be:

1. The purpose of the Council is to provide policy level direction and planning for combating harmful invasive species infestations throughout the state and for preventing the introduction of others that may be potentially harmful.
2. To serve as a nonpartisan forum for identifying and understanding invasive species issues from all perspectives.
3. To implement Idaho's Action Plan for Invasive Species.
4. To continue the efforts of the Idaho Invasive Species Council to implement actions proposed in the 2005 Strategic Action Plan for Invasive Species.
5. To take measures that will encourage control and prevention of harmful non-native species;
6. To organize and streamline the process for identifying and controlling invasive species;
7. To consider ways to halt the spread of invasive species as well as finding possible ways to bring current problems under control;
8. To implement Idaho's Action Plan for Invasive Species.

Membership shall include a representative from the Office of the Governor and the directors of the following State entities:

1. Department of Agriculture
2. Department of Environmental Quality
3. Department of Parks and Recreation
4. Department of Fish and Game
5. Department of Lands
6. Department of Water Resources
7. Department of Commerce & Labor
8. Department of Health and Welfare
9. Idaho Transportation Department

Representatives and members of federal entities, local government organizations, tribal governments, Idaho universities and private and not-for-profit organizations with an interest in the well being of Idaho pertaining to invasive species shall be invited to participate.

Additional Members may be added by consensus of the Council.

The Council shall meet no less than twice annually. The chairman of the council shall be the director of the Idaho Department of Agriculture or his/her representative.

The Council shall submit a report of its activities to the Governor and the Legislature annually.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 10th day of August in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-29

EXPANDING MEMBERSHIP IN THE CRIMINAL JUSTICE COMMISSION FOR OVERSIGHT OF THE STATE'S CRIMINAL JUSTICE SYSTEM REPEALING AND REPLACING EXECUTIVE ORDER 2005-17

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 manufacturing, 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, JAMES E. RISCH, 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 25 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 Idaho Drug Czar;
   j. A representative from the Idaho Department of Education;
   k. The Executive Director of the Idaho Commission of Pardons and Parole;
   l. The Director of the Idaho Department of Health and Welfare;
   m. 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;
   n. One (1) representative from the Idaho Prosecuting Attorneys Association;
   o. One (1) representative from the Office of the Idaho State Appellate Public Defender;
   p. One (1) representative from the Idaho Sheriffs' Association;
   q. One (1) representative from the Idaho Chiefs of Police Association;
   r. 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 the impact on the State's adult and juvenile justice systems;
d. Promote communication among criminal justice professionals and the respective branches 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 voting and 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 2005-17. 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 29th day of September in the year of our Lord two thousand and six,

and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-30

ESTABLISHING THE GOVERNOR'S TASK FORCE FOR CHILDREN AT RISK

WHEREAS, Idaho's children are our most valuable and most vulnerable resource; and

WHEREAS, crimes of abuse and neglect can psychologically and physically harm innocent children for life, depriving them of the opportunity to live happy and productive lives; and

WHEREAS, abuse and neglect of children have been recognized to be multi-generational problems; and

WHEREAS, thousands of incidents of child abuse and neglect occur each year in Idaho; and

WHEREAS, the system that responds to reports of child abuse and neglect requires more effective and efficient statewide coordination and consistent monitoring in order to better protect children; and

WHEREAS, in order to protect all children, those who commit crimes against children need to be held accountable for their actions; and

WHEREAS, the child victims of abuse, neglect, and domestic violence must receive immediate and adequate protection from continued maltreatment; and

WHEREAS, it is the responsibility of all Idahoans to provide a community system of support and protection for these children; and

WHEREAS, the protection of children from abuse and neglect is in the best interest of all Idahoans;

NOW, THEREFORE, I, JAMES E. RISCH, 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 continuance of the Governor's Task Force for Children at Risk.

The Task Force's responsibilities are:

1. To review existing systems and procedures and encourage improvements in the investigative, administrative, and judicial handling of cases of child abuse and neglect, particularly child sexual abuse to limit the trauma to the child victim;
2. To evaluate, propose, and encourage cooperation between persons and agencies involved in cases of child abuse and domestic violence evaluations;
3. To investigate and recommend optimum models of prevention, evaluation and treatment of victims and offenders;
4. To establish procedures for reviewing child fatalities and substantial or severe injuries where the circumstances of the death or injury suggest the possibility of child abuse; and

5. To study, propose, and encourage means to establish a highly professional, stable work force devoted to working with child abuse cases and issues.

The Task Force shall be composed of up to 16 members appointed by the Governor. The membership shall include, but will not be limited to, the following with consideration of cultural and geographical representation:

A Judge (Handling civil and criminal cases)
A Prosecuting Attorney
At least one representative of the Division of Family and Community Services of the Department of Health and Welfare
A law enforcement representative with experience in child abuse cases
A representative of the Department of Correction's Department of Probation and Parole
A juvenile correction or probation worker
A defense attorney
A pediatrician
A mental health professional specializing in therapy for abused children
A parent or parent group representative
An individual experienced in working with children with disabilities
A Court Appointed Special Advocate (CASA) representative
A child advocate Attorney for children

The members of the Task Force shall serve at the pleasure of the Governor for a four-year term. Reappointment is at the discretion of the Governor. Members of the Task Force shall elect their chair from among their members.

The Department of Health and Welfare shall be the lead agency, providing 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 28th day of August in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-31

RENEWING THE CERTIFIED PUBLIC MANAGER PROGRAM
REPEALING AND REPLACING EXECUTIVE ORDER NO. 2005-04

WHEREAS, the State of Idaho recognizes the value of investing in its human resources; and

WHEREAS, the government agencies of Idaho have identified the critical need for management development initiatives and to support and provide for successful workforce planning; and

WHEREAS, management development should be viewed as an integral tool to improve productivity and service delivery to the citizens of Idaho; and

WHEREAS, Idaho government agencies will benefit from the application of a comprehensive set of management principles and best practices; and

WHEREAS, the State of Idaho's leadership has placed a priority on the use of management knowledge and skills; and

WHEREAS, the Division of Human Resources and the Center for Public Policy and Administration at Boise State University will develop and use a nationally recognized management development curriculum; and

WHEREAS, the Certified Public Manager program is an accepted standard and has proven its value in a significant number of states;

NOW, THEREFORE, I, JAMES E. RISCH, Governor of the State of Idaho by the authority vested in me under the Constitution and laws of this State do hereby renew the:

CERTIFIED PUBLIC MANAGER PROGRAM

as a preferred management development program for the State of Idaho and, thereby, actively encourage the participation of state agencies in the development of government managers to enhance the quality and productivity of services delivered to the citizens of Idaho.

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 6th day of September in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-32

AUTHORIZING THE IDAHO DEPARTMENT OF FISH AND GAME AND THE DEPARTMENT OF AGRICULTURE TO DEAL WITH DOMESTIC ELK THAT HAVE ESCAPED FROM REX RAMMEL'S CONANT CREEK FACILITY

WHEREAS, the State is responsible for preserving, protecting, perpetuating and managing the wild elk herds of Idaho; and

WHEREAS, there is imminent threat to the health of wild elk herds of the State of Idaho and surrounding States from domestic elk that have escaped from Rex Rammel's Conant Creek Facility (Conant Creek Facility); and

WHEREAS, there is an imminent threat to public health and safety of the citizens of Idaho as well as neighboring states due to the escape of domestic elk from the Conant Creek Facility; and

WHEREAS, there is also an imminent threat of damage to public and private property from the domestic elk that have escaped from the Conant Creek Facility; and

WHEREAS, the owner of the private elk ranch, Conant Creek Facility, delayed notification to the State that his domestic elk had escaped; and

WHEREAS, any domestic elk that have escaped from the Conant Creek Facility have escaped the control of the owner for more than seven (7) days;

NOW, THEREFORE, I, JAMES E. RISCH, Governor of the State of Idaho, by authority vested in me under the Constitution and laws of the State of Idaho do hereby order:

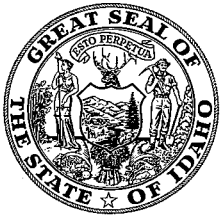
1. That as a result of the facts and circumstances described above, the Idaho Department of Fish and Game and the Idaho Department of Agriculture immediately identify and shoot on site, any domestic elk that have escaped from the Conant Creek Facility; and
2. The Idaho Department of Fish and Game and the Idaho Department of Agriculture shall exercise all statutory authority necessary to take, as defined under title 36, section 202(i) and control as authorized under title 25, section 3705A and title 36, section 104 of the Idaho Code, any domestic elk that have escaped from the Conant Creek Facility; and
3. The Idaho Fish and Game Commission shall promulgate an emergency rule or proclamation:
   a. That allows licensed hunters to identify and shoot on site any domestic elk that have escaped from the Conant Creek Facility and possess the carcass of the animal taken; and
   b. That allows private property owners to identify and immediately kill any domestic elk on their private property that have escaped from the Conant Creek Facility and possess the carcass of the animal taken; and
   c. That places no limit on the number of escaped domestic elk from the Conant Creek Facility that can be taken by any private property owner on their property or licensed hunter; and
   d. Requires anyone who takes a domestic elk that has escaped from the Conant Creek Facility to notify the Idaho Depart-

ment of Fish and Game within three business days of the taking and provide the identification number of the elk to the Department; and

e. Requests, but does not require, any individual who takes a domestic elk that has escaped from the Conant Creek Facility provide a brain, blood and tissue sample to the Idaho Department of Fish and Game.

4. Pursuant to title 25, section 3705A of the Idaho Code no licensed hunter, state agency, state employee, nor the State shall be liable for the taking, possessing or consuming of any domestic elk that have escaped from the Conant Creek Facility; and

5. No private landowner shall be liable for the taking, possessing, or consuming any domestic elk on their property that have escaped from the Conant Creek Facility pursuant to the emergency rule promulgated.



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 7th day of September in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-33

CREATING THE GOVERNOR'S ROADLESS RULE TASK FORCE

WHEREAS, Idaho's 275 inventoried roadless areas comprise approximately 9.3 million acres in 12 national forests across Idaho; and

WHEREAS, Idaho has more inventoried roadless acres than any other state outside of Alaska; and

WHEREAS, Idaho's inventoried roadless areas represent habitat for protected species such as gray wolves and several species of anadromous fish; and

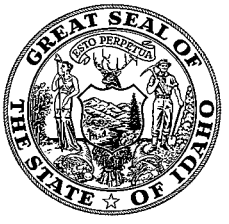
WHEREAS, inventoried roadless areas in Idaho provide excellent recreational opportunities for hunters, fishermen and outdoors enthusiasts, as well as a significant source for drinking and irrigation water throughout the Northwest; and

WHEREAS, tribes, industry groups, environmental organizations, local communities, and Idaho counties were invited to participate by providing input during the period prior to drafting the Governor's petition on management recommendations for inventoried roadless areas; and

WHEREAS, county commissioners led the effort to gather public input and present recommendations from local communities, tribes, industry groups and environmental organizations to the Governor;

NOW, THEREFORE, I, JAMES E. RISCH, 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 creation of the Governor's Roadless Rule Task Force (Task Force).
   - A. Membership on the Task Force shall be appointed by and serve at the pleasure of the Governor through calendar year 2009 and shall include:
     - i. Staff from the Office of the Governor and other State agencies as determined by the Governor;
     - ii. No less than three (3) commissioners from Idaho counties with inventoried roadless areas representing a geographical diversity across the State.
   - B. The Chair of the Task Force shall be appointed by the Governor from the membership of the Task Force and serve at the pleasure of the Governor.
   - C. From the membership of the Task Force, the Governor shall appoint a Special Assistant to the Chair to help coordinate the Committee's efforts with the U.S. Forest Service in drafting the federal rule, serving as a liaison between the Task Force and the U.S. Forest Service, and any other duty as directed by the Governor or Chair.
2) The Task Force shall:
   - A. Work with the U.S. Department of Agriculture and U.S. Forest Service in drafting the roadless rule for Idaho.
   - B. Ensure that the spirit and letter of the Governor's petition is achieved in the draft and final federal rule.
   - C. Review the proposed rule and coordinate State comments in response to the draft federal rule.



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 six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-34

THE GOVERNOR'S ROADLESS RULE IMPLEMENTATION COMMISSION

WHEREAS, Idaho's 275 inventoried roadless areas comprise approximately 9.3 million acres in 12 national forests across Idaho; and

WHEREAS, Idaho has more inventoried roadless acres than any other state in the coterminous forty-eight; and

WHEREAS, Idaho's inventoried roadless areas not only represent pristine habitat for protected species such as gray wolves and several species of anadromous fish; but also comprise a significant boon to Idaho's economy; and

WHEREAS, roadless areas in Idaho provide excellent recreational opportunities for hunters, fishermen and outdoors enthusiasts, as well as a significant source for drinking and irrigation water throughout the Northwest; and

WHEREAS, Idaho counties, communities, and interested parties were invited to participate, in a process outlined by the Governor, by providing input during the drafting of management recommendations for inventoried roadless areas; and

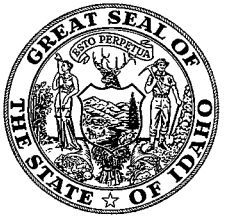
WHEREAS, county commissioners led the effort to gather public input and present recommendations from local communities and interested parties to the Governor;

NOW, THEREFORE, I, JAMES E. RISCH, 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 creation of the Governor's Roadless Rule Advisory Commission (Commission).
   - A. The members of the Commission shall be appointed by and serve at the pleasure of the Governor through calendar year 2010. At which time the Commission may be reestablished for another term as the Governor deems necessary.
     - i. The Commission shall be composed of as many members as the Governor deems necessary and sufficient. The Office of the Governor will staff this entity.
     - ii. The Commission shall consist of no less than three (3) Commissioners from Idaho counties with inventoried roadless areas representing the geographical diversity of the State.
     - iii. Committee members shall be selected based upon:
       1. Their knowledge of Idaho inventoried roadless areas (IRA) and roadless area management.
       2. Their knowledge and expertise in the potential conflicts between IRA management and human activities.
       3. Their knowledge and expertise in the interests that may be affected by IRA management.
       4. Their knowledge and expertise in other fields that may prove useful to the Committee.
   - B. The Chair shall be appointed by the Governor from Governor's Office staff or the membership of the Committee.

2) The Committee shall:

A. In partnership with the U.S. Forest Service, Department of Agriculture and the Tribes of Idaho ensure the implementation of the Inventoried Roadless Area Management Rule for 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 20th day of September in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-35

ESTABLISHING THE IDAHO COUNCIL ON SUICIDE PREVENTION REPEALING AND REPLACING EXECUTIVE ORDER NO. 2006-08

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, JAMES E. RISCH, 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 eighteen (18) 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 5th day of October in the year of our Lord two thousand and six, and of the Independence of the United States of

America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-36

CREATING THE GOVERNOR'S EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH COMMITTEE

WHEREAS, the Idaho Experimental Program to Stimulate Competitive Research (EPSCoR) program has proven to be vital to the science and research institutions of Idaho; and

WHEREAS, the EPSCoR program is directly responsible for over $124 million dollars in research return dollars to Idaho Universities; and

WHEREAS, the EPSCoR Committee, responsible for administering the EPSCoR program, has a seventeen year history of advancing research and development opportunities and championing education and science in Idaho's institutions; and

WHEREAS, independence from all Idaho institutions of higher learning creates the best environment for objective science and research based judgment; and

WHEREAS, the EPSCoR Committee would benefit from the independence found in relocation and establishment within the Office of the Governor;

NOW, THEREFORE, I, JAMES E. RISCH, 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 Experimental Program to Stimulate Competitive Research Committee (EPSCoR Committee) be relocated and established within the Office of the Governor.
2) The EPSCoR Committee shall strive to increase the research and development competitiveness of Idaho by developing and using the science and technology resources of the State's major research institutions and partner institutions.
3) The Committee shall achieve this by:
   a. Stimulating sustainable science and technology infrastructure improvements at the state and institutional levels to increase the ability of EPSCoR researchers to compete for Federal and private sector research and development funding; and
   b. Accelerating the movement of EPSCoR researchers and institutions into the mainstream of Federal and private sector research and development support.
4) Members of the EPSCoR Committee shall:
   a. Be appointed by and serve at the pleasure of the Governor for a term of 5 years except initial appointments to the committee which shall be apportioned in the following manner:

i. 5 members shall serve for a period of one year;
ii. 5 members shall serve for a period of two years; and
iii. 5 members shall serve for a period of three years;
iv. 4 members shall serve for a period of four years.

b. The members of the EPSCoR Committee shall elect the Chair of the Committee. The Chair shall be a member of the EPSCoR Committee.

5) Members of the EPSCoR Committee shall also develop and pass bylaws before December 31, 2007.

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 8th day of December in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-37

AUTHORIZING THE TRANSFER OF FUNDS TO THE DISASTER EMERGENCY ACCOUNT

WHEREAS, tremendous financial obligations and expenses have been incurred by various departments, agencies and counties in responding to and assisting in efforts to deal with the extreme threat to public safety, health, property and the environment posed by declared disaster emergencies in Idaho; and

WHEREAS, all funds in the Disaster Emergency Account created by title 46, section 1005A of the Idaho Code have or soon will be expended; and

WHEREAS, funds in the General Fund are available to transfer to the Disaster Emergency Account under the requirements set forth in 46-1005A(2)(b); and

WHEREAS, it is my judgment, as Governor of the State of Idaho, that any moneys transferred from the General Fund up to the limits provided below will not be required to support the current year's appropriations.

NOW, THEREFORE, I, JAMES E. RISCH, 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 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 million dollars ($2,000,000) 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 the revenues made available by section 46-1005A (2) (b) and (c), Idaho Code, for any and all emergency purposes exceed, during any fiscal year, one percent (1%) of the annual appropriation of general account moneys for that 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 15th day of November in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-38

CREATING THE BOARD OF JUVENILE CORRECTIONS AND DESIGNATING IT AS THE PRIMARY ADVISORY BODY FOR THE GOVERNOR AND THE DIRECTOR OF THE DEPARTMENT OF JUVENILE CORRECTIONS ON MATTERS PERTAINING TO JUVENILE CORRECTIONS

WHEREAS, an independent body would provide valuable recommendations on fiscal, policy and administrative matters concerning juvenile corrections to the Governor and the Director of the Department of Juvenile Corrections (Department); and

WHEREAS, an independent body would provide a unique perspective on the development of goals, standards and measures to evaluate the effectiveness and efficiency of the Department and its programs;

NOW, THEREFORE, I, JAMES E. RISCH, 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 Board of Juvenile Corrections (Board) is hereby designated the primary advisory body for the Governor and the Department Director on matters pertaining to juvenile corrections.
2. The Board shall be responsible for advising the Governor and the Department Director on fiscal, policy and administrative matters concerning Idaho's Juvenile Corrections system.
3. The Board shall be responsible for the development of goals, standards and measures to evaluate the effectiveness and the efficiency of the Department and its programs.
4. The Juvenile Justice Commission shall be responsible for advising the Board on local and district juvenile corrections issues.

5. The Board shall consist of the following members:
   a. Three Idaho citizens:
      i. Who shall be appointed by and serve at the pleasure of the Governor.
      ii. Who shall initially serve staggered terms of two, four and six years.
      iii. Upon the expiration of the initial terms, appointments shall be for six-year terms.
   b. The Chair of the Senate Judiciary and Rules Committee who shall serve on a voluntary basis.
   c. The Chair of the House Judiciary and Rules Committee who shall serve on a voluntary basis.
6. The Board shall serve without compensation, but shall be reimbursed for actual travel expenses not to exceed State Guidelines.
7. The Department shall pay the Board's travel expenses.

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 15th day of November in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-39

CREATING THE GOVERNOR'S MANUFACTURED HOME PARK ADVISORY COMMITTEE

WHEREAS, the Office of the Governor has received numerous concerns about the complexity of the laws and rules governing manufactured home ownership; and

WHEREAS, oftentimes, Idahoans who reside in manufactured homes are elderly, on a fixed income, or are of limited means making it difficult to relocate when the property their manufactured home is located on is sold; and

WHEREAS, it is important to seek out and understand the State's role, in creating a solution to this problem;

NOW, THEREFORE, I, JAMES E. RISCH, 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 creation of the Governor's Manufactured Home Park Advisory Committee (Committee).

2) The members of the Committee shall be appointed by and serve at the pleasure of the Governor.
   a. The Committee shall be composed of as many members as the Governor deems necessary and sufficient.
   b. The Governor shall choose the Chair of the Committee from the membership of the Committee.
3) The Department of Health and Welfare and Department of Commerce and Labor will staff the Committee.
4) The Committee is tasked with working with appropriate State agencies in Idaho and surrounding States in addition to other interested parties to make recommendations to the Governor about the State's role in a collaborative effort aimed at helping individuals who live in manufactured homes and are forced to relocate but lack the means to do so.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 6th day of December in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-40

ESTABLISHING A POLICY FOR ALL STATE AGENCIES CONCERNING ILLEGAL IMMIGRANTS

WHEREAS, the State of Idaho has a responsibility to its citizens to ensure that tax dollars are not paid to those who have entered our nation illegally; and

WHEREAS, those who choose to enter our nation illegally should not be rewarded for their actions; and

WHEREAS, the State of Idaho should work to ensure that jobs are available for those who are lawfully entitled to work in our State and nation; and

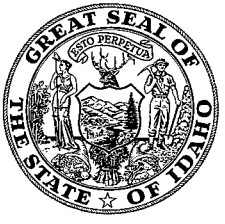
WHEREAS, the State of Idaho is in a position to lead by example by addressing the issue of illegal immigration; and

WHEREAS, the federal program known as Systematic Alien Verification for Entitlements provides states, local governments and private and publicly held companies with tools to proactively address illegal immigration; and

WHEREAS, the State of Idaho encourages other employers, both public and private, within the State to utilize all available tools to ensure that workers are eligible for employment in Idaho;

NOW, THEREFORE, I, JAMES E. RISCH, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order the following:

1. The Division of Human Resources shall develop and implement procedures to verify and ensure that all new employees with any agency of the State of Idaho are eligible for employment under federal and state law.
2. The Department of Administration shall develop and implement procedures to verify and ensure, from the date of this executive order forward, that contracts for services performed for the State in Idaho are with businesses that employ individuals who are eligible under federal and state law to work in the United States.
3. The Department of Health and Welfare shall evaluate its existing procedures and programs and if necessary implement new procedures or programs to ensure that only individuals who are legally eligible receive government benefits in Idaho.
4. The Department of Commerce and Labor shall evaluate its programs, procedures, and policies and implement new programs, procedures, or polices if necessary, to ensure that only individuals who are legally eligible receive unemployment benefits from the State of Idaho.
5. The Departments of Commerce and Labor, Administration and Health and Welfare and the Division of Human Resources and the Bureau of Occupational Licenses shall develop and implement a strategy to educate and inform private businesses in Idaho about their programs and efforts.
6. For the purpose of this executive order and only this executive order "agency" shall mean all offices, departments, divisions, bureaus, boards, and commissions of the State, excluding the legislative and judicial branches of government.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 13th day of December in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-41

ORGANIZATION OF THE LEWIS AND CLARK TRAIL COMMITTEE

WHEREAS, the Lewis and Clark Trail has great historical significance to the State of Idaho; and

WHEREAS, the trail passes through multiple state and federal jurisdictions and private property, it is important that Idaho have an official organization to promote responsible recreational use and tourism associated with the trail and assure the protection and stewardship of this historic resource; and

WHEREAS, it will be of economic and educational importance to continue the coordination of activities related to the Lewis and Clark Trail well beyond the bicentennial celebration ending in 2006;

NOW, THEREFORE, I, JAMES RISCH, Governor of the State of Idaho, do hereby reorganize and continue the Idaho Lewis and Clark Trail Committee as an advisory body to state, local and federal governments on preserving and managing the Lewis and Clark Trail and activities relating to the Lewis and Clark Expedition.

The Committee shall:

1. Act as the coordinating organization in planning activities to continue gaining regional and national recognition of the historic significance of the Lewis and Clark Trail in Idaho and the contributions of the Lewis and Clark Expedition to Idaho history.
2. Promote appropriate development and recreation in the vicinity of the Lewis and Clark Trail route as well as protection of the trail and associated historic sites.
3. Act in an advisory capacity to other Idaho commissions, bureaus, agencies and committees by making recommendations regarding their activities and policies that relate to the trail and history of the Lewis and Clark Expedition.
4. Serve as the official liaison with other Lewis and Clark Trail states, the national Lewis and Clark Trail Heritage Foundation, Inc., and federal departments, bureaus, and committees concerned with the Lewis and Clark Trail, including promotion of the aims and recommendations of the federal Lewis and Clark Trail Commission that existed from 1964 to 1969.

The Committee shall consist of no more than nine (9) persons who are appointed by the Governor and serve at his pleasure. The voting membership of the Committee shall include:

1. The President of the Idaho Chapter of the Lewis and Clark Trail Heritage Foundation;
2. A representative of the Idaho State Historical Society;
3. A representative of the Idaho Department of Parks and Recreation;
4. The Governor or his designee;
5. Five Idaho residents with a demonstrated interest in Lewis and Clark history.

In addition, each of the following organizations will be invited to appoint one non-voting, ex-officio member:

Nez Perce Tribal Council
Shoshone Bannock Tribal Council
Bureau of Land Management
National Park Service
USDA Forest Service

The Committee shall elect its own Chairperson and have regular meetings as determined by the majority of the Committee and called by the Chairperson. Members will serve without compensation except for travel expenses. Initial operating funds will be from the sale of Lewis and Clark license plates and commemorative medallion sales.

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 December in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-42

ESTABLISHMENT OF THE IDAHO ALCOHOL AND DRUG-FREE WORKPLACE POLICY

WHEREAS, the State of Idaho has a vital interest in maintaining a safe, healthy and efficient working environment for its employees, clients and the public; and

WHEREAS, employees impaired by alcohol or other drugs during work hours pose safety and health risks not only to themselves but to others; and

WHEREAS, employees who use illegal drugs, whether on or off duty, are generally less productive, less reliable and prone to greater absenteeism than employees who do not use drugs; and

WHEREAS, the use of illegal drugs by state employees is inconsistent with both the law-abiding behavior expected of all citizens, and the special trust placed in such employees as servants of the public; and

WHEREAS, the use of alcohol or drugs by state employees in certain positions of sensitivity poses a special risk to public safety and the effective enforcement of the law; and

WHEREAS, the use of alcohol or drugs becomes a matter of concern to the State of Idaho when it interferes with job performance, conduct, attendance, or safety of state employees; and

WHEREAS, the State of Idaho, as an employer, has a responsibility to taxpayers to ensure that state functions are performed efficiently and without undue risk to the people of the State; and

WHEREAS, the State of Idaho, as an employer, is also concerned with the well-being of its employees and should encourage the identification and rehabilitation of employees with alcohol or drug problems; and

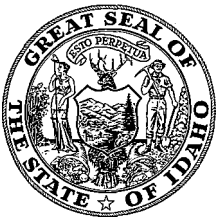
WHEREAS, the position of Drug Czar was established within the Office of the Governor to advise and assist the Governor in coordinating all drug and substance abuse initiatives in the State of Idaho;

NOW, THEREFORE, I, JAMES E. RISCH, Governor of the State of Idaho, by virtue of the power and authority vested in me by the Constitution and statutes of the State of Idaho, do hereby order the Idaho Alcohol and Drug-Free Workplace Policy to become effective immediately for all employees of the State of Idaho:

1. The consumption of alcohol on the job is prohibited. Employees may not work if their performance is impaired by the use of alcohol;
2. The unlawful manufacturing, distribution, dispensing, possession, or use of a controlled substance is prohibited, and if occurring on State property or during an employee's hours of work, demands immediate corrective action;
3. Each State agency shall provide employees with information on Idaho's Alcohol and Drug-Free Workplace Policy, as well as information on the State's Employee Assistance Plan;
4. Violations of the Idaho Alcohol and Drug-Free Workplace Policy will be cause for management/supervisor intervention and may result in referral to treatment, including participation in the Employee Assistance Program. It shall be the policy of the State of Idaho to direct its efforts toward rehabilitation whenever reasonable;
5. Any intervention steps taken upon a violation of the Idaho Alcohol and Drug-Free Workplace Policy must be consistent with all due process requirements and other constitutional rights of state employees;
6. The privacy rights of employees are important. Any intervention steps taken because of a violation of the Idaho Alcohol and Drug-Free Workplace Policy, including a referral for treatment, counseling or rehabilitation programs, shall include procedures to protect the confidentiality of treatment records as well as the employee's identity;
7. The director of each agency shall report quarterly, the first of January, April, July, and October, to the Division of Human Resources and Drug Czar any violations of the Idaho Alcohol and Drug-Free Workplace Policy and the corrective actions taken. "Quarterly" means the report shall be filed the first day of January, April, July, and October. The report shall, to the extent practicable, protect the confidentiality of the employee involved, but shall describe the nature of the employee's position;

8. The Division of Human Resources in conjunction with the Drug Czar shall annually compile information regarding violations of this policy and the corrective actions taken, and report this information by June 30 to the Governor. Any information so reported shall be reported in a manner to avoid revealing the identity of the employees involved. The Division of Human Resources and the Drug Czar, when they compile this data, shall do so by type of position so as to determine whether there is an alcohol or drug problem in any "safety-sensitive" positions;
9. Whenever there is an alcohol or drug problem in a "safety-sensitive" position, it is critical that the problem be addressed aggressively. For the purpose of this policy, a "safety-sensitive" position is one in which:
   A. The duties involve a greater-than-normal level of trust for, responsibility for, or impact on the health and safety of the employee or others; and
   B. Errors in judgment, inattentiveness or diminished coordination, dexterity, or composure while performing the duties could clearly result in mistakes that would endanger the health and safety of the employee or others; and
   C. Employees in these positions work with such independence that it cannot be safely assumed that mistakes such as those described in subsection (B) could be prevented by a supervisor or another employee;
10. In the event the Division of Human Resources finds an alcohol or drug problem in any agency or classification, it shall report that to the Governor and the Drug Czar, and the agency, working in conjunction with the Division of Human Resources and the Governor, shall develop a program to respond to the problem. This program may include alcohol or drug testing for employees in safety-sensitive classifications where such a problem has been documented;
11. All state agencies responsible to the Governor are directed, and all other public entities are requested, to assist the Division of Human Resources in discharging its responsibilities under this order;
12. Nothing in this order shall be deemed to abrogate any existing policy or directive relating to alcohol or drug use by state employees or to affect any existing or future state employee disciplinary proceeding; and
13. Where federal laws or regulations require the State to implement more stringent regulations than those contained in this policy, those federal regulations and procedures supersede and/or augment this policy.

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 22nd day of December in the year of our Lord two thousand and six,

and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-43

THE GOVERNOR'S ROADLESS RULE IMPLEMENTATION COMMISSION REPEALING AND REPLACING EXECUTIVE ORDER NO. 2006-34

WHEREAS, Idaho's 275 inventoried roadless areas comprise approximately 9.3 million acres in 12 national forests across Idaho; and

WHEREAS, Idaho has more inventoried roadless acres than any other state in the coterminous forty-eight; and

WHEREAS, Idaho's inventoried roadless areas not only represent pristine habitat for protected species such as gray wolves and several species of anadromous fish; but also comprise a significant boon to Idaho's economy; and

WHEREAS, roadless areas in Idaho provide excellent recreational opportunities for hunters, fishermen and outdoors enthusiasts, as well as a significant source for drinking and irrigation water throughout the Northwest; and

WHEREAS, Idaho counties, communities, and interested parties were invited to participate, in a process outlined by the Governor, by providing input during the drafting of management recommendations for inventoried roadless areas; and

WHEREAS, county commissioners led the effort to gather public input and present recommendations from local communities and interested parties to the Governor;

NOW, THEREFORE, I, JAMES E. RISCH, 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 creation of the Governor's Roadless Rule Advisory Commission (Commission).
   - A. The members of the Commission shall be appointed by and serve at the pleasure of the Governor through calendar year 2010. At which time the Commission may be reestablished for another term as the Governor deems necessary.
     - i. The Commission shall be composed 15 members. The Office of the Governor will staff this entity.
     - ii. Commission members shall be representative of the interests of the following three categories:
       - 1. Five persons who:
         - a. Represent organized labor; or
         - b. Represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities; or

c. Represent energy and mineral development interests; or
d. Represent the commercial timber industry; or
e. Hold Federal grazing permits, or other land use permits within the area for which the Commission is organized.

2. Five persons representing:
a. Nationally recognized environmental organizations; or
b. Regionally or locally recognized environmental organizations; or
c. Dispersed recreational activities; or
d. Archaeological and historical interests; or
e. Nationally or regionally recognized wild horse and burro interest groups.

3. Five persons who:
a. Hold State elected office or their designee; or
b. Hold county or local elected office; or
c. Represent American Indian tribes within or adjacent to the area for which the Commission is organized; or
d. Are school officials or teachers; or
e. Represent the affected public at large.

iii. The Chair of the Commission shall be appointed by the Governor from Governor's Office staff or the membership of the Commission.

2) The Commission shall:
A. In partnership with the U.S. Forest Service, Department of Agriculture and the Tribes of Idaho ensure the implementation of the Inventoried Roadless Area Management Rule for 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 21st day of December in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-44

CREATING THE GOVERNOR'S ROADLESS RULE TASK FORCE REPEALING AND REPLACING EXECUTIVE ORDER NO. 2006-33

WHEREAS, Idaho's 275 inventoried roadless areas comprise approximately 9.3 million acres in 12 national forests across Idaho; and

WHEREAS, Idaho has more inventoried roadless acres than any other state outside of Alaska; and

WHEREAS, Idaho's inventoried roadless areas represent habitat for protected species such as gray wolves and several species of anadromous fish; and

WHEREAS, inventoried roadless areas in Idaho provide excellent recreational opportunities for hunters, fishermen and outdoors enthusiasts, as well as a significant source for drinking and irrigation water throughout the Northwest; and

WHEREAS, tribes, industry groups, environmental organizations, local communities, and Idaho counties were invited to participate by providing input during the period prior to drafting the Governor's petition on management recommendations for inventoried roadless areas; and

WHEREAS, county commissioners led the effort to gather public input and present recommendations from local communities, tribes, industry groups and environmental organizations to the Governor;

NOW, THEREFORE, I, JAMES E. RISCH, 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 creation of the Governor's Roadless Rule Task Force (Task Force).
   - A. Membership on the Task Force shall be appointed by and serve at the pleasure of the Governor through calendar year 2009 and shall include:
     - i. Staff from the Office of the Governor and other State agencies or the Idaho Congressional Delegation as determined by the Governor;
     - ii. No less than three (3) commissioners from Idaho counties with inventoried roadless areas representing a geographical diversity across the State.
   - B. The Chair of the Task Force shall be appointed by the Governor from the membership of the Task Force and serve at the pleasure of the Governor.
   - C. From the membership of the Task Force, the Governor shall appoint a Special Assistant to the Chair to help coordinate the Committee's efforts with the U.S. Forest Service in drafting the federal rule, serving as a liaison between the Task Force and the U.S. Forest Service, and any other duty as directed by the Governor or Chair.

2) The Task Force shall:
   - A. Work with the U.S. Department of Agriculture and U.S. Forest Service in drafting the roadless rule for Idaho.
   - B. Ensure that the spirit and letter of the Governor's petition is achieved in the draft and final federal rule.
   - C. Review the proposed rule and coordinate State comments in response to the draft federal rule.

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 21st day of December in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2006-45

ESTABLISHING THE IDAHO 25 x '25 RENEWABLE ENERGY COUNCIL

WHEREAS, it is the policy of the State of Idaho to utilize to the fullest extent possible the natural resources we possess to increase our energy supply and diversity in an economically efficiently; and

WHEREAS, the presence of an affordable, reliable and plentiful energy supply is critical for our state and national economy; and

WHEREAS, the development of renewable energy sources, including but not limited to bio-diesel, biomass, ethanol, methane digesters, wind power and solar, would be beneficial to farmers and rural communities by establishing additional markets for agricultural commodities, creating added-value for crop and livestock products and creating new job opportunities; and

WHEREAS, agriculture and forestry are an important part of Idaho's economy and heritage; and

WHEREAS, Idaho's farms, ranches and forests can help Idaho and the nation to lessen dependence on foreign oil; and

WHEREAS, to this end, it is the goal of the State of Idaho that 25% of Idaho's energy needs be provided through renewable sources by the year 2025 from our farm, ranch, timber and other working lands, while continuing to produce abundant, safe and affordable food and fiber;

NOW, THEREFORE, I, JAMES E. RISCH, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the State of Idaho do hereby order the following:

1. The establishment of Idaho 25 x '25 Renewable Energy Council (the Council) as a joint effort between local, tribal, State, and federal governments, as well as the profit and not-for-profit private sectors. The purpose of the Council is to foster coordinated approaches that support the 25 x '25 initiative for Idaho's agricultural and forestry sectors to produce 25 percent of the State's energy requirements from renewable sources by the year 2025.

2. The Council's responsibilities shall be:
   A. To provide policy level direction and planning for increasing the State's production of renewable energy from agricultural and forestry sources.
   B. To improve cooperation, collaboration and information sharing among the State's public and private sector entities in the area of renewable energy.
   C. To participate in and support the 25 x '25 Work Group.
   D. To further explore and define the overarching contribution which the agricultural and forestry sectors can make as producers of energy.
   E. To consider ways to increase production of renewable energy in Idaho.
3. Membership shall include a representative from the Office of the Governor and the directors of the following State entities or their designees:
   A. Department of Agriculture
   B. Department of Environmental Quality
   C. Department of Lands
   D. Department of Water Resources
   E. Department of Commerce and Labor
   F. Idaho Transportation Department
4. Representatives and members of federal government, local government organizations, tribal governments, Idaho universities and private and not-for-profit organizations with an interest in the energy future of Idaho pertaining to renewable energy will be encouraged to participate.
5. Additional members may be added by the Governor.
6. The Council shall meet no less than twice annually. The chairman of the council shall be the director of the Idaho Department of Agriculture or his/her representative.
7. The Council shall submit a report of its activities to the Governor and the Legislature annually.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 28th day of Decmeber in the year of our Lord two thousand and six, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ JAMES E. RISCH
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-01

INCLUDING GOVERNOR'S OFFICE STAFF UNDER THE REVISED DEFINITION OF "EXECUTIVE OFFICIAL" WITHIN TITLE 67, SECTION 6602 OF THE IDAHO CODE

WHEREAS, it is important to promote and achieve public confidence in government; and

WHEREAS, public confidence in government may be achieved by openness, especially concerning those giving financial support to promote or oppose legislation or attempting to influence executive or administrative actions; and

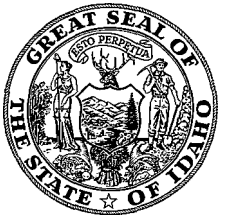
WHEREAS, the 2006 Idaho Legislature amended portions of title 67, chapter 66 of the Idaho Code to include, among other things, a broader definition of executive official and require lobbyists to report their activities with executive officials; and

WHEREAS, the Idaho Legislature's amendments to title 67, section 6602 of the Idaho Code under House Bill 707 do not expressly cover employees of executive officials; and

WHEREAS, the Idaho Legislature's amendments to title 67, chapter 66 of the Idaho Code, including the expanded definition of "executive official" became effective July 1, 2006;

NOW, THEREFORE, I, C.L. "Butch" Otter, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of the State of Idaho do hereby order:

That the amended definition of "executive official" under title 67, section 6602 of the Idaho Code, for the purposes of title 67, chapter 66, shall also include staff members employed within the Office of the Governor.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 8th day of January in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-02

ESTABLISHING THE IDAHO 25 x '25 RENEWABLE ENERGY COUNCIL REPEALING AND REPLACING EXECUTIVE ORDER 2006-45

WHEREAS, agriculture and forestry are an important part of Idaho's economy and heritage; and

WHEREAS, it is the policy of the State of Idaho to utilize the natural resources of our State to increase our energy supply in an economically efficient and prudent manner; and

WHEREAS, the presence of an affordable, reliable and plentiful energy supply is critical for our state and national economy; and

WHEREAS, the development of renewable energy sources, including but not limited to bio-diesel, biomass, ethanol, methane digesters, wind power and solar, would be beneficial to farmers and rural communities by establishing additional markets for agricultural commodities, creating added-value for crop and livestock products and creating new job opportunities for Idahoans; and

WHEREAS, Idaho's farms, ranches and forests can help Idaho and the nation to lessen dependence on foreign oil; and

WHEREAS, to this end, it is the goal of the State of Idaho that 25% of Idaho's energy needs be provided through renewable sources by the year 2025 from our farm, ranch, timber and other working lands, while continuing to produce abundant, safe and affordable agricultural products;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and the laws of the State of Idaho do hereby order the following:

1. The establishment of Idaho 25 x '25 Renewable Energy Council (Council) as a cooperative effort between local, tribal, State and federal governments, as well as the for profit and not-for-profit private sectors.
2. The purpose of the Council is to develop coordinated approaches that support the 25 x '25 initiative for Idaho's agricultural and forestry sectors to produce 25% of the State's energy requirements from renewable sources by the year 2025.
3. The Council's responsibilities shall be:
   A. To provide policy direction and planning aimed at increasing the State of Idaho's infrastructure for production of renewable energy from agricultural and forestry sources.
   B. To improve cooperation, collaboration and information sharing among public and private sector entities in the area of renewable energy.
   C. To participate in and support the 25 x '25 Work Group.
   D. To further explore and define the overarching contribution agricultural and forestry sectors can make as renewable energy producers.
   E. To seek out new and innovative means to increase production of renewable energy in Idaho.
4. Membership shall include a representative from the Office of the Governor and the directors of the following State entities or their designees:
   A. Department of Agriculture
   B. Department of Environmental Quality

C. Department of Lands
D. Department of Water Resources
E. Department of Commerce and Labor
F. Idaho Transportation Department

5. Representatives and members of federal government, local government organizations, tribal governments, Idaho universities and private and not-for-profit organizations with an interest in the energy future of Idaho pertaining to renewable energy will be encouraged to participate.
6. Council members shall serve at the pleasure of the Governor.
7. Additional members may be added by the Governor at any time.
8. The Council shall meet at least twice annually. The chairman of the Council shall be the director of the Idaho Department of Agriculture or her representative.
9. The Council shall submit a report of its activities to the Governor and the Legislature annually.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 9th day of February in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-03

CONTINUATION OF THE IDAHO RURAL PARTNERSHIP

WHEREAS, Idaho is among the most rural states in the nation; and

WHEREAS, Idaho's tremendous geography and sparse population create problems of distance and isolation; and

WHEREAS, the most rural counties in Idaho consistently have lower per capita incomes, higher unemployment rates, lower rates of population growth, higher poverty levels, less new construction, and job growth; and

WHEREAS, the most rural residents of Idaho have less access to health care services, employment training, business assistance, library service, and diverse educational and cultural opportunities; and

WHEREAS, the most rural communities have disproportionately large infrastructure needs for transportation, utility services, and education; and

WHEREAS, the multitude of public and private organizations with an interest in helping rural Idaho need a mechanism for coordination and collaboration; and

WHEREAS, there are critical areas of need in rural Idaho including increased leadership and governance, connectivity to telecommunication and broad bandwidth, excellent and relevant education and workforce development at all levels, funding for the creation, maintenance, and improvement of infrastructure, and the development of active local economic development teams;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of this State, do hereby order:

1. The Idaho Rural Partnership (IRP) shall be authorized as an organization with an open membership for institutions, including all local, tribal, State, and federal governments, as well as for-profit and not-for-profit private organizations, that have an interest in or some responsibility for Idaho's rural development.
2. The IRPs responsibilities will be to:
   a) Assess conditions of rural Idaho;
   b) Advise the Governor and the Legislature on public policy and strategies to improve the quality of life in rural Idaho;
   c) Act as a clearinghouse of information and as a referral center on rural programs and policies;
   d) Conduct outreach to rural communities and facilitate communication between rural residents and public and private organizations that provide services to rural communities;
   e) Identify organizations, authorities, and resources to address various aspects of rural development;
   f) Serve as a nonpartisan forum for identifying and understanding rural issues from all perspectives;
   g) Develop better intergovernmental and private/public coordination and to seek out opportunities for new partnerships to achieve rural development goals within the existing structure;
   h) Foster coordinated approaches to rural development that support local initiatives, not to usurp the individual missions of any of its member organizations or duplicate effort;
   i) Seek solutions to unnecessary impediments to rural development, first within Idaho and then through the National Rural Development Partnership; and
   j) Work cooperatively with the National Rural Development Partnership and other state rural development councils.
3. The partnership shall be managed by a board of directors that shall include the following members:
   (a) A representative from the Office of the Governor;
   (b) The directors from not more than five (5) agencies with rural responsibilities, these being, unless otherwise seated by the balance of the board of directors, the Idaho departments of Agriculture, Commerce, Environmental Quality, Labor and Transportation;
   (c) The director of the cooperative extension service in the State of Idaho;
   (d) Representatives from the following federal agencies: the United States Department of Agriculture's Rural Develop-

ment, Farm Service Agency and Forest Service, the United States Department of the Interior's Bureau of Land Management, the United States Department of Commerce's Economic Development Administration, the United States Environmental Protection Agency, and the United States Department of Housing and Urban Development;

(e) Four (4) state legislators consisting of two (2) senators and two (2) representatives selected by their respective legislative leaders;

(f) A representative chosen by each of the federally recognized Indian tribes in the State of Idaho;

(g) Four (4) representatives from organizations of local government in the State of Idaho, one (1) each representing cities, counties, economic development agencies, and resource conservation and development organizations;

(h) Two (2) representatives from for-profit business organizations, to include agribusiness and other businesses operating with special emphasis on rural areas of the State of Idaho;

(i) A representative of the principal contractor for the United States Department of Energy's Idaho National Laboratory; and

(j) Five (5) rural leaders chosen by the Governor representing private entrepreneurs, chambers of commerce, nonprofit and community-based organizations, living in rural Idaho and representing a geographic balance across the State.

4. Nonvoting, ad hoc members may be included on the board at the discretion of the chair to assist with specific issues and projects as necessary.

5. Members of the board of directors shall serve at the pleasure of the organization or entity the member represents. Board members appointed under subsection (1)(h) of this section shall serve four (4) year terms concurrent with the Governor's term.

6. IRP Board members appointed by the Governor shall serve four-year terms concurrent with the Governor's term. All Board members appointed by the Governor or representing state agencies serve at the pleasure of the Governor.

7. The IRP shall be led by two Co-Chairs, both of whom shall be elected by the IRP Board of Directors from among their membership, with one elected from the State Agency Directors serving on the Board and the other from all other categories of board membership. The Co-Chairs shall serve for a two year term, with the possibility of one additional term if re-elected, the term(s) to be synonymous with the Governor's term. The responsibilities of the Co-Chairs shall be to:

a) Set operating policies with approval from the full Board;

b) Review and respond to issues in the interim between Board meetings; and

c) Manage the IRP budget and staff, including the hiring and dismissal of the IRP Executive Director.

8. The IRP Executive Director shall be:

a) Responsible for managing the day-to-day operations of the IRP as directed by the IRP Co-Chairs;

b) An exempt, full-time position of the Idaho Department of Commerce and Labor as set forth in Idaho Code 67-4702;
c) A person with the skills necessary to manage a diverse public organization effectively and with broad experience in building and sustaining networks and partnerships; and
d) Hired through an open and competitive process when a vacancy occurs, after a broad, statewide advertising campaign without any pre-selection.

9. The IRP Board of Directors shall meet no less than once a quarter.
10. 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 7th day of March in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

EXECUTIVE ORDER NO. 2007-04

RELATING TO FUNCTIONS OF THE DIVISION OF HUMAN RESOURCES

WHEREAS, the supreme executive power of the State is vested in the Governor by Section 5, Article IV of the Constitution of the State of Idaho; and

WHEREAS, civil administrative departments and divisions have been created for the Governor to exercise a portion of his executive authority to ensure that the laws of the State are faithfully executed; and

WHEREAS, Title 67, section 5301 of the Idaho Code, established the Division of Human Resources in the Office of the Governor; and

WHEREAS, the Division of Human Resources is authorized and directed by the laws of the State of Idaho to administer a personnel system for classified Idaho employees; and

WHEREAS, an opportunity exists to improve the means whereby classified employees of the State of Idaho are examined, selected, retained and promoted on the basis of merit, thus effecting economy and efficiency in the administration of state government;

NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me by the Constitution and laws of this State do hereby direct the Division of Human Resources to:

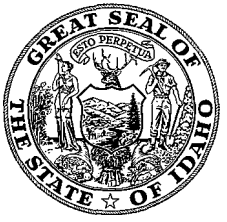
1. Enter into an agreement with the Department of Labor whereby the Department will:

a) Recruit and screen applicants for classified positions in state government;
b) Establish and maintain hiring registers for classified positions in state government;
c) Conduct annual salary and benefit surveys at the direction of the Division of Human Resources; and
d) Maintain an automated system for recruiting and tracking applicants for classified positions in state government.

2. Enter into an agreement with and delegate to the Division of Professional-Technical Education the authority to train certain state employees on human resource related topics applicable to all state agencies including, but not limited to, supervision of employees, employee evaluations, dispute resolution and stress management.

3. Delegate one or more of the following functions to any state agency if the Division of Human Resources determines that the agency has a qualified human resource staff based on criteria developed by the Division:
a) Hiring;
b) Salary administration;
c) The classification of positions within the agency and the compensation paid to its employees in accordance with law and any guidelines of the Office of the Governor;
d) The maintenance, management and retention of personnel records; and
e) Other administrative human resource functions related to the agency as determined by the Division of Human Resources.

All remaining duties and responsibilities for the state personnel system, including, but not limited to, the responsibility to promulgate administrative rules, shall be retained by the Division of Human Resources.



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 19th day of April in the year of our Lord two thousand and seven, and of the Independence of the United States of America the two hundred thirty-first and of the Statehood of Idaho the one hundred seventeenth.

/s/ C.L. "BUTCH" OTTER
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ BEN YSURSA
SECRETARY OF STATE

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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

* = Constitutional amendments approved - Gen. Election, Nov. 7, 2006

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39-4506	Amended and Redesignated 39-4507	Ch.196 - 583
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39-5903	Amended	Ch.199 - 608
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39-8802	New Section Added	Ch. 29 - 57
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40-707	Referred to	Ch.363 -	1093
40-1317	Amended	Ch.287 -	816
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41-1302	Amended	Ch.271 -	798
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41-2510	Referred to	Ch.307 -	860
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41-4703	Amended	Ch.148 -	428
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41-4903	Amended	Ch. 37 -	92
41-4904	Referred to	Ch. 29 -	58
41-4909	Amended	Ch.194 -	570
41-4914	Amended	Ch.194 -	572
41-5203	Amended	Ch.148 -	434
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42-1409	Amended	Ch.187 -	545
42-1508	New Section Added	Ch.262 -	777
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42-1806	New Section Added	Ch.185 -	533
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43-1510	New Section Added	Ch.136 - 396
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44-2101	Amended	Ch.112 - 321
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44-2108	New Section Added	Ch.112 - 327
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49-121	Amended	Ch. 66 - 167
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49-2903	Amended	Ch.339 - 992
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63-602JJ	New Section Added	Ch.143 - 418
63-605	Amended	Ch.168 - 496
63-802	Amended	Ch.144 - 420
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63-2427A	Amended	Ch.288 - 820
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IDAHO STATE OFFICIAL DIRECTORY

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802 W. Bannock, #101
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LT. GOVERNOR James E. Risch (R)

SECRETARY OF STATE Ben T. Ysursa (R)

STATE CONTROLLER Donna Jones (R)

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4-KOOTENAI COUNTY

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LEGISLATORS BY DISTRICT (Continued)

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6-LATAH COUNTY

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7-NEZ PERCE COUNTY

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8-CLEARWATER, IDAHO, LEWIS & VALLEY COUNTIES

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9-ADAMS, CANYON, PAYETTE & WASHINGTON COUNTIES

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10-CANYON COUNTY

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11-CANYON & GEM COUNTIES

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12-CANYON COUNTY

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13-CANYON COUNTY

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14-ADA COUNTY

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15-ADA COUNTY

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16-ADA COUNTY

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17-ADA COUNTY

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18-ADA COUNTY

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19-ADA COUNTY

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20-ADA COUNTY

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LEGISLATORS BY DISTRICT (Continued)

21-ADA COUNTY

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22-BOISE & ELMORE COUNTIES

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23-OWYHEE & TWIN FALLS COUNTIES

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25-BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

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26-JEROME & MINIDOKA COUNTIES

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27-BINGHAM, CASSIA, ONEIDA & POWER COUNTIES

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28-BINGHAM COUNTY

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29-BANNOCK COUNTY

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30-BANNOCK COUNTY

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34-FREMONT & MADISON COUNTIES

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